

HOUSE OF REPRESENTATIVES—Tuesday, April 15, 1969

The House met at 12 o'clock noon.

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

God has not given us the spirit of fear; but of power, and of love, and of a sound mind.—II Timothy 1: 7.

Most gracious and loving God, the strength of all who put their trust in Thee and the light of those who walk in Thy way, make us truly conscious of Thy presence as we enter this new day fresh from Thy hand. Grant that in the stress and strain of these troubled times we may never lose heart or hope.

We pray that our President, our Speaker, and all the Members of this House of Representatives may be abundantly blessed with the strengthening presence of Thy spirit as they labor earnestly for good will in our Nation, for peace in our world, and for the good of all mankind.

In all our endeavors on behalf of our country may we be ever mindful that our highest resources are spiritual, and upon the foundation of justice, righteousness, and good will may we build our life as a nation, and seek to build our lives together on this planet.

In the spirit of Christ we pray. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

THE NATION'S NEWSPAPERS NEED PROTECTION

(Mr. PELLY asked and was given permission to address the House for 1 minute.)

Mr. PELLY. Mr. Speaker, in March, the Supreme Court upheld an antitrust judgment against two Tucson, Ariz., newspapers because they had combined their advertising and circulation departments. Involved in this case were a morning and an evening paper who in 1940 had merged their production, circulation, business, and advertising functions. Some 44 daily newspapers in 22 cities may be effected by this decision, I understand, because they are operating under similar arrangements.

Mr. Speaker, I do not quarrel with the importance of preserving independent competitive editorial viewpoints in a community. The question is, Can such competing editorial voices be preserved in some communities unless economies in printing costs, advertising solicitation, and subscription sales are effected?

Also, as a onetime operator of a printing plant, it is obvious to me the substantial savings to advertisers that can be obtained by joint publication arrangements. These newspaper presses often cost substantially in excess of a million dollars. To run a press two shifts instead of one thereby reduces depreciation by half and an advertising contract for advertising space in two newspapers could offer substantial discounts to retailers and other advertisers.

And, for the life of me, I cannot see

that competition is thereby lessened. Rather, to me, the public benefits by reduced danger of business failure and lower costs. In this regard, I am hopeful Congress will speedily enact legislation to permit joint business operations under exemption from antitrust laws. Such a bill was approved by the Senate Antitrust and Monopoly Subcommittee last year, but adjournment prevented further consideration of the full Judiciary Committee.

Mr. Speaker, a number of Members are cosponsoring similar legislation in the House. Passage of such a law is in the public interest. Congress must protect the press so that the press can protect the public.

NAME MOON LANDING SITE "POINT EISENHOWER"

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

Mr. BRAY. Mr. Speaker, according to present plans, a journey across 4 billion years and a quarter of a million miles will be completed on Sunday afternoon, July 20, 1969. At some spot in Mare Tranquillitatis, the Sea of Tranquility, on the right side of the moon's face, an American astronaut will become the first human being to set foot on earth's lone satellite.

It will be the most dramatic and breathtaking step in the long history of exploration. In the future still to come, when man shall reach the stars, he will look back to this spot on the moon and say "It started here."

The proper name for this site is of the utmost importance. The name should be indisputably American, in that it would reflect part, parcel, and essence of the best our Republic has produced. It must be a reflection of strength, without aggression; courage, without bluster; hope, without fear; and it must be symbolic of that faith in the unfathomable which leads man to supremacy over the unknown and the uncharted.

So, we seek a fitting name for this landing site at the same time we also seek an appropriate and truly enduring memorial to one of the finest sons of our American Republic. I am writing to the Director of NASA urging that this site be named "Point Eisenhower" and I am also introducing a sense-of-Congress resolution to that effect.

Let us by this step insure perpetuation of his memory far beyond the bounds of earth, his home. Let the name of that great American whose highest goal, and proudest attainment, was peace, be the first to mark the road through the universe.

NORTH KOREA CONTINUING DELIBERATE CAMPAIGN OF HARASSMENT

(Mr. ADAIR asked and was given permission to address the House for 1 min-

ute and to revise and extend his remarks.)

Mr. ADAIR. Mr. Speaker, early today we received the distressing news that the North Koreans had shot down an American reconnaissance aircraft that was flying well beyond North Korea's territorial limits. It is my understanding that search operations are underway for survivors among the 31 persons who were reported to be aboard.

Mr. Speaker, this was no isolated incident. It is part of a deliberate campaign of harassment against the United States and its South Korean allies, which has included the Blue House raid and the infamous seizure of the *Pueblo*. We must protect our men when we send them on dangerous missions that are of vital importance to the security of our country. This criminal act by the North Koreans calls for a prompt and appropriate response. We must make it crystal clear to the North Koreans—through a response that they understand—that their provocations will not be tolerated by the United States of America.

PERMISSION FOR COMMITTEE ON THE JUDICIARY TO SIT DURING GENERAL DEBATE ON APRIL 17

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the Committee on the Judiciary may be permitted to sit during general debate on April 17.

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

There was no objection.

PRIVATE CALENDAR

The SPEAKER. This is Private Calendar day. The Clerk will call the first individual bill on the Private Calendar.

CLAIM OF JOHN T. KNIGHT

The Clerk called the bill (H.R. 1507) conferring jurisdiction upon the U.S. Court of Claims to hear, determine, and render judgment upon the claim of John T. Knight.

There being no objection, the Clerk read the bill as follows:

H.R. 1507

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding any statute of limitations pertaining to suits against the United States, or any lapse of time, or bars of laches, jurisdiction is hereby conferred upon the United States Court of Claims to hear, determine, and render judgment upon any claim of John T. Knight, of New Orleans, Louisiana, arising out of his claim against the United States for disability retirement pay for a disability allegedly incurred or aggravated while serving in the Armed Forces of the United States.

SEC. 2. Suit upon that claim may be instituted at any time within one year after the date of the enactment of this Act. Nothing in this Act shall be construed as an inference of liability on the part of the United States, Except as otherwise provided in this

Act, proceedings for the determination of that claim, and review and payment of any judgment or judgments on that claim shall be had in the same manner as in the case of claims over which that court has jurisdiction under section 1491 of title 28 of the United States Code.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MUTUAL BENEFIT FOUNDATION

The Clerk called the bill (H.R. 2214) for the relief of the Mutual Benefit Foundation.

Mr. DUNCAN. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

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

There was no objection.

HENRY E. DOOLEY

The Clerk called the bill (H.R. 2940) for the relief of Henry E. Dooley.

There being no objection, the Clerk read the bill, as follows:

H.R. 2940

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Mr. Henry E. Dooley, Mount View Terrace, Manchester Center, Vermont 05255, the sum of \$394.49, in full satisfaction of his claim against the United States for reimbursement of the cost of transportation of the privately owned automobile of his son, Lieutenant (junior grade) James E. Dooley, United States Navy, from San Francisco, California, to Manchester Center, Vermont, the said Henry E. Dooley having transported such automobile at his own expense upon the receipt of official notification that his son was missing in action in Vietnam. No part of the amount appropriated in the Act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

CLAIM OF SOLOMON S. LEVADI

The Clerk called the bill (H.R. 3213) conferring jurisdiction upon the U.S. Court of Claims to hear, determine, and render judgment upon the claim of Solomon S. Levadi.

There being no objection, the Clerk read the bill, as follows:

H.R. 3213

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding any statute of limitations pertaining to suits against the United States, or any lapse of time, or bars of laches or any prior judgment of the United States Court of

Claims, jurisdiction is hereby conferred upon the Court of Claims to hear, determine, and render judgment upon any claim of Solomon S. Levadi arising out of his service with the United States Armed Forces from the years 1942 to 1946.

Sec. 2. Suit upon such claim may be instituted at any time within one year after the date of the enactment of this Act. Nothing in this Act shall be construed as an inference of liability on the part of the United States. Except as otherwise provided herein, proceedings for the determination of such claim, and review and payment of any judgment or judgments thereon shall be had in the same manner as in the case of claims over which such court has jurisdiction under section 1491 of title 28 of the United States Code.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

FRANK KLEINERMAN

The Clerk called the bill (H.R. 3377) for the relief of Frank Kleinerman.

Mr. DUNCAN. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

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

There was no objection.

ESTATE OF PIERRE SAMUEL DU PONT DARDEN

The Clerk called the bill (H.R. 3348) for the relief of the estate of Pierre Samuel du Pont Darden.

There being no objection, the Clerk read the bill, as follows:

H.R. 3348

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding any period of limitations or lapse of time, claim for credit or refund of overpayment of Federal income taxes made by the late Pierre Samuel du Pont Darden for the taxable year 1959 may be filed by his administrator at any time within one year after the date of enactment of this Act. Sections 6511 and 6514 of the Internal Revenue Code of 1954 shall not apply to the credit or refund of any overpayment of tax with respect to which a claim is filed pursuant to this Act within such one-year period.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

PEDRO IRIZARRY GUIDO

The Clerk called the bill (H.R. 5000) for the relief of Pedro Irizarry Guido.

Mr. DUNCAN. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

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

There was no objection.

REDDICK B. STILL, JR., AND RICHARD CARPENTER

The Clerk called the bill (H.R. 6400) for the relief of Reddick B. Still, Jr., and Richard Carpenter.

Mr. DUNCAN. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

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

There was no objection.

MR. AND MRS. A. F. ELGIN

The Clerk called the bill (H.R. 6585) for the relief of Mr. and Mrs. A. F. Elgin.

There being no objection, the Clerk read the bill, as follows:

H.R. 6585

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Mr. and Mrs. A. F. Elgin, Post Office Box 7263, Hays Park Station, Spokane, Washington 99207, the sum of \$317.40 in full satisfaction of their claim against the United States for reimbursement of the cost of transportation of the privately owned automobile of their son, Robert G. Elgin, deceased, E-5, Regular Army, from Fayetteville, North Carolina, to Santa Clara, California, Mr. and Mrs. Elgin having transported such automobile at their own expense upon receipt of official notification that their son was killed in action in Vietnam on April 4, 1968. No part of the amount appropriated in this Act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

NOEL S. MARSTON

The Clerk called the bill (H.R. 6378) for the relief of Noel S. Marston.

Mr. DUNCAN. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

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

There was no objection.

ELISABETHA HORWATH

The Clerk called the bill (H.R. 2464) for the relief of Elisabetha Horwath.

There being no objection, the Clerk read the bill, as follows:

H.R. 2464

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Elisabetha Horwath shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act, upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this Act, the Secretary of State shall instruct the proper officer to deduct one number from the total number of immigrant visas, and conditional entries which are made available to natives

of the country of the alien's birth under paragraphs (1) through (8) of section 203 (a) of the Immigration and Nationality Act.

With the following committee amendment:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the Attorney General is authorized and directed to cancel any outstanding orders, and warrants of deportation, warrants of arrest, and bond, which may have issued in the case of Elisabeta Horwath. From and after the date of the enactment of this Act, the said Elisabeta Horwath shall not again be subject to deportation by reason of the same facts upon which such deportation proceedings were commenced or any such warrants and orders have issued."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ANNA DEL BAGLIVO

The Clerk called the bill (H.R. 4546) for the relief of Anna Del Baglivo.

There being no objection, the Clerk read the bill, as follows:

H.R. 4546

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Anna Del Baglivo shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act, upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this Act, the Secretary of State shall instruct the proper quota control officer to deduct one number from the appropriate quota for the first year that such quota is available.

That, the Attorney General is authorized and directed to cancel any outstanding orders and warrants of deportation, warrants of arrest, and bond, which may have issued in the case of Anna Del Baglivo. From and after the date of the enactment of this Act, the said Anna Del Baglivo shall not again be subject to deportation by reason of the same facts upon which such deportation proceedings were commenced or any such warrants and orders have issued.

With the following committee amendment:

On page 1, strike out all of lines 3, 4, 5, 6, 7, 8, 9, 10, and the following language on line 11: "quota for the first year that such quota is available."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MRS. ARANKA MLINKO

The Clerk called the bill (H.R. 6366) for the relief of Mrs. Aranka Mlinko.

There being no objection, the Clerk read the bill, as follows:

H.R. 6366

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Mrs. Aranka Mlinko shall be held and

considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act, upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this Act, the Secretary of State shall instruct the proper quota control officer to deduct one number from the appropriate quota for the first year that such quota is available: Provided, That any fee received by any agent or attorney on account of services rendered in connection with this Act shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

With the following committee amendment:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That, the Attorney General is authorized and directed to cancel any outstanding orders and warrants of deportation, warrants of arrest, and bond, which may have issued in the case of Mrs. Aranka Mlinko. From and after the date of the enactment of this Act, the said Mrs. Aranka Mlinko shall not again be subject to deportation by reason of the same facts upon which such deportation proceedings were commenced or any such warrants and orders have issued."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

TERESINA FARA

The Clerk called the bill (H.R. 6670) for the relief of Teresina Fara.

There being no objection, the Clerk read the bill as follows:

H.R. 6670

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Teresina Fara shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act, upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this Act, the Secretary of State shall instruct the proper officer to deduct one number from the total number of immigrant visas and conditional entries which are made available to natives of the country of the alien's birth under paragraphs (1) through (8) of section 203 (a) of the Immigration and Nationality Act.

With the following committee amendment:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That, the Attorney General is authorized and directed to cancel any outstanding orders and warrants of deportation, warrants of arrest, and bond, which may have issued in the case of Teresina Fara. From and after the date of the enactment of this Act, the said Teresina Fara shall not again be subject to deportation by reason of the same facts upon which such deportation proceedings were commenced or any such warrants and orders have issued."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GIUSEPPE DE STEFANO

The Clerk called the bill (H.R. 6931) for the relief of Giuseppe De Stefano.

There being no objection, the Clerk read the bill as follows:

H.R. 6931

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Giuseppe De Stefano shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this Act, the Secretary of State shall instruct the proper quota-control officer to deduct one number from the appropriate quota for the first year that such quota is available.

With the following committee amendment:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That, the Attorney General is authorized and directed to cancel any outstanding orders and warrants of deportation, warrants of arrest, and bond, which may have issued in the case of Giuseppe De Stefano. From and after the date of the enactment of this Act, the said Giuseppe De Stefano shall not again be subject to deportation by reason of the same facts upon which such deportation proceedings were commenced or any such warrants and orders have issued."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ROMEO DE LA TORRE SANANO AND HIS SISTER, JULIETA DE LA TORRE SANANO

The Clerk called the bill (H.R. 1632) for the relief of Romeo de la Torre Sanano and his sister, Julieta de la Torre Sanano.

There being no objection, the Clerk read the bill, as follows:

H.R. 1632

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, Romeo de la Torre Sanano and his sister, Julieta de la Torre Sanano, may be classified as eligible orphans within the meaning of section 101(b)(1)(F) of that Act, upon approval of a petition filed in their behalf by Captain and Mrs. Andres S. Sanano, citizens of the United States, pursuant to section 205(b) of that Act, subject to all the conditions in that section relating to eligible orphans.

With the following committee amendments:

On page 1, line 5, after the words "may be classified as", strike out the remainder of the bill and insert in lieu thereof the following: "children within the meaning of section 101(b)(1)(F) of the Act, upon approval of petitions filed in their behalf by Captain and Mrs. Andres S. Sanano, citizens of the United States, pursuant to section 204 of the Act: *Provided*, that the natural brothers or sisters of the beneficiaries shall not, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

LOURDES M. ARRANT

The Clerk called the bill (H.R. 20005) for the relief of Lourdes M. Arrant.

There being no objection, the Clerk read the bill, as follows:

H.R. 2005

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, Lourdes M. Arrant may be classified as a child within the meaning of section 101(b)(1)(F) of the Act, upon approval of a petition filed in her behalf by Staff Sergeant and Mrs. Robert B. Arrant, citizens of the United States, pursuant to section 204 of the Act.

With the following committee amendment:

On page 1, line 8, strike out the word "Act," and insert in lieu thereof the following "Act: *Provided*, That the natural brothers or sisters of the beneficiary shall not, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

WILLIAM JOHN MOHER

The Clerk called the bill (H.R. 2218) for the relief of William John Moher.

There being no objection, the Clerk read the bill as follows:

H.R. 2218

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, William John Moher may be classified as a child within the meaning of section 101(b)(1)(F) of the Act, upon approval of a petition filed in his behalf by Captain and Mrs. Thomas A. Moher, citizens of the United States, pursuant to section 204 of the Act. Section 204(c) of the Immigration and Nationality Act, relating to the number of petitions which may be approved, shall be inapplicable in this case.

With the following committee amendment:

On page 1, line 8, after the language "pursuant to section 204 of the" strike out the word "Act," and insert in lieu thereof the following: "Act: *Provided*, That the natural brothers or sisters of the beneficiary shall not, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ADELA DURDA

The Clerk called the bill (H.R. 2336) for the relief of Adela Durda.

There being no objection, the Clerk read the bill as follows:

H.R. 2336

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of sections 203(a)(1) and 204 of the Immigration and Nationality Act, Adela Durda shall be held and considered to be the natural-born alien daughter of Vincent and Jane Kaczmarek, citizens of the United States: *Provided*, That the natural parents of the beneficiary shall not, by virtue of such parentage, be accorded any right, privilege, or status under the Immigration and Nationality Act.*

With the following committee amendments:

On page 1, line 7, after the words "natural parents" insert the language "or brothers or sisters".

On page 1, line 8, strike out the word "parentage" and substitute in lieu thereof the word "relationship".

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended so as to read: "An act for the relief of Adela Kaczmarek."

A motion to reconsider was laid on the table.

JOHN VINCENT AMIRAULT

The Clerk called the bill (H.R. 2552) for the relief of John Vincent Amiraault.

Mr. DUNCAN. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

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

There was no objection.

LEE, IN SOOK

The Clerk called the bill (H.R. 3040) for the relief of Lee, In Sook.

There being no objection, the Clerk read the bill, as follows:

H.R. 3040

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, Lee, In Sook may be classified as a child within the meaning of section 101(b)(1)(F) of the Act, upon approval of a petition filed in her behalf by Jack Raymond Witt and Irene Joyce Witt, citizens of the United States, pursuant to section 204 of the Act.

With the following committee amendment:

On page 1, line 8, strike out the word "Act," and insert in lieu thereof the following: "Act: *Provided*, That the natural brothers or sisters of the beneficiary shall not, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act. Section 204(c) of the Immigration and Nationality Act, relating to the number of petitions which may be approved, shall be inapplicable in this case."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

YUKA AWAMURA

The Clerk called the bill (H.R. 5067) for the relief of Yuka Awamura.

There being no objection, the Clerk read the bill, as follows:

H.R. 5067

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, as amended, Yuka Awamura may be classified as a child within the meaning of section 101(b)(1)(F) of that Act, and a petition may be filed in her behalf by Mrs. Edith Fukunaga, a citizen of the United States, pursuant to section 204 of the Act: *Provided*, That no brothers or sisters of the beneficiary shall thereafter, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act.*

Mr. MATSUNAGA. Mr. Speaker, I rise in support of H.R. 5067, a private bill which would facilitate the admission into the United States of the prospective adoptive child of a citizen of the United States. Yuka Awamura, the beneficiary is a female 2-year-old native and citizen of Japan. Mrs. Edith Fukunaga, the adoptive mother, was born in Hawaii, and is now 47 years of age. She has been a widow since 1959, but for a period of 2 or 3 years prior to her husband's death the couple, being childless, had taken active steps to adopt a child from Japan.

The beneficiary was born out of wedlock. The alleged father, who was married since before the child's birth, has never admitted paternity, and the natural mother abandoned the child at birth. The natural mother reportedly married when the beneficiary was about 16 months old, and now lives at some distance from Hiroshima, Japan, where the child is temporarily living with the retired director of a social welfare organization and his wife. The adoptive mother first saw the child in an orphanage in Hiroshima and immediately took appropriate steps to adopt the child. The natural mother has released the child for emigration and adoption.

Under the laws of the State of Hawaii, where the adoption proceedings will be instituted, a widow, if otherwise qualified, is eligible to be an adoptive parent.

Mrs. Fukunaga, the adoptive mother, is financially able to give the child a good home and a good education. She earns approximately \$9,000 per annum as the secretary-treasurer and office manager of a Honolulu corporation, and receives an additional \$5,000 to \$6,000 per annum from dividends, rentals and joint venture distributions. She and her mother-in-law live in a jointly owned five-bedroom house, valued at \$90,000, in one of the better residential areas of Honolulu. The adoptive mother has other assets, consisting of real estate investments, savings deposits, stocks and bonds and other personal property, exceeding the total amount of \$85,000. Her mother-in-law has an independent income of about \$10,000 per year. Both ladies are very anxious to have the child admitted to the United States so she can be adopted by the younger Mrs. Fukunaga.

Mr. Speaker, it is clear that the beneficiary, if admitted under the provisions of this bill, will be brought into a very comfortable home by American stand-

ards and given the love and care of which she has been deprived because of the circumstances of her birth. She will be given a good education and will be brought up as a good American.

I therefore urge, very strongly, a favorable vote for this bill.

The Senate in the closing weeks of the 90th Congress, and again in the opening weeks of the 91st Congress, passed this legislation.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

PAGONA ANOMERIANAKI

The Clerk called the bill (H.R. 5133) for the relief of Pagona Anomerianaki.

Mr. DUNCAN. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

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

There was no objection.

MISS ELIZABETH SCHOFIELD

The Clerk called the bill (H.R. 5134) for the relief of Miss Elizabeth Schofield.

Mr. DUNCAN. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

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

There was no objection.

GEORGE TILSON WEED

The Clerk called the bill (H.R. 5136) for the relief of George Tilson Weed.

There being no objection, the Clerk read the bill, as follows:

H.R. 5136

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, George Tilson Weed shall be held and considered to have complied with the provisions of section 316 of that Act as they relate to residence and physical presence.

The bill was ordered to be engrossed and read a third time, was read the third time, passed, and a motion to reconsider was laid on the table.

CONFER U.S. CITIZENSHIP POSTHUMOUSLY UPON SP4C KLAUS JOSEF STRAUSS

The Clerk called the bill (H.R. 6607) to confer U.S. citizenship posthumously upon Sp4c. Klaus Josef Strauss.

There being no objection, the Clerk read the bill, as follows:

H.R. 6607

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Specialist Four Klaus Josef Strauss, a native of Germany, who served honorably in the United States Army from November 15, 1966, until his death on February 8, 1968, shall be held and considered to have been a citizen of the United States at the time of his death.

The bill was ordered to be engrossed and read a third time, was read the third

time, and passed, and a motion to reconsider was laid on the table.

CHARLES RICHARD SCOTT

The Clerk called the bill (H.R. 7160) for the relief of Charles Richard Scott.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

Mr. FEIGHAN. Mr. Speaker, I ask unanimous consent that a similar Senate bill (S. 672) be considered in lieu of the House bill.

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

There being no objection, the Clerk read the Senate bill, as follows:

S. 672

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, section 204(c), relating to the number of petitions which may be approved in behalf of adopted children, shall be inapplicable in the case of a petition filed in behalf of Charles Richard Scott by Mr. and Mrs. Denny F. Scott, citizens of the United States: Provided, That no brothers or sisters of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill (H.R. 7160) was laid on the table.

Mr. BOLAND. Mr. Speaker, I ask unanimous consent that further call of the Private Calendar be dispensed with.

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

There was no objection.

CALL OF THE HOUSE

Mr. COLLIER. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. ALBERT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 35]

Bates	Garmatz	Morton
Bell, Calif.	Gibbons	Murphy, N.Y.
Betts	Green, Oreg.	O'Konski
Brock	Gubser	O'Neal, Ga.
Carey	Halpern	Pelly
Chamberlain	Hanna	Powell
Chisholm	Haneen, Wash.	Purcell
Clark	Hastings	Rostenkowski
Clay	Hathaway	Sandman
Cunningham	Hébert	Schadeberg
Dawson	Kirwan	Scheuer
Dwyer	Landrum	Sisk
Edwards, La.	Long, La.	Teague, Tex.
Foley	Lukens	Tunney
Fraser	Mann	Watkins
Frelinghuysen	May	Willson, Bob
Fuqua	Mollohan	

The SPEAKER pro tempore (Mr. ALBERT). On this rollcall 382 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

PERMISSION FOR COMMITTEE ON RULES TO FILE REPORTS

Mr. COLMER. Mr. Speaker, I ask unanimous consent that the Committee on Rules may have until midnight to file certain privileged reports.

The SPEAKER pro tempore (Mr. ALBERT). Is there objection to the request of the gentleman from Mississippi?

There was no objection.

WATER QUALITY IMPROVEMENT ACT OF 1969

Mr. BOLLING. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 340 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 340

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 4148) to amend the Federal Water Pollution Control Act, as amended, and for other purposes. After general debate, which shall be confined to the bill and shall continue not to exceed three hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Public Works, the bill shall be read for amendment under the five-minute rule. It shall be in order to consider without the intervention of any point of order the amendment in the nature of a substitute recommended by the Committee on Public Works now printed in the bill, and such substitute for the purpose of amendment shall be considered under the five-minute rule as an original bill. At the conclusion of such consideration the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

Mr. BOLLING. Mr. Speaker, I yield 30 minutes to the gentleman from California (Mr. SMITH) and, pending that, I yield myself such time as I may consume.

Mr. Speaker, when this rule was considered in the Committee on Rules there was some controversy over the jurisdiction between the committee handling the bill and the Committee on Merchant Marine and Fisheries. The Committee on Rules overwhelmingly decided that the bill should be sent to the floor with the rule that has just been read.

Mr. Speaker, points of order were waived on the bill as a whole because there are some transfer funds, and the establishment of a revolving fund—not transfer of funds, but payment of cash is authorized in the acquisition of land, and that is the reason for the waiver of points of order.

Insofar as I know, there is no substantial controversy over the rule. I understand there is some on the bill itself, but not too much.

Therefore, Mr. Speaker, I reserve the balance of my time.

Mr. SMITH of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as stated by the distinguished gentleman from Missouri, House Resolution 340 does provide for 3 hours of debate under an open rule for consideration of the bill H.R. 4148, entitled "The Water Quality Improvement Act of 1969."

Points of order are waived as against the substitute bill, and the committee amendments.

Mr. Speaker, the purpose of the bill is to improve the means available to control pollution of offshore waters and rivers of the United States. Major sections of the bill seek to control such sources of pollution as, first, oil and other sea-carried pollutants; second, sewage from vessels; third, acid and other pollutants from mines; and, fourth, pollution from any federally operated source. Additionally, the bill provides for research grants and a scholarship program for students, both programs to be administered by the Secretary of the Interior.

The bill applies to oil discharges on the high seas in the contiguous zone along our coastline. Such discharges are forbidden except in emergency situations. Civil penalties of up to \$10,000 for an oil discharge are provided. Operators of facilities or ships are required to remove any discharge of oil or other pollutants. If the United States must do the removal work, the cost shall be borne by the polluter up to \$10 million or \$100 per gross registered ton—of ships—whichever is the lesser. The bill also sets up a revolving fund of \$20,000,000 for use in cleanups. The effort is to place responsibility for damage done by discharges of oil or other pollutants by ships or shore-area facilities upon the owners and operators, and to require them to be primarily responsible for necessary cleanup operations.

The bill also seeks to remove pollutants discharged into the water in the form of raw sewage from vessels. The Coast Guard will oversee a program designed to insure that such raw sewage is treated before discharging it. New vessels are to have approved toilet facilities installed by December 31, 1971, or within 2 years of the time the Coast Guard promulgates standards and regulations. For existing vessels the time period is set at within 5 years after such promulgation. The States will be brought into the program with respect to their intrastate waters.

After the effective dates of the standards set by the Coast Guard, it shall be unlawful to operate a vessel which does not comply. These regulations will apply to pleasure boats as well as commercial vessels, in short, any vessel which has toilet facilities will be required to treat its raw sewage before discharging it into the water. Civil penalties are provided for violations and in proper cases injunctive relief may be sought.

The Secretary is also authorized to make grants to universities for research and for planning and developing of training for students in the field of design and operation of waste treatment works. He may also provide scholarship grants. Authorizations for educational grants are \$12,000,000 for 1970 and for

1971 and 1972 the figure is \$25,000,000 per annum.

Finally, the bill provides for research in a number of water quality problems. The current level of funding is extended for two additional years, through fiscal 1971. Funding levels authorized are \$65,000,000 per annum. Areas in which research work is to be continued include: First, prevention, removal and control of lake pollution; second, prevention of oil pollution; third, research into prevention of pollution discharges from recreational vessels and the development of treatment facilities for such craft; and, fourth, funding for appropriate demonstration projects.

Total authorizations contained in the bill are \$348,000,000 covering fiscal years 1970 through 1972. Major items include:

	Millions
General research and development of treatment facilities.....	\$130
Demonstration projects and development.....	120
Training grants.....	62
Clean-up revolving fund.....	20

There are no minority views.

Mr. Speaker, I urge adoption of the rule.

Mr. BOLLING. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. FALLON. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 4148) to amend the Federal Water Pollution Control Act, as amended, and for other purposes.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Maryland.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 4148, with Mr. SMITH of Iowa in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from Maryland (Mr. FALLON) will be recognized for 1½ hours, and the gentleman from Florida (Mr. CRAMER) will be recognized for 1½ hours.

The Chair recognizes the gentleman from Maryland (Mr. FALLON).

Mr. FALLON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, H.R. 4148, the Water Quality Improvement Act of 1969, has been developed after extensive hearings by the Committee on Public Works, both here in Washington and in Santa Barbara, Calif., and is the culmination of the consideration given by this body and the Public Works Committee during the 90th Congress. H.R. 4148 was reported out unanimously by the committee.

The legislation covers discharges of oil and other hazardous substances from vessels and onshore and offshore facilities, including the cleanup of these discharges and the prevention thereof, the

control of untreated or inadequately treated sewage from vessels, the extension of the research, development, and training program of the Federal Water Pollution Control Administration, the effect of Federal activities and federally licensed or permitted activities on our Nation's waters, and establishes a new training program designed to provide more efficient waste treatment works, both at the municipal and industrial level. Finally, the legislation would change the name of the Federal Water Pollution Control Administration to the National Water Quality Administration in order to provide a more positive emphasis to the program.

It is clear that the need for this legislation is quite urgent. The history of oil spills dating back to the one we all remember; namely, the *Torrey Canyon* off the coast of England, the *Ocean Eagle* in the San Juan Harbor, P.R., and the disastrous oil spill off the Santa Barbara coast, only serve to demonstrate that unless action is taken immediately to provide the tools necessary to cope with these spills more of our coastline beaches and marine resources could be destroyed or severely damaged. The public outcry that has developed in the past year in connection with these spills shows that there is considerable interest throughout the country in this legislation.

In addition to the more dramatic aspects of this legislation; namely, those relating to oil spills, there is also a very definite need to improve, accelerate, and expand our research and demonstration and training efforts in the water pollution control area and to control sewage that is discharged from both commercial and recreational vessels into our Nation's waterways. This legislation meets these needs.

In the area of financing of waste treatment works, we are most concerned with the fact that to date this program has not been adequately financed despite the Congress' considerable efforts in 1966 and subsequent years to establish a graduated and meaningful level of financing the Federal share of these works. We are hopeful that recommendations will be made by the executive branch to increase the financing in the forthcoming fiscal year through additional appropriations over and above the meager amounts appropriated during the last Congress. If, however, this cannot be accomplished, the Committee on Public Works will consider alternative legislative approaches during this session of the 91st Congress.

Mr. Chairman, I urge unanimous approval of this important and far-reaching Water Quality Improvement Act of 1969. It is a major conservation measure that deserves the support of every Member of Congress.

Let me conclude by paying tribute to the members of the Committee on Public Works, my colleagues who have worked so diligently, so hard and so long on this legislation which is before us today. I would particularly commend the ranking minority member of the committee, and one of the leaders in the field of water pollution control, my good friend from Minnesota, the Honorable JOHN A. BLAT-

NIK, and all the other members of the committee on both sides of the aisle.

Mr. Chairman, I urge passage of H.R. 4148.

Mr. FALLON. Mr. Chairman, I yield to the gentleman from Minnesota (Mr. BLATNIK), chairman of the subcommittee handling this legislation, as much time as he may require.

Mr. BLATNIK. Mr. Chairman, at the outset on behalf of the entire committee, I would like to pay our respects to our able and effective and certainly highly regarded chairman, the gentleman from Maryland (Mr. FALLON). He worked diligently with all of us every step of the way, and we therefore doubly appreciate the kind words he said about those of us who worked on the development of this legislation. Many of us, on both sides of the aisle, joined together to resolve the problems so that we could present a strong and workable proposal. A tremendous amount of frustrating day-in and day-out work was handled with talent and patience by both the majority and the minority staffs. In our meetings we had the benefit of experience and advice from representatives of the Federal Water Pollution Control Administration, the Coast Guard, and the State Department, as well as constant contact with the various State agencies and conservationists.

Mr. Chairman, very thoughtful care has gone into this very complicated and involved matter, and particularly that section dealing with enormous catastrophic oil spills where the complex problems of liability and responsibility, as well as preventive aspects, are involved. We have also evolved recommendations on what can be done when these catastrophes do occur, in spite of whatever preventive measures were pursued. That remedial work, which is inevitably a laborious and extensive job, will be explained in more detail by the gentleman from Texas (Mr. WRIGHT) and the gentleman from New Jersey (Mr. HOWARD), both of whom have devoted long hours to this legislation.

We will also hear from good spokesmen for the minority on this program. Their unanimous work and support have continued the genuine bipartisanship that has characterized our pollution control work over the years.

The Committee on Public Works had extensive hearings on this legislation starting in the 90th Congress and continuing in the 91st Congress in February and March of this year.

During the 90th Congress, the committee considered legislation on the control of oil pollution discharges, the treatment of sewage from vessels, the extension and expansion of the vital water pollution research programs, and legislation to provide more money for the financing of needed waste treatment works. The committee reported out strong legislation in all of these areas, and that legislation unanimously passed the House of Representatives on two occasions but unfortunately the time ran out on the 90th Congress before differences in the House and Senate versions could be resolved in conference.

Since last year the need for this legis-

lation, particularly in the area of oil pollution control, has been dramatically brought to the attention of the Congress and into the public eye by one of the worst oil pollution disasters in the Nation's history. The catastrophe in Santa Barbara, Calif., was a realistic example of the damages which can result from a major oil spill.

It was the committee's objective in our hearings and in our discussions leading up to the reporting of this legislation to recommend legislation which would adequately meet all contingencies and avoid the need for additional legislation if and when a new disaster occurs. In pursuit of this objective, we obtained meaningful data from industry and governmental witnesses on the best means and methods of preventing discharges of oil and other hazardous matter, the costs of removing these pollutants from our waters, beaches and shores when they occur, the availability of insurance and its costs, and the extent to which measures and devices have been developed to remove oil and matter.

In addition to the oil pollution problem, this legislation extends the water pollution research program authorization 2 additional years, provides new emphasis on the problems of acid mine drainage water pollution, and lake eutrophication and related lake pollution problems.

H.R. 4148 further provides for control of sewage from vessels, establishes a training program for individuals in the field of design, operation, and maintenance of modern waste treatment works, and requires applicants for a Federal license or permit to conduct an activity which may result in discharge into the navigable waters of the United States to obtain a State certification that the activity will not reduce the quality of the water below applicable water quality standards. Finally, this legislation changes the name of the Federal Water Pollution Control Administration to the National Water Quality Administration so as to provide a psychological lift to the program by providing a more positive approach through preventive measures to maintain adequate water quality levels.

This legislation has been endorsed by the administration. We have received a letter dated April 3, 1969, from Russell E. Train, the Undersecretary of the Interior, to the chairman of the Public Works Committee, the Honorable GEORGE H. FALLON. Under leave to extend my remarks, I include a copy of the letter at this point:

DEAR MR. CHAIRMAN: Your Committee has requested the Department's views on H.R. 4148 as reported by your Committee on March 25, 1969.

H.R. 4148, which is known as the Water Quality Improvement Act of 1969, covers the subjects of oil and matter discharges from vessels, onshore facilities, and offshore facilities; untreated or inadequately treated sewage from vessels; research and development in the area of acid mine pollution, lake pollution, oil pollution, and sewage from vessels; pollution from Federal installations and facilities; and waste discharges from activities constructed and operated under Federal license or permit. It also extends the research provisions of the Federal Water Pollution Control Act an additional 2 fiscal years,

and changes the name of the Federal Water Pollution Control Administration to the National Water Quality Administration.

In regard to the provisions on the control of pollution by oil and other matter, the legislation would—

Provide that any individual in charge of a vessel or onshore or offshore facility who has knowledge of the discharge of oil or matter from such facility or vessel must immediately notify the Secretary of the Interior or the Coast Guard of the discharge so that appropriate steps may be taken to remove the discharged oil or matter. Failure to notify could result in a criminal penalty;

Prohibit the discharge of oil or matter from a vessel into the navigable waters of the United States or into the waters of the Contiguous Zone, except under certain limited conditions such as emergencies affecting the life of individuals, or acts of war or sabotage, or unavoidable accidents, collisions, or strandings;

Provide a civil penalty of up to \$10,000 in cases of willful or negligent discharges of oil or matter in substantial quantities in violation of the above prohibition. This penalty would be assessed by the Coast Guard after notice and an opportunity for a hearing. We note that the term "substantial quantities" is discussed in the Committee report. The report indicates that it will need interpretation in its application in specific situations;

Define the term "matter" to include all substances other than oil, dredged spoil, sewage, and certain materials now covered by the Atomic Energy Act. In defining this term, the bill leaves it up to the Secretary of the Interior to determine what matter would present an imminent and substantial hazard to the public health or welfare including fish, shellfish, wildlife, and public and private lands. We also note that the Committee report indicates that the Secretary of the Interior would have to issue regulations from time to time establishing what items might be considered substances that would be subject to the provisions of this Act;

Authorize the United States to clean up discharges of oil or matter when the Secretary of the Interior determines that there is an actual or threatened pollution hazard unless other adequate arrangements for removal of these discharges have taken place. We interpret the latter provision to mean that the United States would have to be satisfied that the arrangements made by the owner or operator of a vessel or a person owning or operating an onshore or offshore facility are adequate within the regulations prescribed under this section to insure that the removal will be carried out expeditiously and in a manner that would not be harmful to marine resources and other property. If they were not adequate, in the judgment of the United States, then the United States could act to remove the oil or matter and later recover its costs.

Authorize the United States to remove summarily and, where necessary, destroy any vessel that presents a substantial threat of pollution in the navigable waters of the United States because of an actual discharge or the imminence of a threatened discharge of large quantities of oil or matter. The expense of removing a vessel would be charged against the vessel, its cargo, and the owner or operator of the vessel where the negligent operation of the vessel caused or contributed to the marine disaster;

Require that the owner or operator of a vessel remove any oil or matter discharged into the navigable waters of the United States or into the waters of the Contiguous Zone where the discharge was due to some willful or negligent act. In cases where the United States removes such discharges, the owner or operator would be liable to the United States for the cost thereof up to a maximum of \$10 million or \$100 per gross registered ton, whichever is less;

Provide a similar requirement in the case of onshore facilities and offshore facilities located within the territorial sea of the United States, except that the limitation of liability where the United States removes the discharges of oil would be \$8 million. It also provides that the Secretary of the Interior would establish by regulation classifications of onshore facilities and activities which would be subject to the \$8 million limitation and possibly establish differing limitations of liability with respect to these classifications. This classification authority would not become effective, however, until the Secretary notified the Congress of the intended classifications and allowed at least 60 days before the effective date of the classifications;

Authorize the issuance of regulations by both the Secretary of the Interior and the Coast Guard relative to removal of discharged oil or matter and provide civil penalties for violations of the regulations;

Establish a revolving fund to be administered by the Coast Guard and authorize a maximum appropriation of \$20 million to the fund in addition to other revenues for the clean up of discharges and provide for delegation by the President of the authority to clean up discharges of oil or matter; and

Provide for the establishment of a system of financial responsibility for vessels over 100 gross registered tons, including any barge of equivalent size, that use our navigable waters or ports. The financial responsibility provisions would be effective one year after enactment and would apply to the liability to the United States for the removal of oil or matter discharges.

The oil and matter provisions of the legislation make it clear that the legislation is not intended to affect the authority of the States to establish different requirements or limitations of liability, nor does this legislation affect the rights of third parties who might bring actions to recover damages resulting from the discharge of oil or matter or from the removal of such discharges. In addition, the bill does not cover the discharges of offshore facilities located on the Outer Continental Shelf. The Committee report indicates that this omission results from the fact that this Department advised your Committee that we believe we have adequate authority to require Federal lessees on the Outer Continental Shelf to remove discharged oil and to pay the United States for any cost it may incur in the removal of the discharge without any dollar limitations or findings of fault.

In addition to the oil provisions, the legislation would provide for the establishment of standards of performance in connection with marine sanitation devices and the establishment of regulations by the Coast Guard relative to the operation, maintenance, and installation of these devices. The devices would have to be installed on both commercial and recreational vessels with installed toilet facilities using United States waterways once the standards and regulations were effective. The bill also provides a system of certification by the Coast Guard of the device and establishes a pre-emption of State laws and regulations once the Federal standards and regulations are effective. It, however, permits the States to prohibit all discharges in intrastate waters if the States also prohibit discharges from other sources in those waters. As in the oil provisions, the bill provides for civil penalties for violations specified in the legislation.

The bill would provide that any applicant, other than a Federal agency, seeking a Federal license or permit must obtain certification from any affected State or interstate agency that the discharge from the applicant's activity for which he seeks a license or permit will be conducted in a manner that will not reduce the quality of the waters below the applicable Federal, State, or local

water quality standards. In cases where a State lacks authority to give such certification or where the Secretary of the Interior has established the water quality standards under the Water Quality Act of 1965, then the Secretary would provide such certification. In cases where a license or permit has been given by a Federal agency for an activity that is under construction prior to the date of enactment of this legislation, no certification will be required, but the license or permit issued without the certification will terminate after the expiration of 2 years after enactment unless the licensee or permittee obtains the proper certification. No Federal permit or license can be issued where it is required under this legislation until the certification is obtained.

The bill would provide additional authority for training individuals in the field of design, operation, and maintenance of waste treatment works.

The bill would also extend the present research and demonstration provisions of the Federal Water Pollution Control Act an additional 2 fiscal years at the current annual level of appropriation authorization. This appropriation authorization will expire on June 30, 1969, and an extension is urgently needed.

Lastly, the bill would change the name of the Federal Water Pollution Control Administration to the National Water Quality Administration. The objective of this change is to provide a more positive emphasis to the program.

On the basis of our review of the reported bill, we conclude that the legislation follows, in general, the recommendations made by the Secretary in his testimony before your Committee. In particular, it carries out the Administration's recommendation relative to the division of responsibility for enforcement, cleanup, and other matters between this Department and the Department of Transportation in the oil and sewage sections of the reported bill. While we may have some specific recommendations on the bill for the Senate Committee, once it passes the House of Representatives, we are able at this time to recommend its passage by the House of Representatives.

The Bureau of the Budget advises that they have no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely yours,

RUSSELL E. TRAIN,
Under Secretary of the Interior.

However, I would like to quote one paragraph of the letter:

On the basis of our review of the reported bill, we conclude that the legislation follows, in general, the recommendations made by the Secretary in his testimony before your Committee. In particular, it carries out the Administration's recommendation relative to the division of responsibility for enforcement, cleanup, and other matters between this Department and the Department of Transportation in the oil and sewage sections of the reported bill. While we may have some specific recommendations on the bill for the Senate Committee, once it passes the House of Representatives, we are able at this time to recommend its passage by the House of Representatives.

I would be remiss in these opening comments if I did not pay proper commendation to my colleagues on the Committee on Public Works who have labored hard and long this year to bring this excellent legislation before you. In addition to the effective leadership, encouragement, and support of the gentleman from Maryland (Mr. FALLON), the chairman of the House Committee on Public Works, splendid contributions were made

by such outstanding colleagues and workers in the field of water quality as BOB JONES of Alabama; JIM WRIGHT of Texas; ED EDMONDSON of Oklahoma; and JIM HOWARD of New Jersey, each of whom will explain in detail a portion of this legislation, and all my colleagues on the committee on both sides of the aisle.

At this point I submit for the RECORD a brief synopsis of the highlights of H.R. 4148.

SYNOPSIS OF H.R. 4148

A. In the area of oil and other hazardous pollution, the bill would:

Apply to discharges of oil and matter into the navigable waters, the contiguous zone, and the high seas from vessels and onshore and offshore facilities (see definition p. 38).

Provide for notice of all discharges by individuals in charge of a vessel or onshore or offshore facility to either the Secretary of the Interior or the Coast Guard (see Section 17(b), p. 4).

Prohibit oil and matter discharges from vessels except in emergency situations or except where permitted by international convention (see section 17(c), p. 41).

Establish civil penalties of up to \$10,000 for willful or negligent oil or matter discharges from vessels (see section 17(c)(2), p. 41).

Direct that the U.S. remove oil or matter discharged where there is a pollution hazard to private or public beaches or shorelines in the U.S. or to marine resources (see section 17(d)(1), p. 42).

Authorize the United States to remove or destroy a vessel in U.S. waters when a marine disaster creates a substantial pollution threat to the United States. The Corps of Engineers has similar authority today in cases of navigation hazards (see section 17(d)(2) p. 43).

Require the owner or operator of the vessel or onshore or offshore facility to remove the discharged oil or matter immediately (see sections 17(e) and (f) p. 44 & 46).

Provide a limitation of liability to the U.S. for costs of removal by the U.S. of vessel discharges of up to a maximum of \$10 million or \$100 per gross registered ton, whichever is the lesser (see section 17(e) p. 45).

Provide an \$8 million limitation of liability for U.S. costs of removal in case of onshore facilities and offshore facilities located on inland waters and within the territorial sea, but suspends the limitation on onshore facilities until certain findings are made by Interior (see section 17(f)(3) p. 47).

Establish a \$20 million revolving fund for cleanup to be administered by the Coast Guard (see section 17(h) p. 50).

Provide a system of financial responsibility for vessels of over 100 gross registered tons and barges of equivalent size, effective 1 year after enactment (see section 17(k) p. 53).

Repeal the antiquated Oil Pollution Act of 1924 which was developed by the House Public Works Committee (see section 7 p. 78).

B. In the area of control of sewage from vessels, the bill would:

Direct the Secretary of the Interior to issue Federal standards of performance for marine sanitation devices for all vessels (except vessels not equipped with installed toilet facilities), and it would direct the Coast Guard to issue regulations relative to the design, construction, installation, and operation of these devices on board such vessels (see p. 56).

Apply to existing vessels, the construction of which is initiated prior to issuance of the standards and regulations (see definition p. 55).

Apply to new vessels, the construction of which is initiated after issuance of the standards and regulations (see definition p. 55).

Provide that the initial standards shall be effective for new vessels two years after promulgation, but not earlier than December 31, 1971, and for existing vessels five years after promulgation (see definition p. 57).

Provide for a system of certification by the Coast Guard of marine sanitation devices (see definition p. 59).

Provide for the establishment of civil penalties after notice and opportunity for a hearing (see p. 62).

Provide that provisions of this section shall be enforced by the Coast Guard (see p. 63).

C. In the area of training of personnel, the bill would:

Authorize the Secretary to make grants or to enter into contracts with institutions of higher education to assist them in planning, developing, strengthening, improving, or carrying out programs or projects to prepare undergraduate students entering into occupations involving the design, operation, and maintenance of waste treatment works (see p. 64-72).

Provide that these grants or contracts may be used to pay the compensation of students employed in connection with the operation and maintenance of treatment works (see p. 68).

Authorize the award of scholarships for undergraduate studies for periods up to 4 academic years and the making of stipends (see p. 69).

Provide that the Secretary by regulation will require that any person awarded a scholarship must enter into an agreement in writing to enter and remain in an occupation involving the design, operation, or maintenance of treatment works for such period as the Secretary determines appropriate after the completion of the student's studies (see p. 71).

Authorize appropriations for fiscal year 1970 of \$12 million and for fiscal years 1971 and 1972 of \$25 million annually—total \$62 million (see p. 72).

D. In the area of research, the bill would:

Authorize grants and contracts for the prevention, removal, and control of lake pollution (see p. 76).

Authorize research and demonstration projects relative to acid mine pollution (see p. 64).

Authorize grants and contracts relative to research and development on the prevention and control of oil pollution (see p. 76 and 77).

Authorize the Secretary to engage in studies, research, experiments, and demonstrations relative to discharges from recreational vessels and the equipment installed thereon with the requirement of a report to Congress (see p. 77).

Authorize the Secretary to acquire lands and interests therein for field laboratories and research facilities and in connection with demonstration projects (see p. 76).

Extend the appropriation authorization provisions of sections 5 and 6 of the Act two additional years at the current level of appropriation authorizations which is \$120 million for F.Y. 1969 (see p. 78).

E. In the area of controlling pollution from federal activities and federally licensed or permit activities, the bill would:

Require that all federal installations take immediate steps to insure compliance with applicable federal, state or local water quality standards, subject, of course, to the availability of appropriations, and consistent with national needs (see pages 73-75).

Require that all applicants, other than Federal agency applicants, obtain a certificate from the appropriate state or interstate water pollution control agency in connection with the granting of a federal license or permit by a federal agency for the conduct of an activity that may discharge waste into the navigable waters of the United States (see p. 73-75).

Provide that in instances where state lacks authority to certify the Secretary of the Interior will provide the certification (see p. 73-75).

Provide that any activity which is under construction under a federal license or per-

mit upon enactment of this legislation shall have two years to obtain a certificate, and if they fail to do so within that period of time the license or permit shall be suspended.

F. The bill would also change the name of the Federal Water Pollution Control Administration to the National Water Quality Administration in order to provide a more protective emphasis to this very important national program (see section 8, p. 78).

Mr. Chairman, so that the amounts of funds involved will be clear, the following summary of the cost of the legislation will be helpful:

	Millions
Section 17(h)(1), which establishes a revolving fund for cleanup of oil and matter discharges by the United States	\$20
Section 19(d) which provides for the research and demonstration program for the control of acid mine pollution.....	15
Section 23, which provides authorization for appropriations for the training of operators of waste treatment works....	62
Section 5, which extends the research training and demonstration authority in Section 4 of the Water Pollution Control Act.....	130
Section 5, which extends the research authority of section 6 of the Water Pollution Control Act.....	120
Section 4, which extends the authority to conduct a study on the estuaries.....	1
Total	348

Mr. Chairman, we have come a long way in our struggle to preserve and protect, and even to rescue, the waters of this great country of ours. We have a long way still before us. This legislation represents effective further progress in critical areas. I cannot overemphasize the importance of enacting this legislation and getting on with the job.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. BLATNIK. I yield to the gentleman from our neighboring State of Iowa.

Mr. GROSS. Mr. Chairman, I thank the gentleman from Minnesota for yielding.

What is the total annual cost of this proposed legislation?

Mr. BLATNIK. The total cost would be approximately \$348 million over maybe 2 and up to 4 years.

Mr. GROSS. But the total annual cost is what?

Mr. BLATNIK. I cannot give the gentleman the annual cost, but the total cost. The authorizations and extensions will amount to \$348 million over a period of at least 2 and in some instances perhaps up to 4 years.

Mr. CRAMER. Mr. Chairman, will the gentleman yield for further clarification?

Mr. BLATNIK. I yield to the gentleman from Florida, the ranking minority member of the committee.

Mr. CRAMER. Mr. Chairman, I think what the gentleman is saying is the total cost for the total period is \$348 million. The annual cost is a revolving fund for oil pollution, \$20 million for an indefinite period. That is the total cost of that program. It is a revolving fund. The amount for area acid and mine water pollution for 1 year is \$15 million. The amount for training grants and contracts is \$12 million. The amount for estuary research extension is \$1 million. The amount for general research and for

project research, two programs for 2 years, \$250 million, which is the same level as in the present law. So the cost of the program is substantially less than that which we brought in last year, in that we eliminated the title of financing proposed for sewage treatment plants at this time.

Mr. GROSS. Mr. Chairman, will the gentleman yield further?

Mr. BLATNIK. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Chairman, I believe section (d) is contained in section 17, Control of Pollution by Oil and Other Matter. I would refer the gentleman to page 43 of the bill, where it says:

Whenever a marine disaster in or upon the navigable waters of the United States has created a substantial threat of a pollution hazard—

And so on. There is an authorization of \$20 million set up for the financing of this provision of the bill. Does this mean that the taxpayers of the country, in the case of an oil pollution occurrence such as that off the coast of California, could expend x number of dollars and recover none of the money that was expended? I see no provision in section (d) whereby the company or corporation polluting the water would be called upon to repay.

Mr. BLATNIK. Mr. Chairman, if the gentleman will turn to page 44—and this will be explained in complete detail by Mr. WRIGHT—and refer for the time being to page 44, lines 20 to 23, the gentleman will see it states:

If the United States removes oil or matter which was willfully or negligently discharged by such owner or operator, the vessel and such owner or operator shall be liable to the United States for the full amount of the costs.

The United States can, therefore, recoup or claim whatever expenses are involved; this also applies to onshore facilities on page 46 and offshore facilities on page 47.

Mr. GROSS. This then is not confined to vessels, and it will go to oil wells such as were involved and caused the pollution off the coast of California?

Mr. BLATNIK. Those would be covered by this legislation.

Mr. GROSS. So the Federal Government can recover funds it has expended?

Mr. BLATNIK. Yes, sir.

Mr. JONES of Alabama. Mr. Chairman, will the gentleman yield?

Mr. BLATNIK. I yield to the gentleman from Alabama, who has made outstanding contributions to this legislation.

Mr. JONES of Alabama. Mr. Chairman, I commend the gentleman from Minnesota and the other members of the subcommittee, who participated for the very deliberate way in which the hearings were held and the legislation was prepared. I am quite sure the House can take pride in the results of their work.

Mr. Chairman, I urge support of H.R. 4148 as an essential continuation for development of this Nation's water resources to benefit all the people.

We cannot ever overstate the importance of water resources to the development of our Nation. Without full and

proper attention to the water which we possess, we cannot hope to successfully reach the levels of attainment to which this Nation is dedicated.

Water pollution has resulted from man's misuse of his inheritance. President Lyndon B. Johnson stated well the problems which we face when he said:

This is water that could be used and reused, if treated properly. Today it is ravaged water—a menace to the health. It flows uselessly past water-hungry communities to an indifferent sea.

Water is an invaluable commodity. However, most people simply take it for granted until the supply runs low in quantity or in quality. Unfortunately, this problem where it occurs usually stems from our mismanagement of the water quality.

The Congress has passed major legislation in this field on several occasions. In 1956 there was enacted into law the first comprehensive Federal Water Pollution Control Act. The Federal Water Pollution Control Act Amendments were passed in 1961 and were followed in 1965 by the Water Quality Act, in 1966 by the Clean Water Restoration Act, and now hopefully in 1969 by the Water Quality Improvement Act of 1969.

This legislation deals with the serious problems concerning the prevention and cleanup of discharges of oil and other matter from vessels and onshore and offshore facilities, the control of sewage from vessels, acid and other mine water control, the training of skilled and knowledgeable people to handle the modern sophisticated waste treatment works in our cities and industries, the effect of Federal activities and federally licensed or permitted activities on our navigable waters.

This legislation is good legislation, it is needed legislation. The committee has heard over the past 2 years representatives of all segments of our society, our governmental institutions, and our industry. It has taken testimony from Governors of large States, owners of small boats, representatives of international insurance associations, concerned citizens, and many, many others. The committee members worked long and hard to make the right decisions, and I believe they have succeeded. I commend the chairman of the Committee on Public Works, my close friend from Maryland, GEORGE H. FALLON; the gentleman from Minnesota, JOHN A. BLATNIK, and all of my colleagues on both sides of the aisle of this great committee.

Mr. Chairman, I urge the overwhelming passage of H.R. 4148 by all our colleagues in this great body.

Mr. BLATNIK. I thank my very dear friend, our able colleague, the gentleman from Alabama (Mr. JONES).

Mr. CRAMER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I am not going to prolong the debate nor discuss subject matters other Members are going to discuss, in that this bill comes out of our committee unanimously, supported on both sides of the aisle, as it did last year and as it has traditionally in the past recent years.

Except for the fact that we eliminated

the basic financing provisions relating to sewage treatment plants, this is a bill similar to the bill voted twice by this House unanimously last session. Unfortunately it did not become law because of the other body's unwillingness to accept the House position.

Frankly, I believe this is an instance where the passage of time is resulting in better legislation. This could be partially attributed to certain circumstances which have occurred, however, such as the oil spill off the shore of southern California, which obviously alerted the American people to the risk involved.

Some of us had been attempting to alert the American people for some time relating to the possibility and the prospect of oil spillages of major nature. I recall a few years ago I and some others tried to alert this country to the risk involved, for instance, with respect to sunken tankers, the possibility of the holds of those tankers, because of the extended period of time, rusting out, causing major spillages on the beaches in some areas of this country. I raised the necessity of trying to find out what those possibilities were, what could be done about them, and who should be responsible for the cleanup.

We have gone a long way, I will say, since that request for information. The Torrey Canyon incident has occurred.

We know this is an area in which there is a possibility of a major disaster in a given area. It has occurred off the coast of California. It has occurred in England. It has occurred on the shores of Puerto Rico.

So we feel it is a responsibility of the U.S. Congress to determine what is the liability of those who cause this risk. Therefore, this legislation is now before us.

I am happy to say also that this legislation is supported by the administration.

I am happy to say that the administration has been most cooperative, with our committee on both sides, in an effort to try to draft good legislation.

I want to say further that the Secretary of the Interior took immediate action. We called that to the attention of the House on October 7 and again on October 14, 1968, and, yes, to the attention of the administration, Mr. Udall, and called attention to the fact that he had authority, in entering into leases with these offshore drillers, to require that they accept absolute liability for such oil spillages off the shores of the United States and, yes, onshore, as a matter of fact, when it is Government-owned land.

The previous administration did not see fit to include this in the leases, despite the fact that on the floor of the House we called it to their attention and said this could be done.

I recall responding to a question by the gentleman from Massachusetts (Mr. KEITH), in the debate in the last session. I believe he asked, "What are you going to do about the offshore oil drilling and the risks which might be involved there?" I see the gentleman is on the floor. I congratulate him for his foresight, because he asked the question before the spillage took place in California.

At that time I stated, as I believed to be the case and as now proved to be the case, that the Secretary does have authority to restrict these leases under the law, and under his present authority for these offshore drilling rigs, to require them to accept responsibility for these spillages.

Secretary Hickel has seen fit to put this into effect, and I congratulate him for it. This legislation in no way infringes upon the authority which he is now exercising and, as a matter of fact, it permits it to go forward in the future as it has in the past.

Also, of course, we had to deal with the very difficult question of what do you do with on-shore facilities. I think the approach taken here is one that is logical and reasonable. It will not put anyone out of business and yet it will protect the people of this Nation with regard to oil spillages on shore. In federally owned lands, of course, they can do it under a lease authority. On privately owned lands, with private facilities, we had to try to find a formula.

It started out as an \$8 million maximum liability formula. Obviously that was not the proper approach for a filling station or a boatyard which has gasoline and oil for sale to boats, such as they do in many of the fishing camps in Florida. It is just not logical. There is no way in which they can issue that amount of liability. So we adopted a proposal which permits the Secretary to set up classifications of businesses which have risks of possible pollution where they deal with hazardous material.

There are some 200 such materials that are already defined by the Secretary under present regulations and it is contemplated that materials of that nature will be dealt with by the Secretary in those present regulations. This not only includes oil but many other materials. This legislation authorizes the Secretary to classify those businesses concerned with these materials to make certain that the public is properly protected up to a maximum limitation of \$8 million. We think this is a logical and reasonable approach.

Last year, when we considered oil pollution legislation, there was insufficient time to consider the difference between offshore facilities under the complete control of the United States and offshore facilities under the control of the States. We concluded, after much study, that where the United States did not have full control of the licensing procedures, a maximum liability for cleanup of spills that would be realistic in face of available insurance would be \$8 million per discharge. This figure is frankly based upon the insurance market as is a figure of \$10 million or \$100 per gross ton for cleanup costs of vessels.

There was considerable soul-searching as to whether or not the insurance industry should, in effect, control our oil pollution requirements. Many of us had reservations concerning this approach. Nevertheless, at the present time, it seems to be the only practical method by which we can assure reimbursement for Government expenditures in cleanup. To this end we have provided for a study to be made by various Federal agencies con-

cerned in cooperation with business, industry and all others that might be able to contribute to the solution of the problem. This study hopefully will provide us with information upon which to base future limitations of liability or financial responsibility requirements on all types of facilities—onshore, offshore, afloat, that may be responsible for the cleaning up of discharges.

In the area of onshore facilities, we were very concerned lest we imposed a burden upon the businessman that would drive him out of business. Again, we did not have available the information we would have liked—and that we would have had if our bill had passed last year—but we felt we could not forebear from acting at this time. Consequently, we have included all onshore facilities within the purview of the act. In order to preclude hasty action and to preclude forcing the business owner to guess whether or not he was required to insure himself under the act, we have provided that no facility is included until the Secretary of Interior shall find that it is included. This is to give the businessman, and in particular the small businessman, a chance to be heard and to protect himself against crippling loss.

At this point, perhaps it is well to make absolutely clear that the committee's intention is not to force upon the businessman the closing of his business or bankruptcy because of our requirement of responsibility for discharge cleanup. Neither is it in other provisions of this bill the intention of the committee to destroy lawful activities now enjoyed by the citizen. Thus, in our vessel pollution bill, which I will discuss in a moment, it is not our intention to drive the boatowner off the water. Indeed, we wish to emphasize that the agencies that administered the provisions of this bill are zealous in the protection of all citizens, including those directly affected by the provisions of this bill.

Recognizing that our knowledge will increase with time and recognizing the need to accelerate the gathering of knowledge in certain areas pertaining to pollution, the bill directs the Secretary to study further methods of clean-up and the prevention of oil spills.

Now all this legislation in the area of oil pollution would be meaningless if we did not provide the tools by which these spills could be arrested and cleanup accomplished. Accordingly, we have called for a revolving fund to be established for the purposes of accomplishing clean-up.

If the gentleman will permit me, I will be glad to answer any questions in just a moment. Let me say now that this is the approach we took with regard to that problem.

On control of sewage emanating from vessels, we believe that the approach here is a reasonable one. This bill goes further—and I want to make sure that this is clearly understood—this bill goes further than the bill we had last year. One reason for that is that we have more experience and have gone into more areas, so we were able to do an even better job. Therefore we have provided for certain requirements relating to marine sanitation devices which are required of all

vessels where such toilet facilities are built in or where they have such facilities built in in the future. Also we provided logically for the departments and for the legislatures of States to come up with a proper approach by providing ample time for them to do this.

We gave present boatowners who have sanitation facilities in present boats 5 years to conform to these requirements. As to new vessels it gives 2 years and prolongs the standards for that period of time in order to allow them to conform.

I just mentioned the control of sewage from vessels. Here again was an area of great difficulty. The testimony and evidence that we had before us was such that several members of the committee did not feel confident that small recreational craft made a substantial contribution to the pollution of our waters. Nevertheless, it appeared clear that it would be unwise to withhold legislation until such time that a convincing demonstration of pollution could be made. To a large extent, the vessel pollution provisions, which deal solely with sanitary sewage—that is human waste—will be what I would call a prophylactic prevention of future pollution.

We recognized that at the present time our technology is such that there is no effective practical solution for the treatment of sewage on small vessels. Even in large vessels the problem is difficult. Consequently, we have chosen to demonstrate our concern for this problem at the present time by requiring the Secretary of Interior to conduct such research as would be necessary to develop suitable marine sanitation devices, including perhaps chemical or biological treatment. We have required that the results of this study be furnished to the Congress prior to the effective date of standards for marine sanitation devices to be promulgated under the act.

Based upon the information available to him from all sources, including his research program, the Secretary of Interior is to issue Federal standards of performance for marine sanitation devices. In doing so, he will take into account the technology available and the economics involved. The bill takes into consideration the problems of existing vessels as opposed to vessels constructed after issuance of standards and regulations by the Secretary and by the Secretary of Transportation. The initial standards shall not be effective for new vessels until 2 years after promulgation and no earlier than December 31, 1971. In the case of existing vessels, they will have 5 years to comply. Broad authority is given to the Secretaries to classify vessels and distinguish between them so that their different characteristics, practices and use may be taken into account.

In order to assure that the interests of the vessel owner are fully considered by the Secretary, requirement that section 4 of the Administrative Procedures Act apply to the issuance of standards and regulations is included.

It was forcefully brought to our attention by many witnesses that a burden upon the passage in interstate commerce of vessels has been imposed as the result of differing States imposing differing standards for marine sanitation devices.

Thus, a boatowner in compliance with the laws of his own State where his boat is registered will find himself in difficulty if he enters the waters of another State having differing requirements. We, therefore, have chosen to preempt from the States the adoption or enforcement of any statute or regulation with the respect to the design, manufacturer, or installation of a marine sanitation device on a vessel. Recognizing that there are circumstances under which a State may choose to prohibit discharge of sewage, whether treated or not, from a vessel, the right of a State to make such prohibition is protected. In order to prevent inequities, however, the bill permits prohibition by a State of such discharges only if discharges from all other sources are likewise prohibited in such waters. Thus, the very justifiable complaint of boatowners that we have all seen appearing in boating magazines and newspaper columns to the effect that the small boatowner should not be required to carry his sewage aboard while his boat is sailing through waters befouled with filth from the land is recognized and dealt with.

The enforcement of the marine sanitation device provisions seems to us to depend upon two areas. The first, to stop the manufacture of devices which do not meet the standards that will be developed and promulgated by the Secretary of Interior and the Secretary of Transportation. The second is to prevent unlawful discharges by the vessel. Consequently, penalties are provided to punish the selling or distributing of vessels not equipped with a necessary sanitation device and to punish unauthorized discharges. Vessels that are too small or have some reason to not spend extended periods of time on the water so that installed toilet facilities are not on board are not required to have marine sanitation devices. Nor is it our intention to leave to the State the prerogative of requiring such vessels to install toilet facilities with marine sanitation devices.

We think that this is a sound approach and will leave the administration where it belongs, in the Coast Guard. We do not want to erect a separate department of the Interior or department of the Navy in order to police these regulations, so we leave the administration and jurisdiction of them where they belong, just as it was in the bill last year, in the Coast Guard. I understand the Coast Guard is in full support of this legislation.

Now, Mr. Chairman, one section that I will take up for just one moment relates to the amendment which is now a part of this legislation similar to the bill a number of us introduced here, H.R. 8516, dealing with training of personnel. We will never solve this problem if we do not have people who are qualified actually to administer the program. This has been an area of weakness for some time, but it is an admitted area of weakness.

As a matter of fact, the other body had lengthy studies relating to this, and in the 90th Congress, Senate Document 49, entitled "Manpower and Training Needs in Water Pollution Control" which was published in August 1967, this docu-

ment called attention of the Congress to the very dire need for trained personnel at all levels in order to accomplish water pollution control programs and to say to the States that they have to have this and say to the States that they have to have that and that they are going to have to have standards and they will have to conform to those standards.

We will have to have money available for sewage treatment plants and faced with the finding of fact that the personnel with which to accomplish this objective do not now exist is to ignore one of the necessities in reaching a sound solution to a very serious problem.

Mr. Chairman, I am happy to report that the committee adopted, again unanimously, an amendment which I think represents a sound approach and which, in effect, amends the present law to provide for funds for the training of personnel, for tooling up the university systems and encouraging them to go into this field of clean water and to become quali-

fied from an instructional standpoint to turn out the personnel to do this job in the future.

Mr. Chairman, rather than spend the time of the Committee in discussing it in detail, I shall place the justification for that in the RECORD:

MEMORANDUM ON MANPOWER AND TRAINING
FOR WATER POLLUTION CONTROL

Early in the history of water pollution control legislation, the need for training of qualified personnel was recognized and provided for by statute. After the transfer of the Federal Water Pollution Control Administration from the Department of Health, Education and Welfare to the Department of Interior, an extensive study was conducted by that Administration concerning manpower needs for water pollution control. The results of this study were published as Senate Document #49 of the 90th Congress entitled "Manpower and Training Needs in Water Pollution Control." Published in August of 1967, the document called the attention of Congress to the need for trained personnel at all levels to accomplish our water pollution control program.

"We are finding, generally, that these minimum requirements are not being met. For example, on the basis of a review of 20 operation and maintenance reports in two States, we believe that 17 plants did not meet the minimum requirements. Thirteen of the 20 did not meet minimum personnel requirements; 15 of 20 did not meet minimum laboratory requirements; and seven of 20 did not meet minimum records requirements. In our opinion, 11 of the 20 plants were strongly deficient.

"During one of our on-site inspections of a treatment plant, we found that the plant was shut down and that no operator was available. State representatives accompanying our staff members stated that the plant had been shut down for about a month. In another instance, a review of FWPCA files showed that FWPCA, in its inspection of a plant in September 1968, noted a number of deficiencies among which was the fact that the plant did not have a full-time operator and daily operating records were not being maintained. We could not find evidence that these deficiencies had been brought to the attention of the State. * * *

"In February 1969, staff members of our office accompanied by a state representative found that the plant still did not have a full-time operator and that daily operators were still not being maintained. * * *

Following is a colloquy between Congressman William H. Harsha and Mr. Voss, during the latter's testimony before the Committee:

"Mr. HARSHA. Now, do you know or have you had an opportunity to make this determination, whether or not we have the engineering potential in this country to design and construct the municipal treatment plants that could be built if the whole billion dollars authorization by fiscal year 1970 were appropriated?

"Mr. Voss. No, sir, we have not done a thing in that area. I know, just recently, we talked to an official in the FWPCA and this is something that he said that possibly that agency may consider doing.

"Mr. HARSHA. Apropos to the same question about available personnel and professional people, is it not a fact that one of the problems is this dearth of trained personnel, scientists, water quality men, even technicians and operators of plants, is that not so?

"Mr. Voss. Yes. At least at a number of the plants that we have visited—it does not seem that the operators have been trained as well as they could be. There is a lack of laboratory testing. There is a lack of keeping of records. And if you do not keep these records on the tests, that supposedly you are making, it is very difficult for anyone to determine whether or not that plant is operating to the design capability. You do not have on record the water and sewage going into the plant, and that going out of the plant.

"Mr. HARSHA. Well, is this due to the lack of efficiency of the personnel there or due to the lack of sufficient personnel?

"Mr. Voss. I would say both.

"Mr. HARSHA. And, as a matter of fact, have you not found that a number of plants are not operating at capacity?

"Mr. Voss. This, but what we are finding, offhand, I cannot say how many.

"I might mention, Mr. Congressman, we have figures which are estimates as to the number of operators you are going to need to operate these plants by 1972, and it is a tremendous increase in the next 4 or 5 years. They are just estimates, but it is the best we have available and it is jumping from about 23,000 to 43,000 or 44,000."

In order to combat this dearth of personnel, the Federal Water Pollution Control Administration has used three approaches. Two of these involved joint federal agency efforts with the states working through the regional office of FWPCA. The third is to secure adequate appropriations directly to FWPCA to support training contracts.

TABLE 1.—ESTIMATES OF MANPOWER REQUIREMENTS

Employers	Fiscal year 1967						Fiscal year 1972					
	Professionals	Technicians	Sewage treatment plant operators	Professionals			Technicians			Sewage treatment plant operators		
				Estimate	Increase	Percent increase	Estimate	Increase	Percent increase	Estimate	Increase	Percent increase
State agencies.....	1,368	317	-----	3,422	2,054	150	980	633	208	-----	-----	-----
Local agencies.....	2,250	2,250	20,000	5,550	3,250	144	5,500	3,250	144	30,000	10,000	50
Subtotal ¹	3,600	2,600	20,000	9,000	5,400	150	6,500	3,900	150	30,000	10,000	50
Industrial waste treatment.....	1,700	1,700	3,500	6,000	4,300	253	6,000	4,300	253	12,000	8,500	243
Consulting engineers ²	6,000	6,000	-----	21,000	15,000	250	21,000	15,000	250	-----	-----	-----
Total ¹	11,300	10,300	23,500	36,000	24,700	219	33,500	23,200	225	42,000	18,500	30

¹ Numbers are rounded.

² Estimated by Black & Veatch, consulting engineers.

On page 15 appears Table 1, "Estimates of Manpower Requirements." The increase in sewage treatment plant operators estimated to be required by fiscal year 1972 over that required in fiscal year 1967 was 10,000. Granting that the need for trained operators will be determined to a large extent by the rate by which sewage treatment plants are completed, the report notes that the demands for operating personnel lag well behind construction appropriations, while the demands for design personnel are more immediate. (P. 14). In addition, this increase is based upon an estimate by the Water Pollution Control Federation that the number of operators employed at the time of the report was 20,000. The FWPCA estimated that only 16,500 operators were employed at the time. The estimated need for 1972 is 30,000 operators. If the FWPCA estimate is correct, the increase in operators would be 13,500. The report gives no figures for replacement of personnel due to death, retirement, or transfer of employment outside the field because accurate turnover rates were not available.

Table 1 of the report indicates that an increase of 8,500 industrial waste treatment plant operators will be required. In addition, an increase of 3,900 technicians will be needed for state and local agencies and 4,300 for industrial waste treatment. The state and local agencies will need an increase of 5,400 professional personnel, and 4,300 more industrial waste treatment professional personnel would be required.

One very interesting figure deals with professionals who operate as consulting engineers. The 1967 estimate based on figures

by Black and Veatch, Consulting Engineers, indicates that 6,000 consulting engineers were available for consultation in the field in 1967 and that 21,000 would be needed by 1972—an increase of 15,000. It's estimated that for technicians working with professional consulting engineers, an increase from 6,000 to 21,000—that is an increase of 15,000—is required.

During testimony before the Committee on Public Works of the House of Representatives on Thursday, March 6, 1969, Allen R. Voss, Assistant Director of the General Accounting Office, pointed out that the Federal Water Pollution Control Act requires that no grant shall be made for any project until the applicant has provided for ensuring proper and efficient operation and maintenance of the treatment works after completion of construction. In other words, under the law a grant depends upon the availability of trained personnel who can effectively carry out efficient operation and maintenance.

The GAO investigation of various aspects of the implementation of water pollution control legislation was, at the time of Mr. Voss' statement, still in its early phases. Nevertheless, the following paragraphs quoted from Mr. Voss' statement indicate the need for activity:

"In examining into the operation and maintenance of treatment plants, we are using as criteria the minimum requirements for personnel, laboratory controls, and records established by a conference of State Sanitary Engineers in cooperation with the Department of Health, Education, and Welfare in 1963.

At this point, it is well to review the sections of the Water Pollution Control Act, as amended, applicable to training. Section 5 of the Act deals with research, investigations, training, and information. Subsection 5(a) (2) authorizes the Secretary of Interior to make grants-in-aid to public or private agencies and institutions and to individuals for research and training projects and for demonstrations, and provide for the conduct of research, training and demonstrations by contract with public or private agencies and institutions. Subsection 5(a) (4) authorizes the Secretary to establish and maintain research fellowships in the Department of Interior with stipends and allowances, including travel and subsistence expenses. Subsection (5) (a) authorizes the Secretary to provide training in technical matters relating to the causes, prevention, and control of water pollution to personnel of public agencies and other persons with suitable qualifications.

In addition, under the Secretary's authority for grants for research and development included in Section 6, the Secretary may make grants to those engaged in research, including, but not limited to, those attending recognized education institutions.

Appropriations for Section 5 purposes have been as follows:

	Fiscal year 1968	Fiscal year 1969	Fiscal year 1970 ¹
Grants for training.....	\$3,667,000	\$3,400,000	\$3,980,000
Research fellowship.....	633,000	600,000	600,000
Federal technical training and ad- ministration.....	637,000	804,000	1,006,000
Graduate and special training.....	251,000	258,000	258,000
Total.....	4,888,000	5,062,000	5,844,000

¹ Requested by Johnson administration.

According to figures received from the FWPCA, the Division of Manpower and Training has training grants of \$3,400,000 available for the training of approximately 500 trainees in FY 1969. \$600,000 will be distributed amongst 101 research fellows. For FY 1970, the FWPCA estimates that \$3,980,000 will be spent for training grants to train approximately 700 trainees. FWPCA short courses for those actually employed in water pollution control activities are scheduled to train 1,465 trainees in FY 1969 and 360 trainees in FY 1970.

The FWPCA was awarded a contract by the Department of Labor on January 21, 1969, to train waste treatment plant operators. When augmented by funds from the Department of Health, Education and Welfare a total of \$1,032,000 will be available. The program will involve approximately 800 operators in 10 urban and 10 rural projects. The states of New York, New Jersey, Pennsylvania, Maryland, Ohio, Michigan, Illinois, Iowa, Texas and California are receiving initial consideration as potential project sites. All trainees will be selected by the management of waste water treatment plants from the employees engaged in this work. There is no tuition fee.

The project, established under authority of the Manpower Development and Training Act will be administered by the Division of Manpower and Training of the FWPCA as a prime contractor. Training and supervision will be handled through subcontracts with municipalities or waste treatment districts with oversight by FWPCA regional offices. The length of the course is 44 weeks or 1760 hours, and includes 20 weeks or 800 hours of full on-the-job training and 630 hours of part-time on-the-job training.

In the area of federal-state cooperation, FWPCA has joined the cooperative area manpower plan system (CAMPS). The importance of this program to water pollution control is

that it provides the first opportunity for training of those who are not currently employed as operators in water pollution control and envisions training of the unemployed seeking a place in that field. It does not, apparently, consider the training of personnel already employed in other fields for transfer to water pollution control work.

As commendable as the efforts of the FWPCA are, it is clear that there are two major deficiencies. One is obviously the numbers involved.

If we add together all those who receive any training under the programs discussed above, they come to well under 2,000 for FY 1969. Practically all of these are already employed or engaged in the water pollution control field. Practically nothing is being done to eliminate the great gap between available personnel and personnel required for the operation of treatment plants. Another defect is the failure of any program to look to other fields for personnel to be transferred into the water pollution field. No inducements are set forth for the competent intelligent person to consider transferring his activities to water pollution control.

The purpose of H.R. 8516, which has been incorporated by the Committee into H.R. 4148, is to provide inducements to those not in the field of water pollution control to enter it and to induce those already within the field to achieve a greater degree of competence and to remain in this work. In order to do this, it would make available to interested students scholarships and stipends now available primarily for those in the professional level. A student who wishes to become a sewage treatment plant operator may do so while receiving a stipend, which, to some extent, would accommodate him for his loss of income during his period of study. Thus, the individual student would receive an inducement to come into the field, which he otherwise could not afford to enter.

An estimated average of \$1,000 a year per student at all levels was used in calculating the total amount authorized. This figure was derived from information based upon the needs of community colleges which either have or are developing training programs for operators.

Assuming a need for 10,000 more operators within the next three years and assuming an average training program of two years, \$20,000,000 would be needed for the training of operators over the next two years. Applying a loss factor used by the FWPCA of approximately 25% for students who would, for one reason or another, be unable to complete the program, the program should cost approximately \$24,000,000 for the first two years. This figure is restricted strictly to training persons required by state and local agencies for municipal operations and does not provide for training industrial waste treatment plant operators. In order to compensate for an expected lag in the administration of the program, selection of students, and completion of construction of necessary facilities, \$8,000,000 is suggested for the first year's appropriation for operational training and \$16,000,000 for the second year's operational training. The same figure is suggested for the third year for the increased number of students anticipated to fulfill the needs of increased sewage treatment plant construction, for those students who will need to receive advanced training, and for those students who must take three years to complete their training program rather than two. Similarly, figures are derived for state and local professionals at \$3,000,000 for the first year and \$8,000,000 for each of the second and third years. For the training of technicians, \$1,000,000 is needed for each of the three years. The number of technicians required for local and state agencies is much smaller than the number of operators required, and the cost of their instruction is estimated at

somewhat less. This leads to a total of \$12,000,000 for the first year and \$25,000,000 for each of the second and third years.

Now, what would be the effect of cutting any of these figures? The immediate effect would be that the state and local agencies will not be able to acquire the personnel that they will need to administer their programs and to evaluate their projects. Because of the scarcity of professional personnel, salaries offered by consulting engineer firms and by industry will be more attractive than state and local employment which can lead to the absorption by those groups of the professionals who do finish their training without federal assistance. Even so, the number of people absorbed by the consulting engineer firms will still be inadequate to accomplish the design engineering necessary for project development and evaluations. Consequently, a reduction of funds for the professional training part of the program will lead to an immediate impact upon the design and administration levels. Reduction of funds for that portion of the program dealing with operators and technicians will not lead to a loss that will be felt immediately. However, upon completion of construction of treatment works, the works will be maloperated or not operated at all, as indicated by Mr. Voss' testimony.

Mr. McCARTHY. Mr. Chairman, will the gentleman yield?

Mr. CRAMER. Yes, I yield to the gentleman from New York, since I promised to yield to him first.

Mr. McCARTHY. The gentleman from Florida (Mr. CRAMER) alluded to the new Secretary of Interior.

Mr. CRAMER. Yes.

Mr. McCARTHY. As a Member on this side of the aisle, I would like to identify myself with the remarks that the gentleman from Florida has made about the new Secretary of the Interior. I was one, at the time that he was being considered for confirmation, who seriously questioned whether, by virtue of his background, experience, and public statements, he could actually be a good modern Secretary of the Department of Interior.

I must say in all fairness that I have been impressed with the new Secretary with reference to the American Indian, with reference to wildlife, the national parks, and certainly, on this matter of oil pollution. I think he has shown vigor and determination and, frankly, I have been pleasantly surprised to find the qualities which he has exhibited. I think Mr. Hickel's record thus far has been commendable.

Mr. CRAMER. I thank the gentleman very much. The gentleman's hindsight is very excellent I will say.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. CRAMER. I yield to the gentleman from Iowa.

Mr. GROSS. I thank the gentleman from Florida for yielding. In several places in the bill there is the language—"Secretary of the Department under which the Coast Guard is operating."

Mr. CRAMER. Where is the gentleman reading?

Mr. GROSS. Page 44, line 14, but it also appears in a number of other places—"Secretary of the Department in which the Coast Guard is operating."

I am just curious to know why this language is contained in the bill.

Mr. CRAMER. To make sure that the Coast Guard itself in no matter which Department it is presently operating continues to have jurisdiction over this enforcement.

Mr. GROSS. I thought there might be some question about where the Coast Guard would be located.

Mr. CRAMER. There is no question.

Mr. HOWARD. Mr. Chairman, will the gentleman yield?

Mr. CRAMER. I yield to the gentleman from New Jersey.

Mr. HOWARD. As has been true in the past, the Coast Guard has been in the Department of Transportation, but in wartime it may be under the Department of Defense.

Mr. CRAMER. That is right; the gentleman is correct.

Mr. GROSS. Mr. Chairman, if the gentleman will yield further, on page 42, line 19, there is the language "—by action in rem—" What is the meaning of that?

Mr. CRAMER. Action against the vessel.

Mr. GROSS. Action against the what?

Mr. CRAMER. The vessel.

Mr. GROSS. Action against the vessel?

Mr. CRAMER. In rem is an action against the vessel itself—action against the property, a concept permitted by the law of admiralty.

Mr. GROSS. I am glad to have the gentleman's explanation.

Mr. DENNEY. Mr. Chairman, will the gentleman yield?

Mr. CRAMER. I yield to the gentleman.

Mr. DENNEY. Actually, an action in rem is the phraseology which means action against the thing. It means that you get a judgment and a lien against a vessel and you foreclose on this lien.

Mr. CRAMER. The gentleman is absolutely correct. He sounds like a legal professor, and I thank the gentleman for his response.

Mr. GROSS. Is it proposed in this bill to go into more brick and mortar in order to provide for research laboratories and further research in this field?

Mr. CRAMER. No. It is my understanding that this is a technical type of research dealing with individuals, equipment, et cetera, and not buildings.

Mr. GROSS. Are there any other areas of government expenditures for this same purpose?

Mr. CRAMER. Not to my knowledge, I will say to the gentleman, we certainly would not try to duplicate expenditures. I might add to the gentleman that this is an ongoing research program, this is not new. This is a program that is presently in existence. This is a continuing authorization at exactly the present level.

Mr. GROSS. If the gentleman will yield further, to the knowledge of the gentleman there are no other areas of government in which money is being expended for the same general purposes as envisaged in this bill?

Mr. CRAMER. I would not support a duplication if I were aware of it, I would say to the gentleman.

Mr. GROSS. I thank the gentleman.

Mr. HALL. Mr. Chairman, will the gentleman yield?

Mr. CRAMER. I yield to the gentleman from Missouri.

Mr. HALL. Mr. Chairman, I appreciate the gentleman yielding, and I appreciate the statements that the gentleman has made, and the functions performed.

I rise simply for a point of clarification in the text of the bill.

Mr. Chairman, I am referring now to section 11, part (b).

Mr. CRAMER. Does the gentleman have the page number in the bill?

Mr. HALL. This is on page 74.

My query is simply as to whether or not, in fact, it does not give the various States of the Union certification power for permits in the first part of subsection (b), and in a later portion gives certification authority to the Secretary?

Mr. CRAMER. Let me say to the gentleman that this does not do so. It does provide for certification by the Secretary when the State cannot certify because it has no authority or certification procedure established. Once the State established has a certification procedure. In fact, if the States cannot certify, then the Secretary comes into play, but it is contemplated that the States will do the initial certification.

Mr. HALL. I understood that, if the gentleman will yield further, from the earlier part of the bill and from reading the report, but I am not quite sure about the language. Do I understand that the gentleman agrees that it might be clarified either by an amendment, or legislative history?

Mr. CRAMER. That is a matter that is under consideration now. I will be glad to clarify it further on the record as consideration of an amendment in this area is given, if the request for it is made.

Mr. HALL. I appreciate the statement made by the gentleman, and if the gentleman would refer then to page 59, has any consideration for the purpose of clarification been given to eliminating lines 8 and 9? That is where it says that "nothing in this section shall be construed to affect or modify the authority or jurisdiction of any State to prohibit discharges of sewage whether treated or not from a vessel within all or part of the intrastate waters of such State"?

It might be suggested that it stop right there, but instead the language goes ahead and says "if discharges from all other sources are likewise prohibited."

I am just thinking of State jurisdiction versus Federal jurisdiction in our offshore waters, estuaries, or navigable streams.

Mr. CRAMER. This deals with intrastate waters. I believe the language as presently in the bill accomplishes what should be done as it relates to intrastate and not interstate waters. And it is on the basis that if discharges from other sources are likewise prohibited, it would be so controlled. Of course, once the statute goes into effect the vessels could only discharge adequately treated sewage in any case.

Mr. HARSHA. Will the gentleman yield?

Mr. CRAMER. I yield to the gentleman from Ohio.

Mr. HARSHA. This is a position that was brought out by representatives of the boat industry where the boatowners have complied with all regulations of the State as covering discharge into State waters, and yet they found that they could be prevented from making such distribution or discharges while other users of water were entitled to discharge polluted material into the water. They felt that because of the different changes in regulations from State to State that this was imposing an undue burden upon them where other pollutants were permitted to go into the water.

Mr. CRAMER. That is what I have tried to say to the gentleman, that where there are other discharges permitted into intrastate waters by the States, it does not make sense to control this aspect of it until they control the entire pollution problem.

Mr. HARSHA. There was considerable question as to whether or not the discharge from private sources was in fact a part of this program, or to any degree, and that is why we put this provision in.

Mr. CRAMER. I will say to the gentleman, this will cause no problem of pollution in my opinion in those areas where they are not presently controlled by the State.

Mr. HALL. I thank the gentleman. I think this is an important legislative record, and I understand the phrase "all other sources" is not predicated upon jurisdiction—

Mr. CRAMER. That is correct.

Mr. HALL. But, is predicated upon the sources of discharge.

Mr. CRAMER. That is correct.

Mr. HOWARD. Mr. Chairman, I yield such time as he may consume to the gentleman from Texas (Mr. WRIGHT).

Mr. WRIGHT. Mr. Chairman and my colleagues, I rise in support of the pending bill, H.R. 4148, the Water Quality Improvement Act of 1967. I urge its approval.

I want to commend my colleagues on the committee for this piece of legislation. It is farsighted legislation. It breaks new ground.

Particularly I want to call attention to section 2 which adds an entirely new section to the Federal Water Pollution Control Act. The new section deals with the control of pollution by oil and other matter. This is a far-reaching provision—a strong provision. By any standard, it is a tough provision. If we err, I think it would have to be said that we err on the side of strength.

This provision with respect to oil pollution goes much farther than we have ever gone before. It provides stiff penalties for negligent pollution of the shores or waters or beaches of this country. Further, it establishes direct responsibilities for swift action to clean up these spills.

It makes those who pollute responsible for cleaning up the damage that they cause. It creates a machinery for the Federal Government to conduct the cleanup operation expeditiously if the polluter does not have the technical capability to do it. But in this case it

places the financial burden of the clean-up on the polluter if his actions were either willful or negligent.

In addition, it provides rather stringent civil penalties to be imposed upon the willful or negligent polluter.

The recognition of oil and other hazardous matter as potentially serious water pollutants is not new. As long ago as 1886 the Congress recognized the need to control discharges in navigable waters in New York Harbor, and in 1899 the Congress enacted the Refuse Act, administered by the Corps of Engineers, to apply to both vessels and shore-based facilities with respect to almost every discharge into navigable waters except that flowing from streets and sewers. The need for control of oil was specifically recognized in the Oil Pollution Act of 1924.

However, several recent instances such as the breakup of the tanker, *Torrey Canyon*, off the coast of England and the misfortune of the SS *Ocean Eagle* off the Puerto Rican coast, and most recently the despoliation of California beaches by oil from an offshore drilling rig, have indicated to us that we need the capacity to do much more than the Oil Pollution Act of 1924 permits.

Mr. TEAGUE of California. Mr. Chairman, will the gentleman yield?

Mr. WRIGHT. Mr. Chairman, with great pleasure I yield to my colleague.

Mr. TEAGUE of California. As the gentleman knows and as other members of the committee know, I have been very much concerned about this problem because Santa Barbara is in my congressional district.

Almost a year ago I introduced a bill very similar to the one that has now been approved by your committee and again this year I introduced a similar bill.

At this time I would like to voice my complete support for the bill now before us and commend the committee and thank all the members of that committee for their good judgment in bringing this bill before us today.

Mr. WRIGHT. I wish to express my appreciation, and I am sure that of the entire committee, not only for the comments made on the floor today by our distinguished colleague from California (Mr. TEAGUE), but for his constructive contributions and his longstanding interest in this matter evidenced by his frequent appearances before our committee when we were considering these bills. He has indeed made significant contributions to the considerations of the committee, and much that is in this bill has been influenced by the interest expressed by the gentleman from California (Mr. TEAGUE).

The Oil Pollution Act of 1924 does not adequately meet present day needs. That Act applies only to discharges and to spills that are caused by gross negligence or willful conduct. It applies only to vessels. It does not apply to spills from fixed installations, either onshore or offshore, such as pipelines, refineries, manufacturing plants of various types and other kinds of industrial activities that use and store large quantities of oil. The Oil Pollution Act of 1924 is confined solely to oil spillage. It provides no protection what-

ever against other potentially hazardous substances, of which there are many, as the gentleman from Florida has pointed out, more than 200 of which have already been officially identified. In short, we believe that H.R. 4148 does effectively deal with this serious problem and plug up the gaps that were left in the Oil Pollution Act of 1924.

This legislation addresses itself not only to the prevention of such disasters but also to the methods of cleaning them up and abating them once they have occurred, as regrettably they will occur, in such a way as to prevent further ecological damage and impairment of environment.

In the area of oil and other hazardous pollutants, the bill before us applies to discharges of oil and other hazardous and harmful matter, which is very broadly defined in the bill, into the navigable waters, the contiguous zone, and the high seas from vessels, and it applies to discharges from both onshore and offshore facilities.

The bill requires that immediate notice be given of all discharges of these substances in any substantial quantity by individuals in charge of a vessel or onshore or offshore facility. It requires that such notice be given either to the Secretary of the Interior or to the Coast Guard. This, of course, permits immediate remedial action. It allows us to accomplish the appropriate steps to remove the discharged oil or matter as expeditiously as possible. The bill provides penalties up to \$5,000 or 1 year in prison or both for failure to comply with this notification requirement.

The bill strictly prohibits the discharges of oil and matter from vessels except in emergency situations or except where it is permitted by international convention. It establishes civil penalties for violations of this section in an amount up to \$10,000 if the discharge was willful or negligent.

It directs that the United States remove or arrange for the removal of any oil or matter that is discharged into any water or onto any shoreline or beach when, in the judgment of the Secretary of the Interior, such discharged oil or matter presents an actual or threatened pollution hazard. The United States would exercise this authority, of course, only if it is determined that the owner or the operator of the vessel or facility has not made adequate arrangements to complete the removal of the oil or the other hazardous matter as required by the bill.

The bill authorizes the United States to remove or destroy a vessel in the navigable waters when a marine disaster creates a substantial pollution threat to the United States.

In those cases the cost of removing the vessel would be levied against the vessel, its cargo, and the owner or operator of the vessel where it can be established that the negligent operation of the vessel caused or contributed to the marine disaster.

The bill requires the owner or operator of such a vessel or of an onshore or offshore facility to remove the discharged oil or other harmful matter immediately,

or to pay for the cost of removal up to the limits of liability provided in the bill if the United States takes that action.

The bill does provide for limitations of liability to the United States for the cost of removing or cleaning up. In the case of a vessel discharging oil or pollution into the water, the maximum limit of liability is \$10 million or \$100 per gross registered ton, whichever is the lesser. This is substantially more than our experience thus far has indicated that any cleanup has cost, and we believe by reason of this limitation that we have adequately protected the United States.

The committee heard in its hearings representatives of the insurance industry, some of whom came all the way from Great Britain to testify for us. Those representatives of groups insuring some 80 percent of the free world's shipping tonnage discussed with us their thoughts as to what the maximum insurable liability would be. We have tried to take their knowledgeable testimony into account.

With regard to onshore and offshore facilities—fixed installations as distinguished from moving vessels—the bill provides an \$8 million maximum liability limit for costs assumed by the United States in cleaning up the spills. This was a particularly difficult and in some respects a very delicate determination. Obviously it is much too high for most situations encompassed in the scope of the bill. The committee is conscious of the fact that when we begin to apply a liability upon onshore facilities that may spill various pollutants into navigable waters of the United States, then we apply that liability against almost countless numbers of large and small enterprises that exist on the banks of the small streams that flow into the navigable waters of the United States.

I would imagine that, in almost any congressional district represented here, there would be several hundred enterprises, large or small, which would come under the liability provided in this bill. Therefore, so as not to provide an unworkable or an unnatural liability upon a relatively small business institution, we provided in the bill that the Secretary of the Interior shall establish by regulation, in consultation with the Secretary of Commerce and the Small Business Administrator, reasonable and equitable classifications of onshore facilities and activities, and that he will then apply to such classifications differing limits of liability, which in many cases will be very considerably less than \$8 million.

Everyone can understand that for many thousands of businesses it would just be absolutely impossible for them to gain any sort of indemnification through insurance or otherwise for a loss up to \$8 million. Therefore, it is anticipated by the committee that classifications would take into account the type and size of the businesses involved as well as their capacity to inflict pollution damage.

The bill establishes a \$20 million revolving fund which will be discussed at greater length by our colleague from New Jersey (Mr. HOWARD)—who incidentally has probably visited more oil spills personally than any other Member of this

House. This \$20 million revolving fund will allow the President to delegate the authorities to perform an immediate cleanup if it is necessary for the Government to act before waiting until it becomes a serious hazard to health and property.

The bill requires proof of financial responsibility for all vessels over 100 gross registered tons and for barges of equivalent size, which would become effective 1 year after the enactment of the bill.

Mr. Chairman, as one who has fought for effective pollution control legislation for years, I believe this is a long step forward.

As regards oil pollution and pollution by other hazardous substances, this is a landmark piece of legislation. There can be no doubt that it is strong legislation, very strong legislation.

As I said earlier, if we err then we err on the side of strength and on the side of protecting the United States and the people of the United States.

Mr. HARSHA. Mr. Chairman, will the gentleman yield?

Mr. WRIGHT. I yield with great pleasure to a distinguished member of the committee, the gentleman from Ohio (Mr. HARSHA).

Mr. HARSHA. I rise at this time to ask the distinguished gentleman from Texas a series of questions in order that we may make some legislative history.

As the gentleman knows, section 17 deals not only with the problem of oil and oil pollution, but also with the problem of hazardous matter. In that relation I should like to ask the gentleman: Is it intended that section 17 of the act will in any way permit the Secretary to list substances and concentrations in any orders defining "matter," to permit the Federal Government to bring pressure on any person to discourage him from discharging substances, where such substances, concentrations and discharges are within the limits of the water quality standards of the appropriate State?

Mr. WRIGHT. In answer to the gentleman, I would say section 17 is in no way intended to alter the State's water quality standards or its enforcement of them. If there is a situation in which a material which becomes classified as "matter" under section 17 is officially permitted to be discharged under the State's enforcement program, then obviously the State's determination in this instance would be controlling. The intent of this legislation is to provide a much needed tool to combat the effects of sudden spills which, if unreported, might cause serious damage and which must be cleaned up in order to preserve our waters.

Mr. HARSHA. I think the gentleman. Will the gentleman yield further?

Mr. WRIGHT. I yield to the gentleman from Ohio.

Mr. HARSHA. May I ask the gentleman this question: Is it intended that any action will be taken against any person for failure to report a discharge under section 17(b) where the substance discharged has not previously been listed in an order promulgated under administrative hearing processes as pre-

sented an imminent and substantial hazard to public health or welfare?

Mr. WRIGHT. The answer to that question is "No." Obviously, until such time as the Secretary promulgates regulations, as clearly contemplated in the bill and directed in the committee report, on page 9 of that report, no person could be expected to know what material would be included on the Secretary's list as hazardous matter, and consequently no prosecution under section 17(b) relating to "matter" as distinguished from oil could be undertaken prior to the publication of the Secretary's list.

As the gentleman is quite well aware, we have been extremely broad in our definition of what constitutes "matter." I might refer to the bill, which defines "matter" as meaning any substance of any description or origin which, when discharged into the navigable waters in substantial quantities, presents, in the judgment of the Secretary, an imminent and substantial hazard to public health or welfare.

Now, there are certain substances exempted by specific reference from this definition, but the definition of course is so very broad that the committee thought it necessary to take note in the committee report, as it does on page 9, of the expectation that the Secretary shall with care compile a specific listing of what constitutes harmful matter.

The committee report declares that the Secretary will be expected to publish a list from time to time of the types of substances included in this definition in order to inform the public in accordance with standard administrative procedures. So, until the Secretary has done that, of course, no prosecutions under that section could be undertaken.

Mr. HARSHA. I thank the gentleman. One final question. Under the provisions of section 11(b) which requires State certification prior to the issuance of a Federal permit, is it not possible that a State, for reasons other than water pollution, may refuse to grant such certification or simply fail to act upon it? If so, what could the applicant do?

Mr. WRIGHT. This question was commented upon by the gentleman from Florida a bit earlier, and I think I would rest upon his answer. It is possible that this particular question may be subject to an amendment tomorrow, and pending that time I think I would not want to make any further comment on the question.

Mr. HARSHA. Would the gentleman yield to the gentleman from Oklahoma (Mr. EDMONDSON) for some clarification?

Mr. WRIGHT. I do yield to the gentleman from Oklahoma, who is extremely knowledgeable on this question of certification.

Mr. EDMONDSON. I thank the gentleman for yielding.

I think the committee was interested in discussing this question and the staff conceded there was a possibility that this could happen, but it felt there would be a relatively remote possibility of it happening over any extended period of time. It is assumed, I think, in connection with this bill that all of the people

involved in connection with this pollution control would be acting in good faith. Particularly I think it is a sound assumption that your States and the Federal Government will act in good faith throughout.

However, if the applicant has reason to feel that his rights have been interfered with the judicial procedures available now in the State courts to require action by the State would be available to the applicant. In a case where the Secretary is the certifying authority, the Federal courts would be available to the applicant. Once this act becomes law, it is contemplated that the entire statute will be construed in *pari materia*.

Mr. HUNGATE. Mr. Chairman, will the gentleman yield?

Mr. WRIGHT. I yield to the gentleman.

Mr. HUNGATE. Would the gentleman answer this question? Could I inquire of the gentleman, in cases where the State or interstate agencies have authority to certify the conditions of discharge in navigable waters, would certification by the Secretary of the Interior also be required?

Mr. EDMONDSON. The only requirement, if the gentleman will yield, as I understand it, is the Federal certification would be in a situation in which the State did not have standards established and a certifying procedure itself.

Mr. HUNGATE. Would the gentleman yield further?

Mr. WRIGHT. I yield to the gentleman.

Mr. HUNGATE. I am referring to the provision on page 74 of the bill, line 18, where it says:

Except that (1) if any affected State or the Secretary, if his certification is involved, after notice, which shall be given by such Federal agency, makes written objection, such certification may not be so accepted . . .

That does not mean that the Secretary of the Interior then could object in a situation where the State had made its certification, does it?

Mr. EDMONDSON. I would not construe it that way. I would think the alternative that is stated here would be consistent in the situation, that if the affected States had given certification, that that would be the route you would follow. And, if you had a Secretary's certification involved in it you would then be confronted with the regular procedure.

Mr. HUNGATE. I thank the gentleman.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. WRIGHT. I yield to the gentleman from Iowa.

Mr. GROSS. This bill does not provide for the creation of a new commission or board, does it?

I have not been able to discover such language in it.

Mr. WRIGHT. The bill provides for the creation of no new commission, no new board, no new agency. In one instance it changes the name of an existing agency.

Mr. GROSS. I thank the gentleman from Texas.

Mr. WRIGHT. I should like to say in conclusion, Mr. Chairman, that this is

strong legislation. It is broad in its application, stringent in its prohibitions. I believe that it will provide a very useful adjunct to that legislation already existing on the books in our continuing battle to clean up and purify the streams and waters of the United States, and prevent their further defilement.

Mr. CRAMER. Mr. Chairman, I yield such time as he may consume to the gentleman from Ohio (Mr. HARSHA).

Mr. HARSHA. Mr. Chairman, I rise in support of H.R. 4148. The importance of this legislation may be seen from the number of activities which it covers and the broadness of its scope. This legislation deals with offshore facilities, onshore facilities, acid mine drainage, lake pollution, education and training of water quality control personnel, and licensing and permit considerations. As such, it affects in some degree nearly every family in the United States. It goes to nearly every activity—government or private, State or Federal, civilian or military.

Legislation that comes to grips with so many problems in so many diverse areas is not simple. There are many difficult problems that have been dealt with in the attempt to protect the quality of our waters.

Mr. Chairman, simple solutions to difficult problems are extremely rare if they exist at all. We would be presumptuous if we claimed that the bill prepared by the committee provides a set of simple solutions, because, Mr. Chairman, we have dealt with difficult problems. The legislation before the House was arrived at after much difficulty and study over the last year and a half. I feel confident that the solutions that we have proposed are the best that we can propose at this time, and, therefore, urge the Members to support the bill, H.R. 4148, as presented by the committee.

In doing so, Mr. Chairman, I should like to invite the attention of the Members to the very fine and diligent work that has been done by the members and the staff of the committee in preparing this legislation. I think that all Members will agree, when they have had an opportunity to study the provisions of this bill, that it reflects a high degree of professional competence upon the part of the staff and of real diligence upon the part of the members.

Mr. ROBISON. Mr. Chairman, will the gentleman yield?

Mr. HARSHA. I yield to the gentleman from New York.

Mr. ROBISON. Mr. Chairman, I appreciate the gentleman from Ohio yielding, so that I may take just a moment or two to congratulate the Committee on Public Works, on which I had the pleasure of serving for some 7 years before beginning my present committee assignment, on bringing out this legislation.

Mr. Chairman, my particular interest in this legislation, as some of the members of the committee will recall, relates to the growing national problem with reference to thermal discharges or cooling waters being released from steam-power plants, whether fired by fossil fuels or fired by nuclear energy.

I am especially interested, Mr. Chairman, in section 11(b) of the bill now pending before us.

It seems to me that this section does exactly what ought to be done now in this area of concern in that it does reach toward a national solution to what is rapidly becoming a national problem.

As I understand section 11(b), it will require that an applicant for a Federal license or permit for a facility which may discharge cooling waters into the navigable waters of the United States must first provide the Federal agency issuing a license or permit in connection with that facility, with a certification from the affected State or States, or interstate water pollution control agency, that the activity will be conducted in a manner that will not reduce the quality of the waters below applicable water quality standards.

I would like to say to the gentleman, if he will permit me to, that this has become a matter of serious concern in my own State and in my own congressional district where a nuclear powerplant is in the preconstruction stage. And, if anyone on the committee has wondered whether or not the States would be responsible for moving into this field, I can report to the committee that the New York State Water Resources Commission has been holding public hearings around our State on its tentative criteria in this field of thermal discharge, or thermal pollution. It is important also to know that, in adopting those tentative criteria, our State water resources commission did, generally speaking, accept the recommendations as made in this area last fall by the Federal Water Pollution Control Administration after making a study of the problem.

Mr. HARSHA. I thank the gentleman. I certainly want to commend the gentleman on his views in this particular field. The committee listened with a great deal of interest to his testimony, and gave very serious consideration to his views. The gentleman made very significant contributions toward these matters during the past leading to the formation of this legislation, as he always did when he served on the committee several years ago.

Mr. ROBISON. If the gentleman will yield further, Mr. Chairman, on page 8 of the report reference is made to the question of whether or not separate certificates ought to be required, both at the time of an applicant applying for and obtaining a Federal construction permit, and then later on at the time that same applicant applies for a Federal permit to operate and maintain the plant as now constructed.

On page 8 of the committee report it is stated:

Based on testimony by the Commission, the committee has concluded that the very different character of the two applications, the long period of time that elapses between their issuance, and the uncertainty as to the finality of plans at the construction license stage, all support the requirements for certification with respect to both applications.

Mr. Chairman, if the gentleman will permit, I would merely like to take this moment to encourage the Committee of the Whole, and the Members of the

House in their respective wisdom, to retain this requirement, if a question should arise on this, not only just for the reasons that are stated in the committee report, but, it seems to me, for one more reason, which is that as research goes forward in this field, about which we know all too little yet, we may well learn a great deal more about thermal pollution and the effects of thermal discharges than we do now. As 3 or 4 years may elapse between the time of a construction permit being granted for a nuclear powerplant, and then the operational permit being granted for that plant, it would be well for the Committee to hold intact this language as it is in the bill, and as mentioned in the report, requiring certification in both separate instances.

Mr. HARSHA. As the gentleman points out, it is precisely for these reasons that we collaborated on this, and that the committee put that provision in the bill.

However, I am not at all saying that this is a matter that is not under discussion at the present time, and I cannot advise the gentleman as to whether or not any amendments will be offered to that particular effect.

Mr. ROBISON. Mr. Chairman, I appreciate the gentleman yielding.

Mr. McEWEN. Mr. Chairman, will the gentleman yield?

Mr. HARSHA. I yield to the gentleman from New York.

Mr. McEWEN. Mr. Chairman, I thank the gentleman for yielding.

On the point that my colleague from New York raised, on two certifications, or whatever number they might be, whenever there is a license applied for, let me say first to my colleague, of which I am sure he is aware, this applies to other matters other than just steamplant power generating facilities, it applies to anything where a license is required. Nevertheless, while I share the concern of the gentleman on the adequacy of those standards, and as the gentleman has pointed out, that there is an intervening lapse of time of maybe 3 or 4 years between a construction license and an operating license in the case of a powerplant with a thermal discharge, I believe we have got to give careful consideration to what burden we are placing on all these facilities.

Mr. Chairman, as I understand it, our power needs, for example, are doubling every decade in this country. In our own State of New York, and in many other States, I would say to my colleagues, we are seeing steam generating plants, as the gentleman has pointed out, either fossil fueled or atomic fueled, under construction, and some coming on the line in operation.

Now, should there be a change in water quality standards in the intervening, shall we say 4 years, between the time when the construction license is granted and when the application is made for an operating license, we could place a very serious burden upon this type of generating facility. And not only that, in the case of public authorities in this field, as we have in the State of New York, we could jeopardize that authori-

ty's ability to finance these needed plants.

So I say to the gentleman, that I share his concern in this matter, and I share it concerning these two times of construction and operation, but also that we not place a burden upon these facilities that they will be unable to meet, or have an adverse influence upon the confidence of those who are investing in them.

Mr. HARSHA. Mr. Chairman, I yield back the balance of my time.

Mr. CRAMER. Mr. Chairman, I yield such time as he may consume to the gentleman from Minnesota (Mr. ZWACH).

Mr. ZWACH. Mr. Chairman, I rise in support of H.R. 4148. Not only does this bill provide for a method of dealing with oil pollutants, it also has a small section authorizing research on other pollutants affecting our inland lakes.

My home State happens to have about one-seventh of the entire U.S. total of inland lakes. We are and have been proud of them and until recently, have been able to cope with siltation and eutrophication problems. Now with much greater use of these lakes for recreational and residential purposes, coupled with the wash-in of surrounding soils or fertilizer, some new methods must be developed to return these lakes to beautiful, cold water bodies. This research can be done by contracts from the Secretary to public or private groups or individuals.

This condition must be prevalent in most of our Nation's 100,000 lakes. It is a problem that should no longer be delayed. I urge my colleagues to support this bill.

Mr. HOWARD. Mr. Chairman, I wholeheartedly support this legislation, and I wish to commend my colleagues on the Public Works Committee and the chairman of the subcommittee and the chairman of the full committee for the amount of time they have given to this problem of water pollution and oil pollution, and to commend them for the legislation that is before us today.

I especially wish to commend the gentleman from Texas (Mr. WRIGHT) for his statement concerning this vital problem of oil pollution. Mr. WRIGHT discussed the controls that we will have in the future, the responsibilities that oil carriers do have to the public and to the beaches, the fact that installations must also concern themselves with precautions and be prepared to take responsibility for accidents that do occur.

But there is also the problem, Mr. Chairman, from the viewpoint of those who are on the beach, the ones who will have the oil on their sand, killing their shellfish and their fish, where they do not know in which direction to point the blame. The vessels are to be responsible, but what about the ship that passes in the night. All too often in recent years we have found instances where early one morning the Coast Guard or a commercial fisherman will report a huge oil slick off the coast coming toward the shore of some seaside resort. And no one knows where it came from for sure. They are not sure which vessels had passed by recently. Therefore, we must have something in addition besides the regulations

that will charge certain vessels or installations that have dumped the oil with the responsibility of paying for the cleanup.

So I am very happy, Mr. Chairman, that in this legislation there is established a revolving fund of \$20 million which will be used in the cleanup of these oil spillages. Of course, we know that where blame can be fixed, the expense of the cleanup will be paid back and that will keep the fund in an ongoing basis, because it is expected that the appropriation will be a one-time appropriation. It will also protect the vital beaches so the economy of an entire area will not be ruined because of an oil spillage when the Coast Guard, the Department of the Interior, or the Government does not know in which direction to point in fixing the blame. We must be prepared to take quick action against these spillages.

In 1967, when the first major oil crisis came with the crackup of the *Torrey Canyon* off the coast of England, it was seen at that time that even though work was begun immediately to try to combat the oil, much of it hit the beaches. It went into the harbors. It fouled the shoreline. About a month and a half after that occurrence I visited the area, and found that although the beaches were clean, there were several problems that this seaside area still had. First, at that time we did not have enough research to know what kind of materials to use, and there was a kerosene base used in the dispersals. That left a tremendous kerosene odor along the beachfront area.

We found also that there were detergents used in this dispersal which, in many instances, caused shellfish and other fish to be ruined and sport fishing to be stopped for many years in the area.

In one town after another, whether it were Port Land's End, or St. Ives, we found the people concerned about the economic future of their area. They were telling the people in London and around England that the beaches were cleaned up now that summer was coming. Come and visit us. And, naturally, spend your money here. But they found that because of the uncertainty, because the people in the country did not want to take a chance on those beaches being clean, many of them, in the case of the village of St. Ives, had its summer economy damaged to the tune of 90 percent of the previous year's income. The Ocean Eagle, which the gentleman from Massachusetts discussed a moment ago, pointed out the need for a program. We are very happy that a program is now being implemented which we hope will soon be approved by the President when it is presented to him so that the Coast Guard will have the responsibility and the authority to move quickly in this area and be able to clean up our beaches. There are many other areas of oil pollution where we cannot depend on saying, "We will have the person who caused it pay for it."

Many of us found to our surprise just a year or so ago that around the coastline of the United States there are 103 known oil tankers—and their position is

known—that had been sunk during World War II. We are not certain whether many of these tankers still contain oil. We feel some of them probably do. Now it is approximately 20 years later, and what would we do if these tankers should burst, as has been suspected in the past couple of years, and the oil from a World War II tanker should come to the shore?

Mr. Chairman, with this section on the revolving fund, we can be certain the economy of our seashore areas will remain constant and we will have protection of the Coast Guard, and the Coast Guard will be ready and willing to move so we can keep the economy of these vital resort areas producing revenues, which will help taxpayers all over the country.

Mr. Chairman, I am certain the bill will pass. I hope it will pass unanimously. I commend all the members of the subcommittee for bringing this fine legislation before the House.

Mr. WRIGHT. Mr. Chairman, will the gentleman yield?

Mr. HOWARD. I yield to the gentleman from Texas.

Mr. WRIGHT. Mr. Chairman, I think this committee and the House Members all are indebted to the gentleman from New Jersey for his pronounced interest in the matter of pollution of the beaches and shores of this and other countries. I am certain there is no Member of Congress who has more diligently pursued the effort to clean up the beaches of the country and to prevent insofar as possible further spillages. The gentleman from New Jersey has personally visited many places throughout the world, including Great Britain and Puerto Rico and places off the coast of New Jersey and elsewhere, in his vital interest in this matter.

Mr. HOWARD. Mr. Chairman, I thank the gentleman.

Mr. CRAMER. Mr. Chairman, I yield such time as he may consume to the gentleman from California (Mr. CLAUSEN).

Mr. DON H. CLAUSEN. Mr. Chairman, I do not think it is necessary to elaborate on what has already been stated in the presentation of the bill, other than to say I believe it is very timely.

I do want to extend to the committee members as a Californian my personal appreciation for the time they have given to the very unique problem that occurred off the coast of Santa Barbara. I think what has occurred off the coast of California has, in fact, focused national attention on a major problem—that of maintaining some semblance of environmental control and man's impact in this regard.

I also compliment the gentleman from Florida in particular for advancing the idea of the necessity of developing a training program in order to implement that which is legislated here at the national level. Time and time again as we have listened to the testimony before our committee, as we would legislate the necessary authorizational funds, we would find we would not have the administrative and sanitation engineering com-

petency, out at the grassroots level, that could carry out the program as initially intended by the Congress of the United States. So I believe this program which will give substance to an adequate training program will have a tremendous impact on the ultimate success and objectives of this legislation. I strongly support its passage.

Mr. CRAMER. Mr. Chairman, I yield to the gentleman from Wisconsin (Mr. STEIGER) such time as he may consume.

Mr. STEIGER of Wisconsin. Mr. Chairman, I rise in support of H.R. 4148, the Water Quality Improvement Act of 1969.

There is one particular portion of this act which I would especially like to call to the attention of my colleagues. That is section 5(g) which reads:

The Secretary is authorized to enter into contracts with, or make grants to, public or private agencies and organizations and individuals for the purpose of developing and demonstrating new or improved methods for the prevention, removal and control of natural or manmade pollution in lakes, including the undesirable effects of nutrients and vegetation.

Mr. Chairman, there are over 100,000 lakes in the United States. In Wisconsin alone we have 8,676 lakes which cover a total of 1,138,374 acres. I think it is important to remember that 97.2 percent of all the water on earth is contained in the oceans. The ice caps and glaciers contain 2.15 percent. The remainder—only 0.65 percent of all the water on the surface and underground—is available to man for drinking, cooking, and such purposes necessary to sustain him and enrich his life. Put in this perspective, our inland lake resources become vitally important.

While the demand and need for water pollution control is growing money committed to cleaning the Nation's water resources does not match the priority of the job. And our lack of complete knowledge of the process of lake eutrophication and its contributing factors and in treatment of the situation, makes research and demonstration projects mandatory if our money is to be well spent and our fresh water resources enhanced.

Without the proper research and demonstration for control of pollution in lakes, we could very well spend large sums of money, and still not have the job done.

This is the importance of section 5(g) of this bill.

Mr. Chairman, I first introduced this provision as a separate bill in August 1967. Review of that bill by the Department of the Interior resulted in a new bill, H.R. 13312, which was supported by the Secretary and subsequently incorporated into the 1968 Omnibus Water Pollution Control Amendments. Although differences existed between the House and Senate on portions of the omnibus bill, both bodies approved the clean lakes provision.

Once again we have an omnibus water pollution control bill before us, and once again it includes the "clean lakes" provision.

Every year that passes makes our task more difficult and more demanding. I

strongly urge favorable action on this bill.

Mr. WRIGHT. Mr. Chairman, I yield such time as he may consume to the gentleman from Ohio (Mr. FEIGHAN).

Mr. FEIGHAN. Mr. Chairman, we are considering legislation today which deals with the complexities of water pollution control. The Santa Barbara oil spill and other similar disasters have demonstrated the urgent need for improved laws in the control of water pollution. H.R. 4148, the Water Quality Improvement Act, is designed to respond to these particular needs in a number of ways. The bill makes the owner or operator of a vessel liable for oil discharge or spillage cleanup costs up to \$10 million or \$100 per gross ton. Criminal penalties would be imposed against individuals operationally responsible for vessels, who fail to promptly report a discharge of oil or other polluting matter to the Coast Guard or Secretary of the Interior. The bill also provides for civil penalties against vessel owners or operators in case of willful or negligent discharge and it authorizes the Government to clean up the damage to beaches from pollution regardless of source, providing for appropriate reimbursement by the offending business.

Mr. Chairman, the fact that oil is a serious water pollutant is clearly evident. From January 1968 through February 1969, a period of 14 months, the Great Lakes witnessed a total of 21 oil spills. In addition to its contamination of water, shoreline, and beaches, oil often has severe effects on fish and wildlife, shellfish, and recreation. The use of harmful chemicals to treat oil spills may in themselves, produce severe ecological damage.

In addition to oil, the discharge of untreated sewage from vessels and other installations is another major source of pollution. Installation of preventive devices for effective sewage treatment will be necessary if this bill is enacted. Several million dollars will also be channeled into extensive research, development, and training programs to achieve maximum effectiveness in the operation of our water quality control facilities.

Clean water should be a right of every U.S. citizen. It is the duty of the Government to maintain and protect this right. Unfortunately, the Government is not sufficiently protecting or maintaining this right. Recreational, commercial, and industrial interests have been severely impaired by the lack of adequate water pollution control throughout the Nation.

The Great Lakes area, in 1966, conducted over one-fourth of the Nation's manufacturing activity. Projected estimates for the Great Lakes area predict a doubling of the population within 50 years, with industrial activity increasing at least fourfold, if not more. Such forecasts are indicative of the immediate steps that must be taken to improve and maintain our water resources. A genuine commitment to adequate preventive laws and sufficient funding so that new technological discoveries can be applied to all our Nation's waterways, is essential if we expect to achieve proper results. The people of Cleveland have expressed their

wholehearted support for antipollution efforts by recently approving a \$100 million bond issue to improve the water quality of Lake Erie.

An amendment will be offered calling for the establishment of a national pollution disaster fund to respond to the specific needs of the Great Lakes and other environmental disaster areas. The amendment, to be offered by my colleague, the gentleman from Ohio (Mr. VANIK), is almost identical to legislation we introduced earlier this year along with several other Members of the House. The amendment authorizes an appropriation of \$100 million for the establishment of a pollution disaster fund within the Treasury Department to provide corrective relief to those areas in the Great Lakes, the Continental Shelf, or the United States, which are in environmental crises. To determine how these moneys are to be allocated, a seven-man Commission would be set up, composed of four experts in the field of biology, ecology, and conservation, and three representatives of the general public.

It is generally acknowledged that Lake Erie is one of the most severely polluted waterways in this country. This amendment will assist in upgrading the quality of its water as well as providing careful attention to the changing environmental conditions affecting the ecology of the water. It is the duty of this Congress to revive not only Lake Erie, but also our other water resources and to make them, once again, enjoyable and usable areas for the citizens of the United States. This amendment and the Water Quality Improvement Act of 1969 deserve our enthusiastic support.

Mr. WRIGHT. Mr. Chairman, I yield such time as he may require to the gentleman from Illinois (Mr. GRAY), a member of the committee.

Mr. GRAY. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I rise in support of H.R. 4148, a great legislative blow at dirty water and stream pollution. This legislation is a real prescription for a healthier nation and its people.

Mr. Chairman, for years our scientific and technical expertise was not sufficient to find ways of eliminating the pollution of our lakes, streams, and rivers. We did not know as much about industrial waste and sewerage disposal plants.

Thanks to our great American know-how, we have the methods but not enough money. States, local communities, and private industry can not do the job alone. They must have help.

For every Federal dollar we spend we will see many times more in non-Federal money invested in clean water. Without the Federal money being available as seed money, the other sources will not be moved to invest. This is why we must continue the great work started by the Congress.

We must find ways of attaining the funds for this program.

The bill is another step forward. It brings in to full pollution control for the first time—oil spillage and sewage from oil wells as well as thermal pollution. It continues needed and necessary research in all fields affecting polluted

water. Coming from southern Illinois where we have the Ohio River on one side of my district and the Mississippi on the other, with four major river basins in between, we certainly know how difficult it is to find enough funds to stop pollution. With the help of the Federal Government we are now doing the job. I want to commend our great chairman of the full Committee on Public Works, the gentleman from Maryland (Mr. FALLON), the outstanding chairman of the Subcommittee on Rivers and Harbors, the gentleman from Minnesota (Mr. BLATNIK), all the members of the committee on both sides of the aisle. I also want to thank our outstanding general counsel of the committee, Mr. Sullivan for his untiring efforts. It is a real privilege to serve on this important committee of the House and to be able to recommend to my colleagues the enactment of this most important bill.

Mr. WRIGHT. Mr. Chairman, I yield 5 minutes to the gentleman from Oklahoma (Mr. EDMONDSON).

Mr. EDMONDSON. Mr. Chairman, I rise in support of H.R. 4148, and I want to express my personal appreciation to the very able chairman of our full committee and several subcommittee chairmen who have joined in working on this bill, along with, I believe, one of the most able staffs in the Capitol—the staff of the Public Works Committee operation.

The bill, H.R. 4148, does a number of things which seems to me to be long overdue.

One of the things it endeavors to do is to promote a much better program of cooperation among the Federal agencies in the control of pollution. One of the strange and embarrassing things about the pollution problem which exists in many areas is that the Federal Government itself has sometimes been a culprit with considerable responsibility for the pollution problem which is present. This is something that subsections 11(a) and 11(b) endeavor to deal with.

Subsection 11(a) requires that every Federal agency having jurisdiction over any real property or facility of any kind shall, within available appropriations and consistent with the interests of the United States, insure compliance with applicable water quality standards. This section puts into law what is now contained in an executive order. It deals directly with procedures for control of pollution caused by the administration or actual operation, either directly or by contract, of federally held real property or facilities.

In attempting to insure that Federal facilities will be in compliance with the applicable water quality standards, the problems to be considered, the priorities to be assessed, and the relative values and public interests to be weighed, are very much akin to the problems, priorities, and interests which must be taken into account by a State when it is establishing water quality standards for a given area, by industries when they are making decisions on how and where they will expand capital investment, and by local governments in attempting to achieve a balance among health and

welfare, economic development potential, and supportable tax structure.

The Federal Government must allocate its available tax revenues among a great many priorities. Subsection 11(a) is designed to insure that the maximum extent possible, the Federal Government will conduct its own operations in a manner to control and prevent water pollution.

To further insure that the Federal Government will cooperate to the maximum extent possible with the States in achieving compliance with water quality standards, subsection 11(b) requires that any applicant for a license or permit from a Federal agency when the activity involved will discharge into the navigable waters must first obtain from the State or States involved a certification that the operation of the activity will not reduce the quality of the water below the State's water quality standards.

There are some instances in which a State or interstate agency may at least for the present not have the authority to issue the certification and there are other instances in which water quality standards are issued by the Secretary. In both cases, the Secretary will provide the required certification. Where licenses or permits are required for more than one Federal agency for the same activity, the certification obtained for the first license involved will be sufficient for the succeeding licenses and permits. This is to insure that neither the applicant nor the State be burdened with duplicating permits for a single activity. However, if either the Secretary or a State has reason to believe the original certificate is not sufficient for succeeding purposes, it may make its objections known and require additional certification.

The ability to use an original certificate for a succeeding permit does not apply, however, to an applicant for an operating license or permit. This situation arises specifically with respect to nuclear generating plants where considerable time elapses between the issuance of the permits for the building of the plant and the operating license for its actual operation.

This time lag can be anywhere from 4 to 7 years, and construction plans upon which the construction permit is based are not always sufficiently precise to insure the kind of operation that is contemplated. Also, because of the length of time involved, external as well as engineering changes could occur, and we believe the additional safeguard of obtaining a second certification at the time the operating license is obtained is necessary.

A further safeguard has been written into this section to take care of the situation where actual physical construction of the facility itself has been started prior to enactment of this act. Actual physical construction means excavation or building. Property acquisition, construction of roads or similar preliminary activity would not satisfy the requirement for exemption from certification. In the case where the license or permit has already been issued, a 2-year period beginning with the date of enactment is granted and within that time the person

having the permit is required to obtain the certification otherwise required. Two years seems an adequate time to bring the existing construction into conformance.

Renewals of licenses or permits which come within this section are considered to be new applications for the purposes of this act.

A wide variety of licenses and permits—construction, operating, and otherwise—are issued by various Federal agencies. Many of them involve activities or operations potentially affecting water quality. The purpose of subsection 11(b) is to provide reasonable assurance that no license or permit will be issued by a Federal agency for an activity that through inadequate planning or otherwise could in fact become a source of pollution.

The language of the legislation is intended to eliminate duplicating certification requirements, and to afford a safeguard against too broad a use of the single certification.

Mr. HOLIFIELD. Mr. Chairman, will the gentleman yield?

Mr. EDMONDSON. I yield at this time to my good friend and one of the most respected Members of the House, the chairman of the Joint Committee on Atomic Energy, the gentleman from California (Mr. HOLIFIELD).

Mr. HOLIFIELD. I thank my friend for yielding.

On page 8 of the report, the second paragraph from the bottom, starting with the words "the Atomic Energy Commission has informed the committee," there are outlined a number of individuals and facilities which are licensed by the Commission to possess and use limited quantities of nuclear materials that might, in minute quantities, be disposed of through a waste disposal system. It is said, "It is not intended that subsection 11(b) apply to these specific types of licenses or permits."

I am a little concerned that the delineation of just those few entities might preclude others in the same category, so I will ask the chairman of the committee, Mr. FALLON, at this time a question with relation to the clarification of this part of the report.

My question is this: Am I correct in believing that the committee intended to exempt from subsection 11(b) coverage activities under AEC license not involving discharges directly into navigable waters, and not just those activities specifically identified in the report on H.R. 4148, on page 8?

Mr. FALLON. I say to my distinguished colleague that he is correct. The language on page 8 of the committee report concerning the inapplicability of subsection 11(b) to certain AEC materials licenses was intended to be illustrative, not selective or exhaustive. Where the discharge from the licensed activity will be in minute amounts and will not be disposed of directly into navigable waters, the license for any such activity is not subject to the subsection's requirements.

Mr. HOLIFIELD. I thank the gentleman very much for that clarification.

I want to say, I think this is a good

bill, and I am supporting it. I am very much interested in control of water pollution, and I appreciate particularly the handling of the problem as a result of the oil spillage in the Santa Barbara channel off the coast of California.

There are one or two other little points in the bill I may want to discuss tomorrow, during the amending period. Otherwise, I think it is a very good bill and I intend to support it.

I thank the gentleman for yielding.

Mr. EDMONDSON. I thank the gentleman from California.

May I say, on behalf of the entire Committee on Public Works, we deeply appreciate the manner in which the gentleman from California, as the chairman of one of the major joint committees of the Congress, has brought to the committee's attention in detail questions which that committee which he heads has raised concerning this legislation.

I think that the presentation that was made to our committee on this subject by the gentleman from California (Mr. HOLIFIELD) has been most helpful to an understanding of the problems of the Atomic Energy Commission by our committee. I am hopeful that it will be possible to work out tomorrow, when we get to the stage of considering amendments under the 5-minute rule to this bill, language that will be acceptable to the gentleman and his committee in connection with sections 11(a) and 11(b), which I understand created most of the concern in his committee.

Mr. HOLIFIELD. I thank the gentleman for his interest and mention to the House the fact that the gentleman from Oklahoma is now the latest member of the Joint Committee on Atomic Energy and rapidly becoming one of the valuable members of that committee. I do appreciate his assistance as well as the assistance of the staff of the Committee on Public Works as well as the chairman, the gentleman from Maryland.

Mr. EDMONDSON. I thank the gentleman very much.

I might add that we have had made available to us an excellent summary legal analysis on the Federal-State jurisdiction with regard to regulating atomic energy. At the appropriate time, when we go back into the House, I intend to ask permission to have this document made a part of the RECORD. This is a very fine piece of work and something that is useful to all of the membership both as a part of the permanent RECORD and also for study for tomorrow in advance of the consideration of amendments in which the gentleman from California has expressed interest.

The material referred to follows:

SUMMARY LEGAL ANALYSIS ON FEDERAL AND STATE JURISDICTION TO REGULATE ATOMIC ENERGY

In examining the Federal-State relationships respecting the regulation of atomic energy, it is important to note the history of the various legislative enactments concerning atomic energy. Under the Atomic Energy Act of 1946,¹ the Nation's first such legislation, atomic energy was enveloped in an almost air-tight Government monopoly. The possession, use, transfer, export, import, etc.,

of source, byproduct and fissionable materials² were subject to pervasive Atomic Energy Commission regulatory controls. Moreover, except in certain enumerated and very limited circumstances, facilities for the production of fissionable material (e.g., nuclear reactors) could not be owned by anyone (including agencies and departments of the Federal Government) other than the AEC,³ and under no circumstances could there be ownership of fissionable materials by anyone other than the AEC.⁴ The Act wrought modifications of the patent system unprecedented in American history—certain inventions and discoveries pertaining to atomic energy were removed entirely from the regular patent system,⁵ and certain others, while patentable, were subject to compulsory licensing if found by the Commission to be affected with the public interest and such licensing was "necessary to effectuate the policies and purposes of this Act."⁶

Certain of these rigid controls were relaxed at the time of the passage of the superseding Atomic Energy Act of 1954,⁷ but even so, it can be said that, with respect to the Commission's assigned areas of responsibility, few other statutes confer upon an executive agency the broad powers with which the AEC is endowed by the Act's terms. The patent provisions of the 1954 Act, while somewhat less far-reaching than those which existed under the 1946 Act, represent marked departures from the normal patent system in terms of the controls which they vest in the AEC over atomic energy inventions and discoveries. The earlier Act's virtual prohibition against private ownership of "utilization facilities" (e.g., nuclear power reactors) was removed with passage of the 1954 Act;⁸ however, it was not until a Congressional enactment as recent as 1964⁹ that private ownership of the fuels for such facilities (i.e., special nuclear material)¹⁰ became permissible. Moreover, authority for the AEC to impose a comprehensive and detailed regulatory control scheme upon the possession, use, transfer, export, import, etc. of source, byproduct and special nuclear material continues to reside with the Commission under the Act.¹¹ Absolutely no mention was made by Congress in the 1954 Act of a role for the states in the regulation of these materials, and except for one limited provision¹² not relevant to radiological considerations, no notice was taken of a role for the states in the regulation of nuclear power reactors.

As atomic industrial activity and the number of trained personnel grew in the years following passage of the 1954 Act, and as classification restrictions on atomic information were lifted, some states began to develop an interest in applying their general health and safety powers to the atomic activities being carried on within their borders. In that context, Congress was persuaded of the advisability of legislation offering to the states a role and thereby clarifying the respective roles of the AEC and the states under the Atomic Energy Act. For that primary purpose, Congress added Section 274 to the Act in 1959.¹³ Under that section the Commission may relinquish to states, on a state-by-state basis, certain of its authority to regulate the use of reactor-produced isotopes, the source materials uranium and thorium, and small quantities¹⁴ of special nuclear materials. (These materials collectively are referred to as agreement materials.) In order to relinquish any such authority the Commission must find that the state's regulatory program is adequate to protect the public health and safety and is compatible with the AEC's regulatory program. The Act specifically reserves certain areas to the Commission, such as regulation of the construction and operation of nuclear reactors (including the discharge of radioactive effluents from the facility site¹⁵), the export and import of agreement materials, and the ocean disposal of radioactive wastes. To date nineteen states

have entered into agreements with the AEC to assume the regulatory responsibilities transferable under Section 274.¹⁶

If any shadow of a doubt existed prior to 1959 that Congress intended to preempt the regulation of atomic activities insofar as radiation protection is concerned, the above-mentioned amendment should have dispelled that doubt. According to the House and Senate reports on the legislation which became Public Law 86-373,¹⁷ it was the intention of that law to clarify the responsibilities of the Federal Government, on the one hand, and state and local governments, on the other, with respect to the regulation of byproduct, source and special nuclear materials in order to protect the health and safety from radiation hazards. The report states:

"It is not intended to leave any room for the exercise of dual or concurrent jurisdiction by States to control radiation hazards by regulating byproduct, source, or special nuclear materials. The intent is to have the material regulated and licensed either by the Commission, or by the State and local governments, but not by both. The bill is intended to encourage States to increase their knowledge and capacities, and to enter into agreements to assume regulatory responsibilities over such materials."¹⁸

The comprehensive controls over the various nuclear materials, devices (including weapons) and facilities which the Atomic Energy Act of 1954 and its 1946 precursor lodged in the AEC; the paramount national interest in this highly sensitive and important field; the significant implications of these materials, devices, and facilities to public health and safety and the common defense and security; and Congress' utter silence in 1946 and 1954 on the role, if any, of the states in regulating the potential radiological hazards of source, byproduct and special nuclear materials—all of these quite clearly evidence a legislative intent to "occupy the field" to the exclusion of state regulation. If any further evidence were required of Congress' intention to preempt this field, the legislative history of Public Law 86-373 provides it in abundance—indeed, it fairly compels this conclusion. That Congress under the supremacy clause of the U.S. Constitution has the power to preempt an entire area of regulation with consequential suspension of state enactments touching thereon is well settled.¹⁹

Such published authorities as have considered the preemption question in the context of atomic energy unanimously agree that Congress has preempted substantially the whole field to the exclusion of the states except only state regulation pursuant to an agreement as provided in section 274.²⁰ For example, the Attorney General of Michigan concluded that:

"We are convinced that under the terms of the [Atomic Energy Act of 1954, as amended] viewed in the legislative history of the 1959 amendment and [in] light of 'all that bears upon its purpose and meaning,' Congress intended to place the exclusive and primary responsibility for regulation of radiation hazards for the protection of the public health and safety in the peaceful use of atomic energy; i.e., source, byproduct and special nuclear material as defined in the Act in the Atomic Energy Commission and that it has preempted this field of regulation, with provision for limited relinquishment thereof, under the terms of authorized agreements."²¹

The Attorney General of South Dakota similarly concluded that:

"It is my opinion that the Federal Government has preempted the field of protection of public health from the radiation hazards associated with atomic energy. 42 U.S.C.A. § 2012, 2014(c)."²²

The New York State Bar Association's Committee on Atomic Energy, in a study of the agreement between the State of New York

Footnotes at end of article.

and the Atomic Energy Commission, came to the same conclusion. Its report stated:

"While the United States Supreme Court has never been required to determine whether the Atomic Energy Act has pre-empted the regulation of atomic activities for radiation protection purposes, it seems clear that Congress intended so to pre-empt, if not by the provisions of the 1954 Act, then, certainly by means of the Federal-state amendment in 1959. In the latter amendment, Congress came perhaps as close as it has ever come to stating expressly that a regulatory area has been pre-empted."²²

This conclusion is particularly significant because the study stemmed from a provision in the agreement between the State of New York and the Commission which indicated that there were apparent differences of opinion between the Commission and the State as to the jurisdiction of each.

While, as noted above, the U.S. Supreme Court has not specifically ruled on the question of preemption under the Atomic Energy Act, it is significant to note that the two state courts before which the question has been raised both agreed that such preemption had occurred.²³ In addition, it is interesting to note that the National Association of Attorneys General has reviewed the law and the proposed transfer of regulatory responsibilities from the AEC to the states and has endorsed the program. On April 25, 1962, the Association adopted a resolution favoring transfer of regulatory responsibilities, the resolution reading in part: "Be it resolved . . . that all states are urged to accelerate the adoption of such legislation and the development of such programs as will permit the states to enter into agreements with the Atomic Energy Commission pursuant to P.L. 86-373." It is doubtful that any State's Attorney General would endorse such a program unless he was confident that the responsibility rested with the Federal Government and that it could be transferred to the states.

The American Bar Association has also endorsed a program of state assumption of atomic energy regulatory responsibilities from the Federal Government, as did the Governors' Conference in a resolution adopted on July 2, 1962. It might also be noted that such other organizations as The Council of State Governments and the Chamber of Commerce of the United States have approved the practice of a transfer of AEC regulatory responsibilities to the states, without any expression of concern that a constitutional issue exists in this connection.

Of course, it is not meant by any of the foregoing to suggest that the regulation of source, byproduct or special nuclear material, or utilization or production facilities, from other than the standpoint of radiological health and safety is without the authority of the states; nor is it meant to suggest that the regulation, including regulation of the radiological effects, of radioactive materials other than those controlled by the Atomic Energy Act is beyond the reach of the states except pursuant to a Section 274 agreement.²⁴

There remains the question whether the Federal Water Pollution Control Act (FWPC Act)²⁵ has the effect of vesting in the states any authority, by their participation in the setting of water quality standards, over the release of radioactive effluents, which had been preempted to the Federal Government by the Atomic Energy Act of 1954 as amended. Radioactive effluents from AEC licensed facilities are discharged to waters as "interstate" by the FWPC Act.²⁷

The terms of the FWPC Act, of themselves, do not speak expressly to the preemption question.²⁸ The FWPC Act contains no express provision relating to state authority to adopt water quality standards

applicable to radioactive effluents, or to the Act's relationship to the Atomic Energy Act.²⁹ The legislative history of the 1965 amendments to the FWPC Act, which added the water quality standards provisions, indicates that no consideration was given to possible effects on the jurisdiction of the AEC under the Atomic Energy Act.

It appears quite clear, however, that the FWPC Act does not affect the AEC's preempted jurisdiction over radioactive effluents. The FWPC Act provides for the establishment of standards applicable to interstate waters which become effective only when approved by the Secretary of the Interior, if established by the state, or when promulgated by the Secretary in the absence of acceptable state standards. The standards thus promulgated by the Secretary are then used in the Federal enforcement proceedings authorized by the FWPC Act.

Nowhere does the FWPC Act speak in terms of a grant of authority to the states to set water quality standards. Prior to the passage of the 1965 amendments, which added water quality standard provisions to the Act, the states had power, pursuant to the Tenth Amendment to the Constitution, to set water quality standards and to enforce them as to interstate waters within their boundaries.³⁰ In actuality, while at least three-quarters of the states had state legislation directing or permitting the establishment of water quality standards and/or stream classifications, not all these states had actually adopted standards. In the States which had adopted standards, both the content of the standards and the method of application varied.³¹

While, in theory, individual states could, on the basis of such standards, abate pollution in interstate waters within their boundaries, such action was not likely to be undertaken without the cooperation of other states involved in the pollution.³²

If Federal abatement action were undertaken, a choice among, or determination of, standards to be used in arriving at abatement measures had to be made. Thus, the statutory pattern of the Federal Water Quality Act of 1965, now embodied in the FWPC Act, was to provide for the establishment of water quality standards consistent with the expressed purposes of the Act, to be achieved through review and approval, or promulgation by, the Secretary of the Interior, for use with respect to interstate waters. While the FWPC Act was intended to encourage the states to develop water quality standards initially, it did not grant them new authority; indeed, as noted above under the discussion of the states' reserved powers under the Tenth Amendment, except for the preempted (and limited) field of regulation of the radiological effects of atomic energy materials on interstate waters—about which the Act and its legislative history are utterly silent—no grant to the states of new standard-setting authority was necessary to achieve the expressed purpose of the Act. Far from showing an indication that the states expected to add to their jurisdiction over discharges, the hearings on the Federal Water Quality Act of 1965 exhibit a concern on the part of the states and their representatives that the legislation would preempt the field to the Federal Government through the requirements for approval of state standards and/or setting of standards by the Federal Water Pollution Control Administration for use in Federal enforcement proceedings.³³

On the other hand, the Atomic Energy Act clearly reserves to the Federal Government the field of regulation of atomic energy, except as that jurisdiction has been relinquished to the states under agreements entered into pursuant to section 274. The FWPC Act, as noted before, did not grant any new authority to the states, but has provided a

mechanism for approval of state standards as a basis for subsequent Federal action against polluters. Thus, the state role under that statute may be viewed as limited, at most, to establishment of standards which the states have authority to adopt. By reason of the preemption to the AEC of jurisdiction over regulation of byproduct, source and special nuclear materials, states have no jurisdiction to adopt standards relative to such materials, including those contained in effluents, in the absence of an agreement with the AEC. Those states which have entered into agreements are, by the terms of the agreements, obligated to use their best efforts to assure that their regulatory programs continue to be compatible with the AEC's program.³⁴

One final thought deserves brief mention. If, contrary to the view expressed above, the Federal Water Quality Act of 1965 could be construed as a grant of authority to the states, this together with the fact that such authority was granted subsequent to enactment of the Atomic Energy Act of 1954 and section 274 thereof in 1959 would in no way disturb the foregoing conclusions. It is a recognized principle of statutory construction that subsequent legislation is not presumed to effectuate an amendment of a law not under consideration, in the absence of an express amendment, unless the terms of the subsequent act are so inconsistent with the provisions of the prior law that they cannot stand together.³⁵ No such incompatibility or inconsistency would appear to exist here as to require invocation of the exception to this general rule of statutory construction.

Based on the foregoing, it seems clear that the Atomic Energy Act and the FWPC Act can and should be construed together so as not to disturb the jurisdiction of the Commission, vis-a-vis the states, under the Atomic Energy Act. This would have the effect of leaving intact the statutory scheme of section 274 which contemplated, among other things, that regulations for protection against radiation hazards should be as consistent as possible, while at the same time preserving the complementary jurisdiction of the states and the Department of the Interior in the area of water pollution.

FOOTNOTES

¹ Public Law 585, 79th Cong., 60 Stat. 755-75 (1946), hereinafter referred to as the 1946 Act.

² The terms source material, byproduct material, and fissionable material were the names given to the various nuclear materials controlled by the 1946 Act, and were defined respectively in Sections 5(b)(1), 5(c)(1), and 5(a)(1) thereof. The term "fissionable material" was replaced by the term "special nuclear material" under the Atomic Energy Act of 1954. See footnote 10, *infra*.

³ Sec. 4(c)(1), 1946 Act.

⁴ Sec. 5(a)(2), 1946 Act.

⁵ Sec. 11(a)(1), 1946 Act.

⁶ Sec. 11(c)(2)(A) and (B), 1946 Act.

⁷ Public Law 83-703, 68 Stat. 919 (1954), as amended, 42 USC 2011-2281, as amended, hereinafter referred to as the 1954 Act.

⁸ The terms "production facility" and "utilization facility" are defined in Section 11 v. and cc. of the 1954 Act. Except for certain military activities involving the Department of Defense, no person within the United States may transfer or receive in interstate commerce, manufacture, produce, transfer, acquire, possess, use, import, or export any nuclear reactor, nuclear fuels reprocessing facility, fission product conversion and encapsulation plant, or other utilization or production facility except under and in accordance with a license issued by the Commission pursuant to section 103 or 104, Sec. 101, 1954 Act.

⁹ Public Law 88-487, 78 Stat. 604 (1964), the so-called Private Ownership of Special Nuclear Materials Act.

¹⁰ The term is defined in Sec. 11 aa., 1954 Act. Essentially it refers to plutonium, uranium 233, and uranium enriched in the 235 isotope.

¹¹ See Secs. 53, 62 and 81, 1954 Act.

¹² Sec. 271, 1954 Act, as amended by Public Law 89-135, 79 Stat. 551 (1965).

¹³ Public Law 86-373, 73 Stat. 688 (1959).

¹⁴ I.e., quantities not sufficient to form a critical mass.

¹⁵ IO CFR § 150.15(a) (1) (1965).

¹⁶ Alabama, Arizona, Arkansas, California, Colorado, Florida, Idaho, Kansas, Kentucky, Louisiana, Mississippi, Nebraska, New Hampshire, New York, North Carolina, Oregon, Tennessee, Texas and Washington.

¹⁷ H. Rept. No. 1125, S. Rept. No. 870, 86th Cong., 1st Sess. (1959).

¹⁸ Id. at 9.

¹⁹ See Corwin, *Constitution of the United States of America* (1963), p. 807.

²⁰ See, e.g., Mich. Ops. Atty. Gen. No. 4073 (1963); Cavers, *State Responsibility in the Regulation of Atomic Reactors*, 50 Ky. L.J. 29, 29-32 (1961); Estep & Adelman, *State Control of Radiation Hazards: An Inter-Governmental Relations Problem*, 60 Mich. L. Rev. 41 (1961); Committee on Atomic Energy, N.Y. State Bar Assn., *State Jurisdiction to Regulate Atomic Activities: Some Key Questions* (July 12, 1963).

²¹ Opinion No. 4073, October 31, 1962, pp. 6-7.

²² Official Opinion, July 23, 1964, p. 2.

²³ Committee on Atomic Energy, N.Y. State Bar Assn., *State Jurisdiction to Regulate Atomic Activities: Some Key Questions* (1963), supra note 20, pp. 4-5.

²⁴ *Boswell v. City of Long Beach*, 1 CCH Atom. En. L. Rept. 4045 (Cal. Super. Ct. 1960); *Northern Cal. Assn., etc. v. Public Utilities Commission*, 37 Cal. Repts. 432, 39 P.2d 200 (1962).

²⁵ E.g., radium, radioactive materials produced in accelerators, X-ray machines, and fluoroscopes.

²⁶ 33 U.S.C. 466 et seq.

²⁷ That Act defines "interstate waters" as "all rivers, lakes and other waters that flow across or form a part of State boundaries, including coastal waters" (33 U.S.C. 466 j(e)).

²⁸ Section 466 c. does, however, provide that nothing in the Act "shall be construed as impairing or in any manner affecting any right or jurisdiction of the States with respect to the waters (including boundary waters) of such States."

²⁹ Section 14 of the FWPC Act (33 U.S.C. 466 k.) which provides that the Act shall not be construed as, among other things, superseding or limiting the functions, under any other law, of any other officer or agency of the United States, relating to water pollution, is not dispositive of questions of preemption. Since this section has not been changed by any of the various amendments to the Act since 1948, including those subsequent to the addition of section 274 to the Atomic Energy Act which set forth, in more or less clear terms, the extent to which states could exercise jurisdiction over byproduct, source and special nuclear material, its retention is evidence of Congressional intent to preserve the exclusive jurisdiction of the AEC with respect to discharges containing such material. However, the terms of the section are not necessarily inconsistent with a withdrawal of Federal preemptions and "restoration" of some jurisdiction over atomic energy materials to the states.

³⁰ It may be noted that the Federal Water Pollution Control Administration, in its regulation relating to procedures for adoption and promulgation of state standards (18 CFR Part 620), described them (§ 620.2(a)) as "Water quality standards adopted and promulgated by a State in accordance with applicable State law and with section 10(c) of the Federal Act" (33 F.R. 2632).

³¹ See Water Pollution Control Hearings

Before the Subcommittee on Air and Water Pollution, Senate Committee on Public Works, on S. 649 et al., 88th Cong., 1st Sess., pp. 119-122. S. 649 was a bill to amend the FWPC Act, which passed the Senate in the 88th Congress, and contained provisions for establishing water quality standards for interstate waters somewhat similar to those in the bill passed by the 89th Congress which became P.L. 89-234, the Water Quality Act of 1965.

³² A description of the practical difficulties in state adoption and enforcement of water quality standards is found at 111 Cong. Rec. 8287-8 (April 28, 1965).

³³ The Assistant Secretary of Health, Education and Welfare, Mr. Quigley, emphasized, in response to questions from Representative Harsha of Ohio, that no federal preemption was intended, and that there was nothing in the legislation to prevent the states from raising their standards above the levels set by the Federal Government. (Water Pollution Control Hearings on Water Quality Act of 1965 before the Committee on Public Works, House of Representatives, 89th Cong., 1st Sess., February 18, 19 and 23, 1965, pp. 80-81.)

³⁴ It should be noted that section 274 of the Atomic Energy Act also establishes the Federal Radiation Council, and provides for its functions to include guidance for Federal agencies in the formulation of radiation standards and in the establishment and execution of programs of cooperation with states.

³⁵ *Frost v. Wenie*, 157 U.S. 46 (1895); 1 Sutherland, *Statutory Construction*, pp. 365-6. Sutherland specifically discusses the question of abrogation of state law by Federal statutes and the revival of state legislation by repeal of Federal regulation (§§ 2026, 2027). The cases cited, however, all concern situations in which the Federal statute was expressly repealed or the obstacle to state action removed by express Congressional enactment.

Mr. CRAMER. Mr. Chairman, I yield such time as he may consume to the gentleman from New Hampshire (Mr. CLEVELAND).

Mr. CLEVELAND. Mr. Chairman, I rise in support of the Water Quality Improvement Act of 1969 and urge its approval by the House today. This legislation has evolved from the realization that existing laws are inadequate in meeting all situations in which pollution by oil is involved. The disaster which occurred off the coast of Santa Barbara, Calif., 3 months ago served to highlight the need for further legislation, and gave impetus to this bill.

The Water Quality Improvement Act of 1969 will give the President the authority and the means to act quickly should another disaster like that at Santa Barbara, or one like the breakup of the tanker *Torrey Canyon* off the coast of England, occur within our territorial waters. It sets up a revolving fund to clean up oil pollution. It levies a civil penalty of up to \$10,000 in cases involving willful or negligent discharges of oil or matter in such quantities that it presents a pollution hazard. This legislation holds the owner or operator of a vessel financially responsible for cleaning up the pollution which they caused.

The act also deals with the subject of research and development in the water pollution field, extending the research provisions of the Federal Water Pollution Control Act another 2 years.

REAL ISSUE IS FINANCING

Mr. Chairman, this bill does a great deal, but I feel that Congress is missing the point if it does not face up to the real issue involved in the whole question of how we control water pollution. That issue is the question of financing. For until Congress comes face to face with the question of where do we get the money to pay for all the programs we have passed, and resolves it, the quality of the water in our rivers and lakes will continue.

Almost every Congress since I have been here has enacted at least one water pollution control measure. The Land and Water Conservation Act of 1964, the Water Quality Act of 1965, the Clean Water Restoration Act of 1966, the Water Quality Improvement Act of 1968, these are a few that come to mind.

And yet, despite the gains we have made, and despite all this wonderful sounding legislation which we have enacted, the testimony which we heard recently in the Public Works Committee indicates that the situation is only getting worse. And so, Mr. Chairman, until we face the question of financing, we will find that the legislation we pass today, like that which we have enacted before, will be precious little help in combating the pollution hazard which this Nation faces.

I have been in contact with State officials in New Hampshire to assess the opinions on this legislation. Their words have a familiar ring. Mr. William Healy, executive director of the New Hampshire Water Supply and Pollution Control Commission, says the bill is fine, but of little use to him unless there is some money behind it. Mr. Clarence Metcalf, director of municipal services for the same commission, said that within 6 months New Hampshire will have in excess of \$10 million in projects waiting to be funded.

Mr. Metcalf expresses the commission's concern over the greatly reduced funding of water pollution control programs at the Federal level, and urges increased appropriations in fiscal year 1970 for the Clean Waters Act.

Still, it is obvious from looking at the state of the Federal budget today, there is little real prospect of additional revenue from pollution control programs from this source. This is a reality, and it is best we recognize it as such immediately and begin to look at other sources.

One suggestion which holds some promise has been the use of tax credits to industries who construct sewage treatment facilities. There is no question that industry—not to mention the Government itself—is one of the most serious polluters of our waters. Too few industries, however, do anything to reduce the amount of sewerage which they pour daily into our streams and rivers. A system of tax credits might provide the needed incentive for them to take the necessary steps in reducing their own pollution.

Another proposal, and one which I favor, would be similar to the highway trust fund, where those who use the highways pay a tax to do so. This money is placed in the trust fund, and used to

construct new roads and improve old ones.

WATER POLLUTION CONTROL TRUST FUND

Similarly, if Congress established a water pollution control trust fund, those who use our waters and are contributing to its pollution would pay a tax on it. This money would then be used to finance the construction of sewage treatment plants and other facilities used in the fight against pollution.

Mr. Chairman, I hope the Congress will give immediate attention to the question of financing, for unless we resolve this most crucial question, I am afraid the situation will only continue to deteriorate, and will contribute to the growing belief among our constituents that the Federal Government is not able to cope with the really serious problems which are facing this country today.

Mr. CRAMER. Mr. Chairman, I yield such time as he may consume to the gentleman from Ohio (Mr. MILLER), a member of the committee.

Mr. MILLER of Ohio. Mr. Chairman, clean water should be of concern to every American. Much of our recreation, industry, and natural environment is dependent on adequate supplies of good water. Water is the very foundation of life itself.

It is imperative that the Federal Government enact stringent measures to protect our water sources from the abuse of pollution. Too many of our rivers and lakes have already been turned into lifeless sewers and cesspools by man's wantonness and neglect. The tragedy of Lake Erie must not be repeated in the other Great Lakes and then in the world's oceans. Our civilization must police itself or we will be progressively poisoned by our own effluents.

H.R. 4148 is a major step in the direction of preserving the remaining purity of our natural water sources. Hopefully we may even begin to reverse the pollution processes that have desecrated so many of our waterways.

A major provision of this bill places the responsibility for cleaning up after a marine pollution disaster where it should be—on the operator or vessel that caused it. If there is ever another *Torrey Canyon* or Santa Barbara catastrophe, there must be no question of legal liability for the resulting damages.

The grants authorized under this bill for scientific and technical training and research will be a wise investment in the future cleanliness of our waterways.

Mr. WRIGHT. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from New York (Mr. McCARTHY).

Mr. McCARTHY. Mr. Chairman, I thank the gentleman from Texas for yielding.

I will briefly explain a couple of the important sections of this bill.

Section 19 of the act sets up a program for demonstration projects to study methods for the elimination and control of acid or other mine drainage which results in pollution. The demonstration projects will be carried out under agreements with the States or interstate agencies and they are intended to demonstrate the engineering and economic feasibility of possible abatement techniques.

The State share of the cost of the project would be at least 25 percent and to encourage the States to participate in the program, that 25 percent can be in the form of land, facilities, and services. An appropriation of \$15 million for this program is authorized. No more than 25 percent of the available funds can be allocated to any one State in the program.

Section 4 of the act authorizes the Secretary to enter into contracts and grants with individuals, agencies, and organizations for research and development on the problem of lake eutrophication and other lake pollution problems. It also authorizes the Secretary to acquire lands and interests therein by purchase with appropriated or donated funds, or by donation, or by exchange, in connection with development of field laboratories, research facilities, and demonstration projects.

Section 4 contains the general authorization for the Secretary to undertake research studies, demonstrations, and so on, by grant, contract, or otherwise for the prevention or control of oil pollution, including the removal of oil discharges. This section further includes general authorization for the Secretary to engage in research relative to the equipment which will be required to meet the standards for control of sewage from vessels which are covered elsewhere in the act. It should be noted that with respect to this research, the Secretary is directed to file a report of his findings prior to the effective date of any standards to be established in connection with vessel sewage.

The general research, investigation, and training program contained in the basic act is extended for 2 additional years at the present funding level of \$65 million.

Section 5 of the act extends for 2 additional fiscal years the project research authority already contained in the basic law and authorizes appropriations for each of fiscal years 1970 and 1971 in the amount of \$60 million.

Sections 6 and 7 are technical amendments providing for the deletion or repeal where required of the Oil Pollution Act of 1924.

Section 8 changes the name of the Federal Water Pollution Control Administration. This is a positive program to achieve high water quality standards, and the name of the administering agency should adequately reflect this purpose.

Mr. WRIGHT. Mr. Chairman, I yield 5 minutes to the distinguished chairman of the subcommittee, the gentleman from Minnesota (Mr. BLATNIK).

Mr. BLATNIK. Mr. Chairman, H.R. 4148 recognizes that waste from waterborne vessels is still another cause of pollution of our Nation's waters. In view of our resolve to restore and enhance the quality of our water by controlling waste discharges from our municipal sewers and our industrial complexes, we cannot ignore the wastes emanating from waterborne vessels. It is presently most severe in bays, inlets, lakes, harbors, and marinas. These pollutants include sewage and other wastes. Many vessels are not equipped to provide even minimal treatment. With the growing popu-

larity of recreation craft, corrective and preventive action must be set in motion now to prevent a more serious problem to our waters.

H.R. 4148 would—

Provide for the control of sewage from vessels including foreign vessels using our waterways and commercial and recreational vessels;

Direct the Secretary of the Interior to issue Federal standards of performance for marine sanitation devices for all vessels except vessels not equipped with installed toilet facilities, and it would direct the Coast Guard to issue regulations relative to the design, construction, installation, and operation of these devices on board such vessels;

Apply to existing vessels, the construction of which is initiated prior to issuance of the standards and regulations;

Apply to new vessels, the construction of which is initiated after issuance of the standards and regulations;

Provide that the initial standards shall be effective for new vessels 2 years after promulgation, but not earlier than December 31, 1971, and for existing vessels 5 years after promulgation; and

Provide that once the initial standards and regulations are effective a State or a political subdivision thereof may not adopt or enforce any law or regulation governing the design, manufacture, or installation of any marine sanitation device on board any vessel subject to the Federal standards or regulations. This would not, however, affect the State's authority to prohibit completely all sewage discharges from vessels in particular intrastate waters of the State, regardless of whether the sewage is treated or not.

In such cases, however, the State must also prohibit waste discharges from all other sources.

H.R. 4148 would also—

Provide for a system of certification by the Coast Guard of marine sanitation devices;

Provide for the establishment of civil penalties after notice and opportunity for a hearing; and

Provide that provisions of this section shall be enforced by the Coast Guard.

Watercraft are of course only one of the many sources of pollution that must be corrected, but as we previously noted this pollution is highly visible and noxious. It is our belief that H.R. 4148 takes major strides in controlling this source of pollution in a reasonable manner. It provides appropriate time where it is needed and yet takes the remedial steps which are necessary in preventing major problems in the future.

Mr. HUNGATE. Mr. Chairman, will the gentleman yield for a question?

Mr. BLATNIK. I shall be glad to yield to the gentleman from Missouri.

Mr. HUNGATE. On page 59, beginning on line 4, there is this language, "except that nothing in this section shall be construed to affect or modify the authority or jurisdiction of any State to prohibit discharges of sewage whether treated or not from a vessel within all or part of the intrastate waters of such State if discharges from all other sources are likewise prohibited."

Would that not mean that the States

during this 5-year period could not prohibit the discharge of primary waste from a vessel as long as a city of village discharges waste that had primary or secondary treatment?

Mr. BLATNIK. Would the gentleman read the last part of his question again?

Mr. HUNGATE. It states in here that a State, as I read it, "except that nothing in this section shall be construed to affect or modify the authority or jurisdiction of any State to prohibit discharges of sewage whether treated or not from a vessel within all or part of the intrastate waters of such State if discharges from all other sources are likewise prohibited."

Mr. BLATNIK. It is my opinion that refers only to discharges of any and all sources that are prohibited at the present time.

For instance, you may have a bay where there is no discharge whatsoever, whether it be primary or secondary, and under that condition the State does have the right to prohibit the discharge from any vessel.

Mr. McCARTHY. Mr. Chairman, if the gentleman will yield further, if we have a small municipality which has a secondary treatment plant, under this provision as I read it, it could not prohibit the discharge of raw sewage from a vessel for 5 years even though it prohibits the secondary discharge of sewage from the village?

Mr. BLATNIK. Not for 5 years, but after the provisions of this law go into effect it would be only 5 years for old boats, but only 2 years for new boats. But I would believe the State would have the right, and the Federal Government could not preempt the State's authority, to insist that there be compliance with definite standards which certainly could not be less than the standards that the municipality would comply with.

The CHAIRMAN. The time of the gentleman has expired.

Mr. WRIGHT. Mr. Chairman, I yield 3 minutes to the gentleman from California (Mr. WALDIE).

Mr. WALDIE. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I have asked for this time in order to ask the gentleman a series of questions, and to establish some legislative history.

Is it the understanding of the gentleman that the words "water pollution" would include an act that would result in salinity intrusion, if a fresh-water body, for example, was altered in quality by saline intrusion into that body, would that be an act of pollution?

Mr. WRIGHT. In reply to the inquiry of the gentleman from California, as to whether saline materials could be described as matter under the terms of the bill, would depend entirely upon their listing by the Secretary. The Secretary has been directed to compile a list of hazardous materials. Now, there is no question but that excessive salinity in certain circumstances can be a serious pollutant to water.

For that matter, the United States has recognized this responsibility under a treaty with Mexico to provide pure water to be discharged into Mexico from the Colorado River. However, I believe there must be borne in mind that discharge of

a certain material might be hazardous in one case, and harmless in another.

Therefore the Secretary must take into consideration the environment into which the discharge would occur, and presumably also the establishment of certain quantitative requirements as to how much of the harmful substance would constitute a pollution hazard.

Mr. WALDIE. It would be my understanding that salinity intrusion being defined as a pollutant, would then require the respective States in the adoption of their water quality standards to set that as a criteria.

Mr. WRIGHT. There is no prohibition whatever against the State setting that, or any other stricter criteria than the Federal Government itself establishes.

Mr. WALDIE. I believe what I am attempting to establish is that the Congress went further in this act than not prohibiting the States from doing so, but that in fact the Congress instructed the States to define salinity intrusion as constituting pollution. And I call the attention of the gentleman to the concern that Congress has already expressed for the preservation of its estuarine areas, and to the damage that is done to those estuarine areas when there is diversion upstream of the fresh water flow into the estuary, and thereby resulting in an inflow of saline water intrusion damaging and destroying the ecological system of the estuary, and the economic benefits that are found in estuarine waters.

Mr. WRIGHT. The gentleman is correct, that this does constitute one precedent and recognition of excessive salinity as a harmful pollutant. I do not believe that where there exists in law a specific mandate from the States that in all cases salinity must be defined as being a pollutant, however, emphatically, there is nothing in the legislation—

The CHAIRMAN. The time of the gentleman has expired.

Mr. WRIGHT. Mr. Chairman, I yield the gentleman 2 additional minutes.

As I was saying, there emphatically is nothing in the legislation to prohibit a State from making this requirement, and it is the expectation that the Secretary will list all those substances which he deems to be hazardous.

For example, I call the gentleman's attention to paragraph 4 on page 48 of the bill which states very clearly:

Nothing in this subsection shall be construed as preempting any State or political subdivision thereof from imposing any requirement or liability with respect to the discharge of oil or matter into any waters within such State.

Mr. WALDIE. If I may just pose one more question to the gentleman. In my own State, California, the responsibility under this act of setting forth water quality standards and setting forth acts that constitute pollution vest in the State itself. Yet, the State itself is really the polluter by reason of their activities in diverting the fresh waters from the upstream flow into the San Francisco estuarine system. It is unreasonable to assume, unless they are compelled to do so, that they will place themselves in the role of becoming an active polluter—which, in fact, they quite clearly are.

The only real question I am asking the gentleman is—if within the concept of this bill, if a body of water that is fresh and is utilized for irrigation, for example for agricultural purposes, subsequently becomes salty water because of the diversion of upstream water that formerly prevented salt water intrusion—if that situation exists, does the person who has diverted the fresh water and thereby has permitted the salt water intrusion and destruction of the agricultural use—does that person become the polluter?

Mr. WRIGHT. The answer would have to be that the extent of the pollution, if any, and whether or not it constituted a hazard under the meaning of the act, would be up to the determination of the Secretary under the terms of the act.

Mr. WALDIE. The Congress has not in this bill given him that specific direction and said that it would be an act of polluting?

Mr. WRIGHT. The Congress has not specifically defined the quantities of matter which constitute a hazard under the meaning of the bill. It leaves that to the determination of the Secretary since it would vary in numerous instances. Obviously, a small amount of salinity in a large body of water could be harmless while a large amount of salinity in a limited quantity of water could be extremely harmful and destructive of crops or destructive of other forms of animal or vegetable life.

Mr. WALDIE. I thank the gentleman. I hope that the present Secretary will act as his predecessor has acted and declare that salt water intrusion does in fact constitute pollution.

I also want to congratulate the committee for their excellent work in bringing this bill up for consideration and I am wholeheartedly in support of it.

Mr. WRIGHT. Mr. Chairman, I yield 5 minutes to the gentleman from New York (Mr. STRATTON).

Mr. STRATTON. Mr. Chairman, I am sure that the Members will be familiar with those famous lines that run, depending upon which particular version you happen to remember:

High above Cayuga's waters
With its waves so blue
Stands our Noble Alma Mater
Glorious to view.

I mention these lines this afternoon not because in the circumstances of today we have any new demonstrations or student strikes going on above Cayuga's waters at Cornell University, but rather because one of the problems to which this legislation addresses itself is the problem of thermal pollution.

And this problem is being faced today, urgently and seriously, by those same blue waters above which Cornell stands. Since part of this lake is in my district, I am concerned about its future.

Another part of it is in the district of my friend, the distinguished gentleman from New York (Mr. ROBISON), and since I have mentioned his college and his lake, I would now be very happy to yield to the gentleman briefly.

Mr. ROBISON. I thank the gentleman for yielding. I rose to correct the gentle-

man. The first word is "Far"—"Far above Cayuga's water,"—not "High."

Mr. STRATTON. I stand corrected by the Congressman whose district includes that distinguished university.

The problem in Cayuga Lake is that a nuclear-powered electric generated powerplant is soon going to be built on this very beautiful, relatively small, very slow moving lake; and if that nuclear powerplant is constructed without regard to thermal pollution, then the cool water at the bottom of Cayuga Lake is going to be taken out of the lake and used to cool the reactor and will be put back into the lake at a higher temperature.

Now, this may not seem like much of a problem, but this is what we mean by "thermal pollution." By gradually raising the temperature of a lake, you not only encourage the growth of weeds in the lake, which in the case of Cayuga Lake are already interfering with its use for recreational purposes, but you also destroy the fish and the wildlife.

I think it is important that as we deal in this legislation with various aspects of pollution we face up immediately to this relatively new problem of thermal pollution. There has been a good deal said this afternoon about oil pollution, for example, and we have some strong language in this bill dealing with the kind of tragedy that hit the beaches at Santa Barbara.

Unfortunately, what is being done about oil pollution comes after at least a good part of the barn door has already been left open, and we are being asked to close it now after a good deal of pollution has already taken place. With regard to thermal pollution, we ought to close this door before the horse leaves the barn. And I am just afraid that the thermal pollution section of this bill, although it does recognize and deal with the problem, will not go nearly far enough, because it provides in effect that the applicable State standards shall apply.

The fact of the matter is that in New York State, as in many other States, we simply do not have any really effective applicable State standards. The State Assembly has recently passed a very strong bill, but my information is that it is likely to die in the Senate, and even if it does get through the Senate the Governor may veto it. So I do not think we can afford to rely on that kind of State protection.

If they can get away with destroying Cayuga Lake and turning it into another Lake Erie, think what may happen to the lake in your district or your district.

If we begin the process of building nuclear plants in small lakes like Cayuga Lake, instead of on the ocean or fast-moving rivers, as we have done up until now, we can destroy not only this beautiful recreational section of the Finger Lakes, but we can destroy a lot of other recreational lakes as well. I think it is just not enough for us to rely on State standards that will not be effective at the start of the threat, when they are most needed. Many of the States have not even done the research in this field, as the Federal Water Pol-

lution Control Administration has done it, and as the Secretary of the Interior has done it.

Therefore, I propose to offer on tomorrow, when we read the bill for amendment, an amendment which would merely give to the Secretary of the Interior the power with regard to thermal pollution alone, because this is a new field, and one in which, fortunately, we have not had much destruction so far, the power to set Federal standards which will apply to all facilities constructed with a Federal agency license, so that we can lock the door before the horse is stolen and thus can successfully avoid the debacle that we now face in connection with oil pollution.

Mr. ROBISON. Mr. Chairman, will the gentleman yield?

Mr. STRATTON. I am happy to yield to my colleague from New York.

Mr. ROBISON. The gentleman has mentioned the absence in New York State of criteria standards with respect to thermal discharge. However, the gentleman knows that the State water quality commission is holding public hearing on tentative criteria which would attempt to control this particular problem, and there is ample authority, in my judgment, under the existing public health laws of the State of New York for the water resources commission to adopt those standards.

The gentleman mentioned bills before the legislature. Those bills might possibly strengthen the hand of the water resources commission in this connection, but I do not think we need further legislation for the State to act as it is.

Mr. STRATTON. I hope they will. There is no question about the fact that the State has authority to act. But I have been a little disturbed about some of the things I have heard. Certainly the State health department and the conservation department, which have the authority, have been very wishy-washy so far. That is why I think we should strengthen this bill at the very start, rather than waiting for the States to act. If we wait it will be too late for Cayuga Lake, and it could be too late for other lakes as well.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. CRAMER. Mr. Chairman, I yield 2 additional minutes to the gentleman from New York.

Will the gentleman yield?

Mr. STRATTON. I am happy to yield to the gentleman from Florida.

Mr. CRAMER. As I understand, the Federal Government is requiring the States to provide water quality standards, and one of those standards required is to include thermal pollution. They are in the process now of negotiating what that thermal pollution standard should be within the respective States. So I would contemplate that in the not too distant future every State will have a thermal pollution standard established, and approved by the Secretary.

But I will say to the gentleman that when he starts talking about national standards, I do not think the gentleman from New York fully appreciates that in the State of Florida a certain number of degrees of greater heat than pres-

ently exists in a body of water that would result in a deleterious effect might be completely different with different locations in the United States. This is because that number of degrees, that might cause a disruptive effect in warm water, with other different environmental factors cannot be said to have the same effect in the cooler and different waters of a northern lake or in Alaska for instance?

The point I am making is that we do not necessarily want the same number or percentage of degrees above present temperature controls in one State, where it is warmer, and environmental conditions are different to be the same as that for the waters of another State, so I do not think we can have a national standard based upon what is known of thermal problems presently that would make much sense.

Mr. STRATTON. Mr. Chairman, if the gentleman will give me the time, I, too, would prefer not to have to set a national standard, but we are dealing with a shortage of time in this case. There may be approval by the Atomic Energy Commission to build a nuclear powerplant on the Finger Lakes within a few weeks. Therefore, I do not think we are likely to have any strong standards in New York State by the time this problem comes up. For that reason, I think we have to act now. If a precedent is set on Cayuga Lake, it could be carried out in the Finger Lakes or in lakes in the gentleman's State.

As the gentleman knows, the standards proposed do not involve an exact number of degrees but a certain percentage over mean temperature of the water or over the temperature of the water as it is on the surface. That kind of a standard could be applied nationally without any problem, as I see it.

Mr. CRAMER. Mr. Chairman, I would suggest to the gentleman there is not enough knowledge about what the ecological and other effects of thermal pollution will be, nor up to what degrees or percentages or otherwise above what exist at the present time. From lake to lake and State to State and level to level there are the different environmental circumstances that controlled and judged by the State after approval of the standards by the Secretary. I would suggest to the gentleman this is an area best left to the jurisdiction of States and particularly where States are required to act under present law anyway.

Mr. STRATTON. If there is any lack of research, I think it is in research which has been done on a State level. A good deal of research has been done by the Federal Government, and it is presently pretty clear as to what constitutes thermal pollution of our waters and what must be done to prevent it.

Mr. WRIGHT. Mr. Chairman, I yield to the gentleman from Hawaii 2 minutes.

(By unanimous consent, Mr. MATSUNAGA was allowed to speak out of order.)

STATUES OF FATHER DAMIEN AND KING KAMEHAMEHA I TO BE UNVEILED TODAY

Mr. MATSUNAGA. Mr. Chairman, at 4 o'clock this afternoon, the statues presented by the State of Hawaii of two of its most eminent personages for com-

memoration in the National Statuary Hall will be unveiled with appropriate ceremonies to be held in the rotunda of the Capitol. These are the statues of the Reverend Joseph Damien De Veuster, a Roman Catholic priest, and King Kamehameha I, the first monarch of all the island of Hawaii. In behalf of the people of Hawaii, I extend to the Members of this House a cordial invitation to attend the ceremonies.

Father Damien was born in Belgium in 1840 and came to Hawaii at the age of 24. He completed his studies for priesthood a few months after his arrival in Hawaii, and in May 1864, he was ordained in the Cathedral of our Lady of Peace in Honolulu. Nine years later, in 1873, after he had served in an area on the island of Hawaii where Kamehameha was born over 100 years before, Father Damien asked to be sent to the leper colony on the tiny island of Molokai. As the resident priest on Molokai, Father Damien served his unfortunate parishioners in almost every conceivable capacity. Because of the lack of doctors, he rendered medical services. He was also an administrator, undertaker, coffinmaker, gravedigger, builder of homes, and champion of the afflicted. His compassion for his flock knew no bounds, and he labored day and night for 16 years before he died of the disease himself at the age of 49. For over three-quarters of a century since the death of Father Damien, the story of his voluntary sojourn among the lepers of Molokai has been told again and again, and it continues to inspire men and women throughout the world.

King Kamehameha, the second citizen whom we honor, will be the first monarch to grace the Halls of the U.S. Congress. He was born in the late 1750's in Kohala, on the island of Hawaii, one of the four kingdoms into which Hawaii was then divided. He was said to have been born on a stormy winter night, under weather conditions indicating the nature of his future adult life. As one of the six lesser chiefs of his island district, young Kamehameha led the others in successful wars to insure an equitable distribution of land. After overcoming rival chiefs on the island of Hawaii, Kamehameha transported his large army on war canoes to Maui, Molokai, and Oahu, successively, and these islands, along with Hawaii, were unified under his rule in 1795. The two remaining islands Kauai and Niihau, were later ceded without a fight.

This unification of the islands into the Hawaiian kingdom was the foundation from which eventually emerged the Territory and still later the State of Hawaii.

Mr. WRIGHT. Mr. Chairman, I yield 5 minutes to the gentleman from Ohio (Mr. VANIK).

Mr. VANIK. Mr. Chairman, during the consideration of the Water Quality Improvement Act, I expect to offer an amendment to provide a special program for the solution of pollution problems of such dimensions that they are not even touched by the present legislation. I think they should be separately considered as national water pollution disaster areas.

The legislation reported out by the committee provides no assistance what-

soever to so critical a problem as the Lake Erie problem with which the citizens of northern Ohio, northern Pennsylvania, and northern New York, and eastern Michigan are confronted. This Congress can no longer stand by while huge natural resources of this type are destroyed in our full sight and knowledge.

The legislation in its present form provides Ohio, along with all the other States, a sum of money which is based on a formula established under the law, with which I have no argument as far as it goes, except that it does nothing whatsoever to help us in northern Ohio solve what is the greatest problem with which we are confronted.

The people of my community have set aside a \$100 million bond issue, in the city of Cleveland, to begin—just to begin—to solve the problem of reducing the contamination of Lake Erie. Under the law we consider today, we get no resources out of State funds, because the State programs are not oriented toward the most critical problem of Lake Erie pollution. These resources are used by the State for economic development, for the construction of facilities as an industry inducement. When industry goes into an area and needs a sewage system, then this money is used for economic development rather than to control or to provide some remedy for areas of existing pollution.

I should like, Mr. Chairman, to ask the chairman of the committee if, under the provisions of this bill, we can expect any help for a problem which is as severe as the Lake Erie problem? This problem is interstate, it is international, and it is beyond the capacity of any single State. What can we look for under the terms of this bill?

Mr. WRIGHT. In answer to the gentleman, the bill provides only for research into a means of assisting lakes such as the Great Lakes. It does not provide a broad or a meaningful assault upon existing pollution in those lakes, as the gentleman is very fully aware, he being completely cognizant of the water pollution legislation and he having appeared before our committee and having testified on this matter of the need for urgent attention to the lakes and particularly Lake Erie.

As the gentleman knows, the bill does not provide for a broad assault, such as the gentleman himself desired to be provided in the present legislation, on the existing pollution in lakes such as Lake Erie.

Mr. VANIK. Am I correct in understanding that under the formula provided under this bill the State of Ohio will receive about \$9.5 million as the proportionate share of the grant program money?

Mr. WRIGHT. That sounds about right, under the present level of appropriations. I would not want to be held pinpointed as to the precise amount.

Mr. VANIK. Will the gentleman tell me about other special provisions which are set forth in the bill, such as authorizing the sum of \$15 million for the mine acid problem? Is that in the bill?

Mr. WRIGHT. Is that the mine acid drainage?

Mr. VANIK. Yes.

Mr. WRIGHT. The bill provides \$15 million.

Mr. VANIK. If the committee in its wisdom and judgment decided to authorize \$15 million for this specific problem, is it unreasonable to ask the committee to come forth with some special allocation for national pollution disasters like the Lake Erie problem?

Mr. WRIGHT. The gentleman is asking a question which lends itself to an answer by opinion rather than by fact. I am, as one member of the committee, quite sympathetic to the desires of the gentleman.

The gentleman is aware of all that has been attempted through the regular water control legislation by means of grants-in-aid to municipalities up and down the streams, which are polluting these lakes.

The gentleman is aware of the budget limitations under which we have suffered in our attempts to move that program forward more rapidly. The gentleman appeared before our committee and made a very eloquent and very moving statement as to the need for a massive assault on the pollution which created in Lake Erie a dead body of water, in effect, at the core of the lake, so lacking oxygen that plant and animal life cannot survive.

Mr. VANIK. May I ask the gentleman if there is any other problem that was presented to the committee that matches the Lake Erie problem in magnitude?

Mr. WRIGHT. The answer I think would be that pollution is a nationwide problem.

Mr. VANIK. No. I say, was there any other single problem that matched the magnitude of the Lake Erie problem?

Mr. WRIGHT. I know of no situation that is worse.

Mr. VANIK. I thank the gentleman.

The CHAIRMAN. The time of the gentleman has expired.

Mr. WRIGHT. Mr. Chairman, I yield the gentleman 3 additional minutes.

Mr. BLATNIK. Mr. Chairman, will the gentleman yield?

Mr. VANIK. I yield to the distinguished gentleman from Minnesota.

Mr. BLATNIK. Mr. Chairman, I wish to associate myself first with the response made by one of our most productive and knowledgeable workers in water pollution, the gentleman from Texas (Mr. WRIGHT). Also I wish to emphasize not only sympathy but the very serious concern which we share with the gentleman from Ohio with respect to the plight of all the States in dealing with the problem of Lake Erie.

Some scientists have suggested as Mr. WRIGHT said, that it may already be, in a sense, a dead lake, in that unless massive measures are undertaken immediately, the problem may be almost irreversible. It is such a complicated problem, as I see it, that no matter how well we think we understand it—and I have spent considerable time on the technical and chemical aspects of the problem—no matter how effectively we try to control lake pollution from both industrial and municipal sources, the lake has already reached such concentrations in its ac-

cumulation of solids and other materials in colloidal suspension that even the technical experts are not sure what can best be done to alleviate it.

There is, for example, matter in a liquid form, such as acids and pickling liquors, and chemicals of all types that form a fluid with a heavier density than clear, pure water. This covers most of the bottom of the lake. Some scientists believe it cannot be flushed out; that no matter how much fresh water you would pour in, it would be just like pouring cream on top of milk. The cream would just slither across the top of it. The fresh water that you would pour in might come out at the other end, at Niagara Falls or Buffalo.

So we can see that we have a problem that is monumental and complicated as all get-out. No one knows what to do about the matter. But that does not mean that we should stop trying, or that we cannot act in other ways. There is nothing to prevent municipalities or State agencies or groups of States from getting together and using rather substantial funds which are available for aid in the form of demonstration projects or for trial grants. The kind of thing that you mentioned was done at Lake Barcroft could be done.

We know that more research is necessary. I agree with you that an enormous effort has to be made. Not only \$100 million but several hundreds of millions of dollars will be required in order to clean out and to reverse the situation existing in Lake Erie so as to restore it to an acceptable level of quality and maintain it in accordance with the standards in existence now. The big problems are getting the tremendous amounts of money, and the technical knowledge, and to the limit they are available we will do everything we can to see that they are used effectively.

Mr. VANIK. I would hope, Mr. Chairman, that the Congress would not write off Lake Erie as a lost cause. I think it can be saved, and I am here pleading with you, my colleagues, for help. It is my opinion that we are now at the point where it belongs in this bill.

Mr. McCARTHY. Mr. Chairman, will the gentleman yield?

Mr. VANIK. Yes. I yield to the gentleman from New York.

Mr. McCARTHY. As the gentleman from Ohio knows, I joined in cosponsoring this pollution disaster relief bill. Coming from the shores of Lake Erie, also, I share the gentleman's concern, and I am urging the committee to consider holding hearings at an early date on the gentleman's bill with the hope that we can come up with something to deal with this particular problem.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. CRAMER. Mr. Chairman, I yield the gentleman 2 additional minutes.

Mr. VANIK. I thank the gentleman from Florida.

Mr. CRAMER. Mr. Chairman, will the gentleman yield?

Mr. VANIK. I yield to the gentleman from Florida.

Mr. CRAMER. Of course, under the present law we are all concerned about

lake pollution as we are river pollution and various other types of pollution throughout America. It is not only the Great Lakes but the entire country.

As I understand what the gentleman from Ohio is proposing is relief to the Great Lakes that is not now available to other equally polluted areas—

Mr. VANIK. That is right.

Mr. CRAMER. I do not know how the gentleman could justify it as compared to other polluted areas. Where is more money coming from for sewage treatment plants? As I understand the gentleman's proposal, many other areas throughout this Nation equally want such consideration and there are more needs for sewage treatment plant construction than we can fill at the present time.

We are authorizing \$1 billion. The past administration recommended \$214 million for appropriation out of the \$1 billion authorization. The money just is not there under the present budget squeeze so as to even tool up the existing sewage treatment plant authorization, including Lake Erie. So where does the gentleman suggest the money would come from? He is recommending a special authorization and a specific sewage treatment plant for this area. This is only a small portion of the pollutant problem of these lakes. What does one do about industrial and other types of pollution?

Mr. VANIK. I might say that my amendment is not limited to sewage treatment plant facilities because the problem of Lake Erie is going to involve some other approaches to be determined by extended research and study. There are other things that must be done to save a decaying lake. This may require an aeration process and a dredging of the lake bottom in certain areas.

Mr. CRAMER. I will say to the gentleman that there is a presently existing section in the present law, section 5(f) which provides as follows:

(f) The Secretary shall conduct research and technical development work, and make studies, with respect to the quality of the waters of the Great Lakes, including an analysis of the present and projected future water quality of the Great Lakes under varying conditions of waste treatment and disposal, an evaluation of the water quality needs of those to be served by such waters, an evaluation of municipal, industrial, and vessel waste treatment and disposal practices with respect to such waters, and a study of alternate means of solving water pollution problems (including additional waste treatment measures) with respect to such waters.

The CHAIRMAN. The time of the gentleman from Ohio has again expired.

Mr. CRAMER. Mr. Chairman, I yield the gentleman 2 additional minutes.

Mr. VANIK. I thank the gentleman.

Mr. CRAMER. Mr. Chairman, if the gentleman will yield further, in this bill, as appears at page 76 thereof, section (g) reads as follows:

(g) The Secretary is authorized to enter into contracts with, or make grants to, public or private agencies and organizations and individuals for the purpose of developing and demonstrating new or improved methods for the prevention, removal, and control of natu-

ral or manmade pollution in lakes, including the undesirable effects of nutrients—

And so forth. The committee has not been oblivious to this problem. The gentleman is not really offering a solution to it unless you want to go into the payment of grants to all operations which contribute to the pollution of waters, including the operations of private enterprise.

Mr. VANIK. Does the gentleman agree that the Lake Erie problem is much different and its dimension is much greater than anything proposed in this bill?

Mr. CRAMER. I do, and that is why we included the Great Lakes in the last bill. That is why we are pinpointing the Great Lakes in this bill.

Mr. VANIK. What is there in the present bill to deal with a problem of such dimensions as the present problem which exists with reference to Lake Erie, a problem which is international, interstate, and beyond the capacity of any one State to cope with it?

Mr. CRAMER. There is \$65 million in this bill to carry out this research.

Mr. VANIK. \$65 million which is allocated to the several States just like the grant money.

Mr. CRAMER. Oh, no. No, it is not.

Mr. VANIK. It is parceled out just like the grant money. There is nothing for the Lake Erie problem.

Mr. CRAMER. This problem is nationwide. It is not allocated to the States alone.

Mr. VANIK. May I ask the gentleman—

Mr. CRAMER. It is nationwide insofar as on the lake problem.

Mr. VANIK. May I ask the gentleman specifically how under previous authorizations it was allocated among the States?

Mr. CRAMER. The Secretary has authority to allocate the money according to where the problem is.

I agree with the gentleman wholeheartedly, I am not arguing with the gentleman, that Lake Erie and some of the other Great Lake areas have a serious problem, as the gentleman from Minnesota suggests, but this provides the tools to do something about it to the tune of up to \$65 million. The Secretary can put any or all of this into the Great Lakes.

Mr. VANIK. Not one dime has gone into the Lake Erie problem.

The CHAIRMAN. The time of the gentleman has expired.

Does the gentleman from Florida wish to use further of his time?

Mr. CRAMER. I will yield back the balance of my time.

Mr. WRIGHT. Mr. Chairman, before the gentleman from Florida yields back the balance of his time, I wonder if the gentleman from Florida, from his great and generous heart, would share with this side some 6 minutes of his time in order that two Members of the House, the only two Members remaining who have asked for time, might be permitted to speak on this legislation, the two gentlemen being the gentleman from Illinois (Mr. PUCINSKI) and the gentleman from Michigan (Mr. DINGELL).

It is my understanding that we have

4 minutes remaining on our side, so I am wondering if we might borrow some time from our distinguished colleague from Florida.

Mr. CRAMER. Mr. Chairman, after the generous statement of the gentleman from Texas about the gentleman from Florida I am persuaded, and as a matter of fact I will not even ask for a payback of the time, and I will yield 5 minutes to the gentleman.

Mr. WRIGHT. I now yield 5 minutes to the gentleman from Illinois (Mr. PUCINSKI).

Mr. PUCINSKI. Mr. Chairman, I wish to thank my colleague from Florida and the gentleman from Texas for yielding me this time.

Mr. Chairman, I rise in support of the bill H.R. 4148. I believe this is landmark legislation. The gentleman from Maryland (Mr. FALLON), the chairman of the Committee on Public Works, and the gentleman from Minnesota (Mr. BLATNIK), the chairman of the subcommittee, as well as all of the members of the Public Works Committee on both sides, deserve the highest commendation of this House for bringing this very important and historic bill to the floor of the House for action.

I would like to call the attention of my colleagues to the two scripts that I put into the RECORD yesterday. They appear on pages 8962 and 8963. These are scripts which were used in two excellent programs produced by the Columbia Broadcasting System in its "The 21st Century" presentation entitled "What Are We Doing to Our World?"

Mr. Walter Cronkite quite properly pointed out:

Man is a thinking animal, but nonetheless dependent entirely on the ecological balance of his planet to sustain him. All the forms of life over which man has become master are similarly interrelated and dependent on one another in varying degrees.

This excellent series can be recommended here to the Members as an absolute justification for this legislation.

I should also like to call attention to a statement made by a great American, Charles A. Lindbergh, recently in New York City when he received an award from the National Institute of Social Sciences. I believe Mr. Lindbergh has placed this whole problem into proper perspective. He made the argument on behalf of this legislation for us when he stated:

I have been forced to the conclusion that much of our scientific and technical progress is negative progress in relation to man's basic welfare: that many of the steps we take to insure our present survival lead toward a future breakdown. I have asked myself over and over again how this trend can be avoided.

Then he added:

In trying to affect a trend, one considers its beginning. This takes us back through ages to what was, in many ways, the disastrous impact of the human mind with its lack of selective judgment—a mind so paradoxical, to date, that it has achieved life's greatest knowledge and caused life's greatest evil.

And he concludes—and I would like to especially call your attention to these words, because these are the words that I believe bear directly on this legislation:

In the short period of evolutionary time after intellect gained domination over instinct, it has made man the most destructive creature upon earth.

Mr. Chairman, everyone talks about the crisis affecting our rivers, streams, and waterways in America.

There is no question that man is killing the very environment that nourishes him. Our much-proclaimed American know-how and can-do technology have not been applied to preserving the highly intricate balances of nature. We survive by utilizing the infinite complexities of our planet, but our resources are not inexhaustible. With all of our hardware and amazing technical proficiency, we have yet to find substitutes for either clean air or potable water.

Lake Michigan, which borders part of my own State of Illinois, is in imminent danger of total destruction due to wholesale pollution. Lake Erie is already comatose and virtually incapable of supporting life. There must be limits imposed on man's opportunity to destroy his natural resources.

Lake Michigan is approximately 300 miles long and 80 miles wide. Its area encompasses nearly 25,000 square miles. Before passage of legislation that permitted the Army Corps of Engineers to use this inland sea as a massive dumping area, the depth of the lake was 113 feet. Today it is 103 feet deep. By pouring millions of tons of junk and toxic material into this enormous lake, we have raised its depth more than 10 feet. This is unconscionable.

We cannot continue the heedless destruction of irreplaceable resources merely because it is "cheaper" to dispose of our waste products in this way. The question of "cheapness" or economy in general when discussing an end to pollution is academic. We must spend whatever it costs and we must begin now.

The bill before the House today strengthens our ability to end pollution and to set about mitigating its effects and regaining at least a measure of what we have lost.

As human beings who share this earth with its tens of millions of forms of plant and organic life, we can do no less than insure its survival as a life-supporting planet.

So, Mr. Chairman, tomorrow when we start reading the bill, it is my intention to offer an amendment to this bill which would repeal that part of the act of 1905 which set up and specified and utilized and authorized certain areas in the Great Lakes for dumping by the Corps of Engineers.

It is my hope that this amendment will be adopted.

We heard a moment ago the distinguished gentleman from Minnesota (Mr. BLATNIK) say that Lake Erie appears to be beyond the realm of salvation. Lake Erie is a national disaster area and its shame is shared by all of us. Tomorrow I am going to ask my colleagues to join me in barring any further dumping in the Great Lakes by the Corps of Engineers. You cannot have effective anti-dumping procedures by local municipalities and by the various States surrounding the Great Lakes when Uncle Sam

through his Corps of Engineers is the largest single polluter of all.

I am not at all persuaded when the Corps of Engineers comes before us and pleads that if we do not let them dump in the Great Lakes that they are going to have to stop dredging the harbors and rivers. This is a problem that the Department of Defense will have to address itself to in order to find alternative solutions. Surely our technology is capable of supplying an answer.

Until this Congress stands up and says that the law of 1905 was a mistake and can no longer be tolerated and we refuse to permit indiscriminate mass dumping we are not going to be able to save the Great Lakes or our other great water resources.

Who in this Congress, on either side of the aisle, is competent to tell us what is the price tag on recreating a Lake Michigan or the other Great Lakes? Man can never create such a vast natural resource, but surely man can save it.

It is my hope that tomorrow when this bill comes before us, our colleagues are going to join in taking this bold but determined step. Let us here in the Congress say that there shall be no more dumping by the Corps of Engineers in Lake Michigan and then get the rest of private industry to fall in line.

Mr. Chairman, I thank my colleagues for making this time possible.

(Mr. KARTH (at the request of Mr. WRIGHT) was granted permission to extend his remarks at this point in the RECORD.)

Mr. KARTH. Mr. Chairman, I rise in support of H.R. 4148, the Water Quality Improvement Act.

Today when this country's population is at the 200-million level we are rapidly discovering that our air and water resources are not limitless. The efforts of the Federal Government have in recent years been directed with special urgency toward meeting the air pollution problem because the need for control has been demonstrated most dramatically by so-called death fogs and eye-watering smogs. This Congress has enacted air quality control legislation which now makes it possible to reduce the noxious chemicals in automobile exhaust and smokestacks. We are happily making progress in air pollution control and can soon expect real technological breakthroughs which will eliminate the most alarming threats to our air.

But it has been recently, only through the catastrophes of *Torrey Canyon* and the Santa Barbara Channel that the public has become alarmed by the tremendous problem created by the oil pollution of our waters. True, there has been on our law books since 1924 statutes to prohibit the willful and negligent dumping of oil in our navigable waters. But the scale of today's problems are so much broader and more aggravated than they were even a decade ago that new legal tools have to be provided the executive department to cope with unanticipated threats to the water resources in our environment.

H.R. 4148 as reported by the Committee on Public Works, I believe, makes tremendous steps toward up-dating the

laws dealing with water pollution by providing more stringent controls against oil and sewage pollution of our waters, research grants to combat acid and mine water pollution, and training grants and contracts to alleviate a critical shortage of skilled engineering aides, scientific technicians, and sewage treatment plant operators.

I think that it is symbolic of the new approach of this important legislation that the bill proposes the name of the Federal Water Pollution Control Administration be changed to the National Water Quality Administration.

I hope this Congress will quickly enact this bill and provide the funds necessary to implement it so that our Nation can eliminate the national jeopardy which presently threatens our water resources. I urge the support of my colleagues for the enactment of this bill.

Mr. WRIGHT. Mr. Chairman, I yield the remaining time on our side, 4 minutes, to the distinguished gentleman from Michigan (Mr. DINGELL) who has been a longtime advocate for clean water and who is a member of the Committee on Merchant Marine and Fisheries of the House.

Mr. CRAMER. Mr. Chairman, I yield 2 additional minutes to the gentleman from Michigan (Mr. DINGELL).

Mr. DINGELL. Mr. Chairman, I thank my good friend, the gentleman from Texas, and my good friend, the gentleman from Florida, for so graciously making possible these few brief remarks.

Mr. Chairman, I wish to commend the distinguished members of the Committee on Public Works and the committee for the very able work they have done in presenting to this body a very fine piece of legislation, one which is well calculated to make further badly needed strides in the field of abatement of pollution of the Nation's waters and water resources.

Mr. Chairman, I have several comments on the bill.

First, with regard to the question of funding and financing. I would point out that the very best efforts, and they have been indeed tremendous, by the Committee on Public Works and the distinguished members have been largely frustrated by the inadequate funds presented by the different administrations for the handling of water pollution.

In all of the years since the original legislation was passed back in 1956, we have appropriated vastly less than the needed funds and this year we have the administration's budget request for something like \$200 million, against an authorized Federal expenditure under Public Law 660 of something like a billion dollars for this coming fiscal year.

Indeed, it is probable with the rate of the population increase and the increased level of pollutants, the higher authorized figure will fall significantly behind meeting the real needs of our Nation.

I rise also to make certain comments with regard to activities now going on in the Committee on Merchant Marine and Fisheries. As my good friends on the Committee on Public Works know, the Committee on Merchant Marine and Fisheries has been engaged in a study

of legislation and holding hearings on proposals which would begin abatement of pollution of the seas and navigable waters by law.

During the existence of the Merchant Marine and Fisheries Committee this has been a matter of particular concern by that committee. The Committee on Merchant Marine and Fisheries has reported to this floor a number of pieces of legislation over the years which have dealt with this particular problem. Over the years these pieces of legislation have been enacted by this body and now constitute a portion of the permanent laws of the United States.

The Committee on Merchant Marine and Fisheries, today is considering similar legislation, much in keeping with and, indeed, substantially similar to that involved in the sections of H.R. 4148 dealing with the same subject. It is with pleasure I note that the Committee on Public Works has moved with great vigor. It is with some sadness I note some of the thoughts of the membership of the Committee on Merchant Marine and Fisheries have not been fully and, in our opinion, adequately reflected in H.R. 4148. Nevertheless, I do point out to this body that H.R. 4148 is an admirable piece of legislation. It reflects careful consideration, and I believe it makes possible long strides forward in the abatement of water pollution. And, despite the jurisdictional problems which have existed with H.R. 4148, it does take proper, and I believe desirable and, in fact, adequate steps toward the abatement of the pollution of our navigable waters by oil, something which has been a significant problem.

It was the hope of the Committee on Merchant Marine and Fisheries that this would be handled by making the Coast Guard the primary agency. It is my hope that this will still take place in connection with the cleanup of the seas of oil, because, my friends and colleagues in this body well know that the Coast Guard is the agency most immediately affected, and almost invariably the first and only agency directly on the scene when this occurs. Indeed, our cleanup endeavors during the times we have had these oil spills have largely been conducted under the leadership of the Coast Guard. That agency demonstrated a remarkable capacity for vigorous and effective action in the Santa Barbara incident and in a number of other lesser incidents.

So it is my hope that this will take place in that fashion.

I would point out a caution to my colleagues, and that is that failure to adequately and properly center responsibility for the abatement and cleanup of oil pollution in the hands of an institution like the Coast Guard may conceivably result in a problem of the kind they had when the *Torrey Canyon* went down. During that incident it is fair to point out that there was a significant period of time during which the British Government was unable to assign responsibility and to fix the duty on any of the several agencies of the British Government for the actual cleanup of the oil. Had the Government been able to move more

expeditiously under those circumstances, it is not inconceivable that damage to the British coast and the coast of Europe might have been significantly reduced.

I do report to the House at this time that the Committee on Merchant Marine and Fisheries does have a number of matters it is considering which will involve other segments of the Coast Guard's responsibility in connection with the abatement of the pollution of the seas and navigable waters by oil, and that my discussions with the chairman, with the staff, and other members of that body indicate to me there is every probability that during the next few weeks the Committee on Merchant Marine and Fisheries will continue its consideration of these matters, and hopefully will ultimately complete a useful and complementary piece of legislation, one which will add to the very able drawn and well-done piece of legislation which we have before us, in terms of increasing the ability of this Nation to abate the pollution of our navigable waters by oil.

Mr. Chairman, I thank my colleagues for making this time available to me.

Mr. CRAMER. Mr. Chairman, I yield such time as he may consume to the gentleman from Iowa (Mr. SCHWENGEL).

Mr. SCHWENGEL. Mr. Chairman, I rise in support of the Water Quality Improvement Act of 1969.

The committee of which I am a member has worked hard on this legislation. Its leaders especially are to be commended, as well as the staff, for the work they have done.

Mr. Chairman, this bill is good legislation and goes a long way toward solving our pollution problems. It is not a perfect bill, but it will deal with some of the critical problems that are presented today and it will pave the way for even better programs in the years ahead.

One of the best features of the bill is that which provides for training of persons in the water control area. Mr. Chairman, I was a cosponsor of the bill which resulted in this section, and can speak with some authority on the point. The witnesses who appeared before our committee pointed out the dramatic urgency of this training. They noted the severe shortage of trained personnel in almost every area of the pollution control effort. Section 20 authorizes grants and contracts to train undergraduate students interested in the design, operation, and maintenance of waste treatment works and other facilities for water quality control. The urgent nature of this need is pointed out here primarily for the benefit of my good colleagues on the Appropriations Committee.

Another important provision of the act is section 19 which deals with demonstration projects for the control of acid mine pollution. This too is a step in the right direction.

The chief shortcoming of the act, in my opinion, is the lack of provision for adequate research. Like so many problems, we have rushed into pollution control without full and careful research into the exact nature of the problem. Good, solid research to identify and isolate the problem makes solution of the problem 10 times easier.

We also need much more cooperation

and coordination among the various levels of government, and private industry, in our pollution research. My suggestion for this problem is a series of satellites research stations which would serve as coordinators of research for the overall pollution problem in a given area. They would coordinate the efforts of the various levels of government, and those of private industry.

Another shortcoming of the bill is the absence of more strict regulation of pollution by Federal activities. Our Federal agencies and activities around the country should be taking the lead in establishing new concepts and methods of pollution control. Instead under the provisions of this act, we will still have some agencies dragging their feet as bad if not worse than some private industries.

While these shortcomings are serious—I do support the act and urge that it be passed. In the meantime, I will be introducing legislation to correct these shortcomings and hope that the committee will give early and serious consideration to my legislation.

Mr. WRIGHT. Mr. Chairman, will the gentleman yield for a unanimous-consent request?

Mr. CRAMER. I yield to the gentleman from Texas.

(Mr. McCARTHY (at the request of Mr. WRIGHT) was granted permission to extend his remarks at this point in the RECORD.)

Mr. McCARTHY. Mr. Chairman, the bill we are considering today deals with one of the major problems of our environment. Water pollution is no longer the concern of the expert but rather is a concern of the public. Our swimming beaches have been contaminated by sewage. Our lakes are polluted or crowded with algae fed by fertilizers or human wastes. Our rivers have the stink of open sewers during the summer months. There is less pleasure in boating when owners must scrape oil and sludge from the sides and bottoms of their boats constantly. Waterways that once delighted the eye now offend; we have damaged a major natural resource.

But the time for talking about the dangers of water pollution, for calling attention to man's neglect of this natural resource is past. Opinion polls show clearly that the American public is concerned about this problem. They show clearly that the public is ready for action—not words. This demand has been recognized by Congress in the unanimous votes approving the authorization of money to construct sewage treatment facilities. The funds that have been authorized were in keeping with the size of the problem. I would have preferred to have even larger authorizations, but can appreciate the many different demands for our tax dollars.

Unfortunately, we have failed to appropriate anywhere near the amounts that have been authorized for the construction of treatment plants and sewers. For treatment plant construction we authorized \$450 million in 1968; we appropriated \$203 million. We authorized \$700 million in 1969; we appropriated \$214 million. We authorized \$1 billion in 1970; the administration has budgeted \$214 million. In these years alone, we

have appropriated \$1,519,000,000 less than the amount authorized. I think that our national priorities are sadly misinterpreted when we spend, for example, more than \$350 million a year on chemical and biological warfare, weapons of questionable value, while only spending \$214 million to prevent the destruction of our water resources.

What does the water pollution funding gap mean in terms of water pollution control at the State and local level? The Federal Water Pollution Control Act made it necessary for the States to develop acceptable water quality standards and to initiate programs to bring the waters within their States up to these standards. In a number of cases bond issues have been passed to assist in cleaning up their waters. My own State, New York, passed a \$1.6 billion pure waters bond issue to help cities and towns build the necessary sewage treatment facilities. And New York went beyond that; it agreed to prefinance the Federal share of construction of these facilities so that there would be no delay in cleaning up our rivers and lakes.

At the local level cities and towns have passed referendums authorizing the financing of the construction of sewers and treatment facilities. The local leaders who must convince the residents of a town or village to add to their property tax to construct new sewers and treatment facilities must use a part of their political capital in building support for these referendums—the additional tax burden is not assumed lightly.

One can imagine, then, the effect of the failure of the Federal Government to provide its share of the funds required for facility construction. New York State will not receive a fraction of the Federal funds to which it is entitled under the amounts authorized. A tax burden is thrown back from Washington on the State and local government, increasing the rapidly growing demands on State and local revenues.

Towns and villages under legal order to clean up pollution find that they do not have the funds to do the job. They know that the cleanup has been ordered by Washington—why, then, does not Washington do its share and provide the promised assistance?

In fairness it must be recognized that the demands of the Vietnamese conflict have kept domestic spending at much lower levels than had been desired. Many worthwhile programs were cut back and many others failed to see the light of day as a result of the economics brought about by the war.

The shortage of funds for water pollution control while the Vietnamese conflict is going on was recognized, however, and a remedy was suggested. Last year's water pollution control bill contained a provision that placed the financing of treatment facilities on a capital basis rather than on an annual basis. This is a technique whereby the Federal Government agrees to pay the principal and interest on a 30-year bond issued by the State, town, or village to cover the cost of new facilities. Rather than giving the community one lump sum to cover the Federal share in the first year, the Federal Government would only have

to pay roughly one-thirtieth of the cost each year. This would make it possible to start many more projects than could be initiated following the present lump-sum approach. As you may recall, both bodies of Congress passed that legislation last year but it failed to clear the conference committee at the last minute.

Recognizing the value of this financing approach to the task of water pollution control, I reintroduced a comprehensive water quality bill in this session of Congress. I was joined by 24 of my colleagues in that action. The companion bills—H.R. 7734 and H.R. 7767—both include a financing section identical with that passed by both bodies of Congress in the last session. It has been my impression that those concerned with water pollution control realize that this capital financing approach is a most effective way to make the limited funds available go as far as possible.

Both the House and the Senate committees dealing with water pollution control have deferred consideration of financing proposals for this activity until the new administration has had an opportunity to review their budget and make any proposals that they believed desirable. As a matter of courtesy, financing provisions are not included in the bill considered today.

I have learned, however, that the administration will propose an appropriation of \$214 million for the construction of water pollution control treatment facilities. And as far as I am able to determine, this request will not include a provision for capital or long term funding. If this is the case, \$214 million is totally inadequate. Apparently, Secretary of the Interior Hickel recognizes this, for I understand that he requested a total of \$600 million for this purpose, only to be turned down by the Executive Office of the President.

If the Federal Government does not do its share, what can we legitimately ask the State and city to do? Can we hold enforcement conferences and demand that localities upgrade their treatment facilities? Can we ask the cities located along Lake Erie or along the Mississippi or Missouri to build secondary rather than primary treatment facilities? This sort of hypocrisy is one of the roots of dissatisfaction with Washington found at the local level.

I hope that the Rivers and Harbors Subcommittee of the House Public Works Committee will be able to hold hearings on my bill to provide adequate financing for water pollution control in the near future. This legislation is important to our environment. Neglect now will mean destruction later. We cannot afford to wait.

Mr. LEGGETT. Mr. Chairman, I am glad I have the opportunity at this time to comment on this bill, and express my wholehearted approval of this measure designed to start the long-delayed assault on water pollution which has affected this country for so long, but which has been marked by serious inaction on the part of the Government. The problem has reached a critical stage, but I am hopeful that quick action now can stop further damage to our en-

vironment and start to roll back the damage already done.

It is incumbent upon us to pass H.R. 4148. Further delay may very well make the problem insoluble, forever relegating our lakes and rivers to open sewers infesting all surrounding areas.

In my district in California we have one of the most beautiful bodies of water in the State, Clear Lake. This lake has long been recognized as one of the leading recreational waterfronts in the area, and its existence has spurred the development of the surrounding land area. As is the case in so many of these situations however, the development of the surrounding landscape has upset the entomology of the land. In the case of Clear Lake, development of surrounding land areas has begun to fill the lake with raw sewage and waste. Engineering reports clearly indicate the damage done by the invasion of algae which has upset the natural balance of this beautiful body of water, and will soon make it unfit for human use.

It is not too late to turn the tide however. This bill is a good start toward an all encompassing fight to reverse the damage done by man to his natural assets.

I view this measure as an economy move. If we do not get the funding now, the costs will be immeasurably higher later. I think we are all agreed that action must be taken at some time. In the case of water pollution, delay will mean added expense at a later date. The studies on the Clear Lake problem point this up. As the pollution gets worse, the corrective measures will be far more expensive. I do not think anyone on the floor today disagrees with the proposition that the problem must be faced at some time. In this time of fiscal extremis however, many of my colleagues feel that all but the most urgent spending measures must be curtailed. I generally agree. But in this case I feel that the fight for control of environmental pollution is possibly the most urgent priority on the legislative agenda. Delay now will at best make corrective measures more costly in the future. At worst we will have passed the point of possible correction and will be forced to forever consign these areas of natural beauty to putrid wastelands. The problem of Clear Lake is a prime example. We must not allow this body of water to become an open sewer that will forever be lost to the citizens of California and the Nation.

Mr. ANDERSON of California. Mr. Chairman, I rise today to join with my colleagues in expressing my strong support for H.R. 4198, the Water Quality Improvement Act of 1969. This is the type of legislation that is very badly needed to clean up our polluted waters and harbors and keep them free of oil and sewage pollution.

If we are ever going to restore our environment to its natural state so that it can be enjoyed by all free of contamination, we must begin now. For too long we have allowed technology to alter the environment without attention being paid to the consequences. This legislation is a good step in the right direction.

The Water Quality Improvement Act of 1969 essentially will do five things:

First, it will make shipowners liable for oil discharge or spillage up to \$10 million and provide criminal penalties for failing to report such discharge or spillage as well as civil penalties in cases of willful or negligent discharge.

Second, it will set up a \$20 million revolving fund for reimbursing states assisting in cleanups of pollution.

Third, it will direct the Secretary of the Interior to stop discharge of sewage from vessels by development of marine sanitation devices on ships.

Fourth, it would authorize up to \$15 million for a demonstration program on acid pollution from mining.

Finally, it would appropriate funds for research into water pollution and development of water quality control facilities.

This legislation is urgently needed, particularly in light of the recent tragic oil spill off the coast of California. The incident served to focus increased attention on this important problem and helped us bring this legislation to the floor of the House today. I am hopeful the Water Quality Control Act of 1969 will pass both Houses of Congress and will be signed by the President. We just cannot afford to wait any longer. The showdown between a continued polluted environment and a return to a clean environment is at hand.

Mr. EDWARDS of California. Mr. Chairman, I have but one complaint about the bill now being considered by this House. It does not do enough.

All of us were shocked by the oil discharge which polluted the Santa Barbara coast, and this bill speaks to such pollution in part, but I wish to speak of 100 years of pollution of an even more fabled resource, San Francisco Bay, and the unreported results.

Let me make the facts clear: Much of San Francisco Bay is now septic. Much more of the bay will become septic unless something is done.

Some of the provisions of this bill directly attack the problems of San Francisco Bay and I support the bill. However, this bill still represents an approach which is "too little and too late."

The magnitude of the problem in San Francisco Bay was spelled out in a recent study which called for a master sewer system to cost the communities involved \$2 billion between 1970 and 1990.

The crisis facing San Francisco Bay is not one that has come slowly, nor is it one that all of the people around the bay have ignored. In fact communities and industries around the San Francisco Bay have spent \$283 million in their efforts to clean up the bay and to keep it clean. Within my own district, as an example, San Jose and Santa Clara have spent \$35 million on a new sewage treatment plant. This last year the voters of these two cities by a two-thirds majority margin approved the expenditure of another \$30 million. Most other communities around San Francisco Bay, under the leadership of the San Francisco Regional Water Quality Control Board, have made similar sacrifices.

The condition of bay waters is better today than a few years ago because of

the continuing sacrifices of many bay area taxpayers and because of the leadership of the water quality control board. Marine life is returning to the South Bay, harbor seals are once more able to survive in the bay, dead waters have returned to life.

Despite the dramatic improvement in the quality of some of the waters of the bay, red tides have started to appear, tides which may well mark the biological death of the bay, and massive reports of fish kills have become more frequent.

Health officials still warn the public not to eat the oysters of the bay, because they carry sewage-borne diseases.

The same health officials warn some of the waters of the bay are dangerous for body contact sports. These waters, because of sewage, can carry diseases in their spray.

The efforts of 90 of the 91 cities around the bay and of the water quality control board have suppressed many of the sewage odors of the past, restored the quality of waters so fish can live in them, but increasing loads of pollutants, nutrients, chemicals and toxics are undoing the good work of the past.

Obviously we have not done enough.

And the tides of growth are still pouring into the San Francisco Bay area, bringing more people to join the 4.5 million already living around the bay, and bringing more human and industrial wastes.

At the same time there are those who wish to fill the open water of the bay for profit, further limiting the circulation of waters in the bay, while at the same time increasing the loads it must absorb.

We are not too far from the point where the only use of San Francisco Bay will be that of an open sewer.

Most of us who live around the bay are committed to a clean bay, a healthy bay, a bay seeable by the public. Yet, I must point out there are two public bodies which have not fulfilled their public responsibility to insure raw sewage and industrial wastes are kept out of the bay.

They are the city and county of San Francisco and the Federal Government.

Let me first say a few words in defense of the combined city and county governments of San Francisco. San Francisco is the second oldest city, next to San Jose, in the bay area, it has a shrinking population of 740,000 out of a total bay area growing population of 4.5 million, and it is the only city with a combined storm drain and sewage system. Thus, it is the only city of the 91 around the bay which regularly dumps its sewage raw, not only into the bay, but also on the beaches where its children play.

The problem is simple: When it rains as little as two-tenths of an inch an hour, really only a heavy fog, the city's overburdened combined storm drain and sewage system overflows, resulting in the present unsightly, unhealthy, and putrid conditions. It may take up to \$1 billion to correct this problem.

San Francisco, faced by other massive problems of the inner cities, needs far more help than that offered in this bill.

It also needs to face its sewage problem and to inform its people of that problem.

The second major offender is the Federal Government.

At present at least 12 Federal installations are polluting San Francisco Bay.

An estimated 500,000 gallons of industrial wastes, including, but not limited to, cyanide, flow into the bay from the Alameda Naval Air Station. These wastes are discharged at the water's edge, not even taken out to deep water where the damage they do might be diluted. Mare Island pours an additional 150,000 gallons of similar industrial wastes into the bay, the Concord Naval Weapons Station contributes 3,000 gallons a day, and the Point Molate Facility near Richmond, discharges 10,000 gallons a day of treated, but substandard, wastes.

The hard pressed San Francisco Regional Water Quality Control Board has no authority over these Federal installations.

The U.S. Navy has promised to hook up both the Alameda Naval Air Station and Mare Island to local sewage treatment plants during fiscal 1969-70, if the funds are available. Short as funds are this year, I pray that they will be available.

The bill we are now discussing says:

Each Federal agency having jurisdiction over any real property or facility of any kind shall within available appropriations and consistent with the interests of the United States insure compliance with applicable water quality standards.

I for one wish this provision were stronger. Pollution is not in the interest of the United States.

Finally, ships of the U.S. Navy, including its giant aircraft carriers discharge their sewage raw into the bay, not only as they pass in and out of the bay, but also as they rest in harbor. In effect they are moveable, small cities, polluting the bay as they go.

Again this bill speaks to the point, but in a manner I wish were more effective. The bill calls for waste treatment standards for civilian shipping, but in the case of military vessels it leaves the decision up to the Secretary of Defense.

I would hope all of us would agree the U.S. Navy should stop polluting San Francisco Bay.

The waters of San Francisco Bay face one more major Federal threat—a threat not created by the people who live and work around the bay. It is called the San Luis master drain and it will dump, for it is now under construction, millions of gallons of agricultural waste waters, carrying pesticides and nutrients, into this already polluted bay. The drain will bring its pollution to the bay even as the fresh waters, which once flushed out the bay, are cut off by Federal and State of California water projects. I would refer any of my colleagues, who might wish to explore this problem further, to the statements of Congressman JEROME WALDIE, whose district faces disaster because of this drain.

The story of the pollution of San Francisco Bay is a long and sad tale, told not often enough. Even today the people of the city and county of San Francisco know little about the condi-

tion of their own beaches. However, the job of education of the public about bay problems has been done well by the San Jose Mercury and News and the Oakland Tribune. The most recent and one of the best of these accounts was written by Mr. Fred Garretson of the Oakland Tribune.

Mr. Chairman, I will include Mr. Garretson's stories at the conclusion of my remarks, so every Member of Congress will have available the story of the polluted San Francisco Bay.

The problems of San Francisco Bay are not unique. Many areas of my State, and of the Nation, face similar problems. In Washington we only need go to the banks of the Potomac River to bring ourselves face to face with the ugly facts of water pollution.

I speak in favor of this bill, not because it is as much as we can do, but because it is the least we can do.

The articles referred to follow:

OUR POLLUTED BAY: SAN FRANCISCO'S FLOOD OF SEWAGE—TOUR OF WATERFRONT BARES FILTH PROBLEM

(By Fred Garretson)

It is one of those pleasant afternoons in San Francisco when a brisk little storm has cleared away the fog and the citizens of the most sophisticated city in the West go down to the beaches and the Bay to play among the streams of raw brown sewage draining out of fancy hilltop apartment houses.

Near Phelan State Beach Park, two teenage girls romp happily among the sewage that flows across the beach like a small river and mixes with the ocean waves.

Near Lake Merced, children from Park Merced Towers build sand castles out of the easily molded brown sludge that stains their beach.

At Lincoln Way, where Golden Gate Park meets The Great Highway, a shallow, 20-foot-wide sewage stream flows across the public beach and strolling couples make agile leaps to keep the water out of their shoes.

Near Fleishhacker Zoo, where the outflow of the Vicente Street sewer has carved a rolling valley into the shifting beach sand, a woman with a dog on a leash stops to let the thirsty animal drink out of the sewage stream.

This is a typical nice day in San Francisco.

It would be any one of at least 61 days between October and May when the city's antique "single pipe" municipal sewer system overflows. Then raw, untreated sewage drains into the Bay and ocean from 38 "sewer diversion structure outfalls" along the waterfront.

During dry weather the municipal system intercepts most of the sewage—except during what state officials describe as the "regular" once-a-week breakdown—and provides a low degree of treatment before the waste is discharged into the Bay and ocean.

But a trace of rain—only 0.02 of an inch of precipitation per hour—pours storm water runoff from the streets into the sanitary sewers, overwhelming the treatment plants and sending raw sewage onto the beaches, marinas and around the docks.

The sewage streams are plainly visible after a storm.

Near the Marina Green, boats twist against their mooring lines in the current flowing out of the Pierce Street sewer.

At Aquatic Park, one of the leaders of the city's cultural enlightenment steps out of the locker room at the Dolphin Swim Club, takes a deep breath of the salt air blowing through the Golden Gate, and then dives into the water amid the flecks of toilet tissue dancing on the waves.

At Baker Beach State Park the favorite

picnic spot is a deep, somewhat smelly, lake gouged out of the beach by the sewer outfall at a spot far above the high tide line. Children say it's a popular swimming hole for those who want to avoid ocean salt water and is frequently used by sunbathers to wash sand off their skin.

The river of sewage pouring out of this lake to bisect the public beach is so wide that only an athletic teenager, who takes a running jump, could get across without getting his feet wet.

At the foot of Pierce Street children scramble over the big concrete outfall pipe and fish among the flecks of human waste and detergent foam which gushes into the Bay.

The view from the dining room picture window at St. Francis Yacht Club is dominated by the sight of the Baker Street sewer pipe, which sits on the beach like a grounded whale discharging bubbling, turbulent water just off the shore.

At Fisherman's Wharf, a honeymooning couple sit in a famous restaurant watching the fishing boats rise and fall on the oily waves where the waterfall sound of the Hyde Street sewer is lost among the sound of waves washing among the piers.

Only three years ago health officials had to order three fish packing companies in San Francisco to stop washing their floors, cleaning fish and swabbing out fish packing cases with water pumped out of the Bay a few feet from a raw sewage discharge point.

Farther east, near Pier 33, a brown upwelling in the Bay tinges the air. Within a few more hours—if it doesn't rain again—the North Point sewage treatment plant will be back under control and able to chlorinate the sewage flowing out of the homes of 409,000 San Francisco residents in the north point "sewage watershed."

Farther south and east along the waterfront, where pretty girls drink coffee in open air lunch rooms on the docks, there are flecks of sewage solids coating the pilings that support docks and office buildings on the waterfront.

At Islals Creek there is a foul smell in the air where the unchlorinated sewage of 161,000 residents, and the flow from the South-of-Market industrial complex, pours through primitive machinery at the Southeast sewer treatment plant and is discharged to fester in the oily waters of a dead-end lagoon.

Northward, at the heart of San Francisco's maritime commercial center, five full sewers of raw waste pour into the dead-end channel of China Basin.

Just south of Pier 50, where people daily wade into the water at the municipal boat launching ramp, is the outfall of the South Fourth Street sewer. The line, until recently, discharged the waste of an industrial neighborhood 365 days a year—pipes weren't connected to any treatment plant.

Prudent folk might worry about wading into San Francisco's waters where a raw sewage discharge pours into the Bay at every single marina in the city.

But boat owners can find one thing good: human sewage has special powers as a wood preservative. Boats floating in sewage—and wooden pilings in polluted water—are protected from the effects of teredo and limnoria, the Bay's destructive salt water termites.

From a helicopter, flying along the waterfront to San Francisco International Airport, passengers can almost always see a two-mile long tongue of brown, polluted water pouring out of Islals Creek at the rate of more than 15 million gallons per day in the summer time, and much faster in the winter.

The great tongue of brown water wavers like a living thing on the Bay's tidal currents—swinging miles south along the waterfront toward Hunters Point with the in-

coming tide and then licking north toward Potrero Point on the ebb tide.

The ebb tide sends the brown water up into the intake pumps at Bethlehem Shipyard where workers are drenched in polluted water while washing ships. At flood tide it's the U.S. Naval Shipyard workers who get bathed in sewage.

The wavering brown tongue also engulfs the favorite swimming spot where children from the Hunters Point neighborhood dive into the Bay. It's prohibited, of course, but at any time on a good day, health inspectors see 20 children in the water at a time.

The weekends are probably the least polluted times in San Francisco because the factories are closed and the offices of hundreds of thousands of commuting workers are empty.

At such times, there are only the toilets of 740,000 residents to pollute the Bay.

In the rainy season one can be quite sure of finding the flow of raw sewage pouring out from a given neighborhood.

That stream of raw sewage that carved out the swimming hole on Baker State Beach comes from Mayor Joseph Alioto's neighborhood.

The Jackson Street sewer flow near the Ferry Building comes from the financial district. Haight-Ashbury sewage drains both toward China Basin and to the ocean beach of Golden Gate Park.

This is a waterfront tour you won't find listed in any guidebook issued by the Chamber of Commerce or the San Francisco Tourist Bureau.

It's a summary of facts—neither the best nor the worst facts—listed in a little-known book issued by the Bay Area Regional Water Quality Control Board.

The title is: "Staff Report on Long Range Plan and Policy with Respect to Water Pollution Control in That Portion of the City and County of San Francisco Which Drains Into San Francisco Bay."

You might find a copy of it at San Francisco City Hall.

It should be easy to find at the public library, because almost nobody ever looks at it.

"The City That Knows How" doesn't like to think about its sewage problem.

AN OMINOUS "RED TIDE" THREATENS BAY'S FUTURE (By Fred Garretson)

On a cloudy morning during the last week of April, 1966, the passengers aboard Doug Webb's party boat "Sturgeon" caught a whiff of a strange, fishy smell rising out of San Pablo Bay.

Seconds later, flecks of red foam leaped up in the wake of the motorboat and for the next few minutes Webb sailed through what looked like a great mass of burgundy wine spilled into the blue waters of San Francisco Bay.

Carl Bennett Jr., owner of the Rodeo Marina, also saw the same thing and telephoned the officers of the Bay Area Regional Water Quality Control Board to report that, "There's something wrong out in the Bay."

This was the first official record that the so-called "red tide" had appeared in San Francisco Bay.

To the scientists and engineers who study the Bay, the appearance of the red tide was a deadly warning sign, that man's constant dumping of sewage and poison had overwhelmed the Bay's ability to cleanse itself.

It might, they said, be a symptom the living Bay was about to become a sterile dead sea.

The mysterious red phantom continued to haunt all parts of the Bay during the spring and summer months of 1966, 1967 and 1968. It's expected to appear again in about April of this year.

Despite 20 years of effort, the Bay pollu-

tion problem is getting worse, according to Fred Dierker, executive officer of the regional water quality agency in the nine Bay Area counties.

He said the sewage smell has been suppressed and many forms of fish life have returned to the Bay, but the buildup of sewage chemicals in the water has turned the Bay into a biological time bomb.

"We don't know why the red discoloration appeared or what it represents," Dierker said, "but we think it's one more warning sign that the Bay has become overloaded with pollution, nutrient chemicals and toxics."

He said the red discoloration isn't the true "red tide"—a toxic, fish-killing algae which is limited to the Atlantic Ocean and is most commonly reported near Florida.

"What has appeared in the Bay is a red phytoplankton growth. There's no evidence that it kills fish or reduces the oxygen content of the Bay water," he said.

Perhaps it has always been present in the Bay waters, but is now spreading across the Bay in great red blankets because pollution has upset the balance of nature.

William Macke, the district's field engineer who has spent most of his time during the past 12 years taking water samples in all parts of the Bay, described it this way:

"The red discoloration is generally several thousand feet long and about 150 to 200 feet wide, but sometimes spreads out much wider.

"It's very visible from the air. It looks like a herringbone pattern on the wave crests, but in quiet water it spreads out flat like a blanket. It's usually out in the center of the Bay although it also appears in shallow water.

"It's also clearly visible from a boat. As you approach it there's a definite line of demarcation between normal Bay water and the red discoloration.

"As you pass through it you can see red waves on all sides and a churning red bow wake behind a motor boat.

"It's like sailing through a sea of burgundy wine.

"There's a distinctive fish odor—that's the only way to describe it—while you're passing through it. In fact, that's how you know you're approaching it. You smell it.

"It's kind of weird. We know its composed of billions of individual living things, but sometimes it acts like one big creature. The scientific studies have confirmed that it has swimming ability and can move around the Bay.

"Usually it's right on the surface, but once we went looking for it at night and it had dropped down under water to some depth. It apparently comes up to the surface in the daytime.

"One day it looks like a big single mass and the next day it's broken up in strips and streaks, depending on the weather conditions. It persists for a long time," Macke said.

Although it's been seen in all parts of the Bay, the greatest number of reports come from the South Bay, where pollution problems are greatest. Reports have been particularly numerous around Burlingame and Coyote Point in San Mateo County.

Macke said the worst discolorations appeared during the summer of 1967, a peculiar year when a lot of strange things happened in the Bay.

Thousands of dead and dying sting rays came to the surface.

Hundreds of sharks seemed to commit suicide by swimming up onto beaches and mudflats as if they were trying to climb out of the Bay. Scientists carried some of them back to deep water, but the sharks swam right back up onto beaches.

But 1967 was also the year that record numbers of seals appeared in isolated areas along the Eastbay shore. There was a population explosion among shrimp in San Pablo Bay and for the first time in decades commercial shrimp fishing resumed in the Bay.

A lot of people cheered that the return of seals and shrimp was a good sign indicating that Bay pollution was being cleaned up. As for the death of sharks and sting rays . . . well, it's hard to get indignant about it.

But biologists were alarmed. Sharks are like humans, predators at the end of the food chain, feeding on smaller animals which in turn eat smaller plants and animals right down to the most primitive organism that would be most sensitive to pollution.

The pessimists warned that the mass death of sharks might indicate that pollution had shattered the bottom of the food chain. Vital microorganisms and plants might be dead or poisoned, passing on poison to bigger animals, destroying their nervous systems so that sharks went mad.

A reduction in the population of some predators—because of starvation or poisoning—might also lead to a population explosion in other creatures—like shrimp.

The optimists said sharks are strange creatures and some species in other parts of the world have sometimes been observed performing the rite of mass suicide. So do lemmings.

The optimists said it might be a sign fish life was improving in the Bay and now the shark population had expanded so much that mass suicide in the Bay was more likely to be noticed.

The red tide was a disturbing fact, but there were unconfirmed reports of sightings before April, 1966, and a few people say they saw something like a red tide—which wasn't studied at the time—appear in Richardson Bay 15 years ago.

These earlier reports could be interpreted either as an early warning of potential ecological disaster or as an indication that red tide had been around for many years.

Ecology is the science which studies the total web of life, the environmental interrelationships between plants, animals, man, the landscape, the weather, etc.

And ecology will be the forum of debate in the next few years about how—and whether—to spend hundreds of millions of dollars cleaning up the Bay so the Bay Area might become a more livable place for many creatures—including man.

Ecological arguments, often involving extremely technical disputes within—and between—scientific and engineering disciplines, are hard for a layman to judge—and sometimes people miss the whole point of the discussion.

For example, on Jan. 27 the regional board proposed some controversial engineering standards and goals aimed at cleaning up the Bay to the point where the water could meet the extremely rigid standards necessary to reestablish commercial oyster farming in the Bay.

A major industry spokesman denounced the idea of spending vast sums of money to benefit some unknown future oyster farmers because, he said, "It would probably be cheaper to import oysters from Australia."

Regional Board officials patiently explained oysters were only one facet of the proposal—a yardstick by which water quality could be measured. A Bay clean enough for commercial oyster raising would produce a host of other ecological—and economic—benefits.

But the protest was valid: Money is one part of the ecology of man, and it weighs heavily in the efforts to restore the ecological balance of the Bay.

Since 1950, when the legislature created the regional board under provisions of the Dickey Act, the board has persuaded or compelled Bay Area cities and sewer districts to spend more than \$300 million on sewage treatment facilities, Dierker said.

Industries have spent an undisclosed number of millions more.

But what has been the result?

The most noticeable effect is the horrible

hydrogen sulphide (rotten egg) smell is gone from most parts of the Bay.

Motorists no longer have to roll up their windows to keep out the stench when they drive along the Bay Bridge approaches at Emeryville.

At one time, local officials say, airborne chemicals wafting off the Bay were so caustic that fresh coats of paint would peel off of structures within two blocks of the Bay.

The first big sewage clean-up efforts came in the 1950s.

In the decade of the 1960s, the people of the Bay Area rediscovered the Bay.

Boat ownership has skyrocketed bringing with it an economic boom in marinas, waterfront restaurants and water-related recreation.

The property value of formerly depressed waterfront land has risen sharply. In Marin County alone the assessor estimates the value increase was one-third of one per cent per day in the mid 1960s.

There's a big and growing demand for homes beside the Bay. In Alameda's Farnside district homes inland from the Bay used to be worth more than those beside the water. Today the waterfront homes are worth thousands more.

The same thing happened at Point Richmond.

Even in the polluted South Bay, private investors are willing to pour millions into waterfront subdivisions like Foster City or recreational complexes like Marine World.

The shipping business, which has to be on the waterfront, has been hard pressed in San Francisco where business and professional men keep moving offices into converted docks or warehouse buildings because they want to be next to the water.

There is abundant evidence of the return of all kinds of Bay plant and wildlife which almost vanished when bay pollution became serious in the first decade of the 20th Century.

Today many scientists, and even some investors, talk about reviving the oyster farms which used to be an economic mainstay of the Bay Area. There are some dizzying estimates about the potential profit of establishing other types of "farming-of-the-sea" industries in the protected waters of the Bay if pollution is eliminated.

But is pollution being eliminated?

No, says Dierker.

The regional pollution control board has consistently maintained it's running on a treadmill trying to keep ahead of the growing population and industry of the Bay Area which now pours at least 667 million gallons of sewage and industrial waste into the Bay every single day.

Most of the municipalities around the Bay have built, or are building, advanced sewage treatment facilities, and some of them—such as Valley Community Services District in the Livermore Valley turn out an effluent which comes close to meeting the U.S. Public Health Service standards for drinking water.

In 1965 the legislature established the Bay-Delta Study, a state agency, to prepare a waste disposal master plan for the nine Bay Area counties, plus portions of the Sacramento-Stockton-Tracy area east of the Sacramento-San Joaquin Delta.

The Bay-Delta Study report will be issued next month.

One of the major problems, Dierker said, is that existing sewer treatment doesn't remove nutrient chemicals (nitrates, phosphates, etc.) which are continuing to accumulate in the Bay.

"The level of nutrients in the Bay already exceeds the theoretical level at which 'algae blooms' should form all over the Bay. The blooms already exist in Suisun Bay, the Napa and Petaluma Rivers and some sloughs in the South Bay," Dierker said.

The algae blooms he foresees are great

"rafts" of scum floating over all parts of the Bay depriving the water of oxygen, killing fish, fouling boat propellers and washing up on the beaches and tidelands to rot in the sun.

"Apparently something is suppressing the algae blooms so far. Perhaps some minute quantity of a trace chemical is missing," Dierker said.

The missing trace chemical—if that's what it is—could appear almost any day in a casual discharge from some industrial process or perhaps the coloring material in a new brand of toilet paper or maybe as a residual from a new fertilizer used to grow the potato peelings that get thrown into a garbage disposal.

Dierker said that the Bay-Delta Study report will say that there has been a startling increase in the nutrient level of Bay waters during the past four years.

The claim of the sudden sharp increase might be challenged on statistical grounds, but there is no doubt that the existing nutrient level in the Bay already exceeds the algae bloom level, he said.

The Bay has become a biological time bomb, and every flush of the toilet or clank of the kitchen garbage disposal adds more fuel.

If and when it explodes, this great nine-county urban area could be a metropolis sitting on the shores of a dead sea.

EASTBAY CITIES' RIVER OF SEWAGE

(By Fred Garretson)

The second biggest river emptying into San Francisco Bay is a river of sewage.

It discharges about 40 feet below the surface at a spot just south of the Bay Bridge, 2,000 feet east of Yerba Buena Island.

It's the flow of sewage from the cities of Oakland, Berkeley, Alameda, Emeryville, Albany and Piedmont discharged by the East Bay Municipal Utility District Special District No. 1 sewage treatment plant in West Oakland.

It's bigger than the Napa River.

(Engineers, who regularly translate total annual flows into small increments for easy comparisons, say the mean annual discharge of the EB-MUD sewer pipe is 127 cubic feet per second while the Napa River flow into the Bay is only 114 cubic feet per second.)

That single sewer pipe discharge is bigger than the combined annual flows of ALL the rivers and streams flowing into the Bay south of San Francisco.

The EBMUD sewage flow is probably big enough to have some effect on the tidal currents of San Francisco Bay.

The only bigger flow into the Bay is the 20,255 cubic foot per second annual outflow of the Sacramento-San Joaquin Delta, a figure which includes all the winter floods draining out of watershed that includes 40 per cent of the land in California and stretches from the Oregon Border to the Los Angeles County line.

But while EBMUD is the biggest single discharger, the combined flow from the city of San Francisco's antique sewer system is bigger—but no one knows how much bigger.

San Francisco's three sewer treatment plants keep records, but the city has 38 raw sewage overflow pipes which overflow every time it rains—and only one of them has ever been measured.

A key difference between East and West Bay is that EBMUD discharges treated and disinfected sewage in deep water whereas San Francisco's treatment plants and raw sewers discharge right at the water's edge, sending streams of raw sewage flowing across public beaches and leaving brown water lapping against the piers.

Figures compiled by the Bay Area Regional Water Quality Control Board three years ago showed that the total municipal and industrial waste water discharge from the nine

counties around the Bay was 541 cubic feet per second.

This man-polluted flow dwarfs the 332 cubic feet per second combined flow of all the local streams and rivers flowing into the Bay (not counting the Sacramento-San Joaquin Delta).

The board said that sewage and industrial waste accounted for 2.7 percent of the net total flow of all water into the Bay system.

But with cities and industries expanding rapidly, and new dams in the mountains reducing the outflow of river water into the Bay, sewage will soon be a major source—perhaps the major source—of the water flow entering the Bay.

During the summer time waste discharges are already equal to more than one-third of the carefully regulated flow of 1,500 cubic feet per second from the Sacramento-San Joaquin Delta.

If it weren't for the constant release of water from Shasta Dam in order to flush Bay salt water out of the fresh water channels of the Delta, the flow of sewage from Bay Area cities would probably exceed the flow of the Sacramento River during many summer months.

The winter floods now flush out the Bay's accumulated pollution, but a report to be issued by the state's Bay-Delta Study next month is expected to say that dams constructed for the California Water Plan will cut off most of this flushing flow by the end of the century.

Fred Dierker, executive officer of the regional pollution control board, said the degree of sewage treatment varies widely in different parts of the Bay.

He said 90 of the 91 cities in the Bay Area now treat their sewage. San Francisco is the only municipality with a system designed so that raw sewage flows into the Bay whenever it rains causing the system to overflow.

The only other significant raw sewage in the Bay comes from ships and boats, but the state and federal governments are starting a crackdown on these polluters.

The general types of sewage treatment are:

Primary: A primitive system in which sewage stands in tanks long enough for floating material to be scooped off and heavier particles are allowed to settle out.

Intermediate: Sometimes called "advanced primary." Chemicals and bacteria are added to break up smaller particles. Sometimes disinfection is added.

Secondary: Usually involving processes called "activated sludge" or "trickling filter" treatment. Sewage passes through several treatment tanks, some of which add oxygen to help stimulate natural biological processes in the Bay which aid in sewage assimilation. This effluent often meets health standards for "swimming pool quality water."

Tertiary: Various advanced—and expensive—treatment processes which turn sewage into a liquid that might meet U.S. Public Health Service minimum standards for drinking water.

The most recent (1966-67) compilation by the regional board showed that, "398 million gallons of treated sewage and industrial wastes are discharged daily during dry weather to the tidal waters of the Bay from 77 municipal sewerage systems."

"Approximately 35 per cent of these waste flows receive secondary treatment at 23 sewage treatment plants with the remaining flow receiving primary treatment at 54 sewage treatment plants," Dierker said.

He said 47 municipal waste dischargers, who dump 245 million gallons per day, have facilities to disinfect their sewage discharge, although some of them don't always use them or vary the amount of disinfection seasonally.

Another 32 dischargers, with a total waste flow of 153 million gallons per day, don't have disinfection facilities, he said.

Three big sewage treatment plants account

for half of all municipal sewage discharges into the Bay: EBMUD; The San Francisco North Point plant, and San Jose.

The EBMUD flow gets "advanced primary" treatment, according to Dierker. Because of its discharge in deep water under good tidal conditions, "EBMUD treatment is considered adequate for the present, but it might not be good enough for conditions within the next few years," Dierker said.

San Francisco's North Point plant (one of three San Francisco treatment plants) discharges 487,000 gallons per day near Fisherman's Wharf. This flow received only primary treatment but is disinfected during dry weather.

However, a slight rainstorm overwhelms the San Francisco system and causes untreated sewage to discharge through 38 bypass pipes.

San Jose's new, ultramodern sewer plant provides "secondary" treatment for its more than 1,240,000 gallons of sewage per day, yet even this very advanced process fails to meet the regional board's standards because of stagnant tidal conditions in South San Francisco Bay, Dierker said.

In addition to the Bay Area's 398 million gallons of municipal sewage, there is a total flow of 269 million gallons per day of industrial waste discharged directly into the Bay by 44 industries, Dierker said.

Approximately 94 per cent of this industrial waste total is water used to cool industrial machinery, mainly in electricity-producing steam plants, oil and chemical companies and steel refineries.

The cooling water is drawn out of the Bay, cycled through a factory in a closed pipe system and discharged back into the Bay. There is considerable dispute about whether these vast flows of warm—sometimes boiling—water are actually a form of pollution.

Fisheries experts say some big flows of industrial cooling water are capable of upsetting the balance of nature in portions of the Bay, but the regional board doesn't classify cooling water discharges as pollution.

SAN FRANCISCO SEWER SYSTEM MUNICIPAL ANTIQUE

(By Fred Garretson)

There are 91 cities in the Bay Area, but only the city of San Francisco operates an antique municipal sewer system which overflows and dumps raw sewage onto public beaches and the waterfront every time it rains.

The other 90 cities—with varying degrees of success—have taxed themselves for expensive public works projects which are at least the first effective steps toward cleaning up the pollution in San Francisco Bay.

But unless San Francisco does something about its raw sewage discharges, the rest of the Bay Area cities are going to be reluctant to invest more money in cleaning up water pollution.

This is the opinion of Sidney S. Lippow, of Martinez, the "public-at-large" representative on the Bay Area Regional Water Quality Control Board.

"All over the Bay Area people are saying, 'Why should we spend more and more money building bigger and more advanced sewage treatment facilities if you're going to let San Francisco get away with doing nothing,'" Lippow said.

Grant Burton, of Alamo, long-time chairman who retired from the regional board last week, said, "San Francisco city officials spent 18 years trying to avoid doing anything about the problem."

Burton advocates "turning the problem over to the State Attorney General" for prosecutions. The law provides for possible jail sentences for officials and fines of up to \$50,000 per day for the city—as long as the city violates pollution control laws.

Fred Dierker, executive officer of the re-

gional board, explained that most cities have two sets of pipes buried in their streets. One pipe system handles sewage and the other pipe carries away rain water from the streets.

But San Francisco uses a "single pipe" system which receives all the liquid waste from toilets, street gutters, roof storm drains, garbage disposal machines, industrial acids, hospital refuse and even the sweepings from the elephant cage at the zoo.

During dry weather, almost all of San Francisco's liquid waste ends up in one of the city's three sewage treatment plants and is given low-grade "primary treatment" to remove floating grease and solids before its discharge into the Bay or ocean.

But in wet weather, the rush of rain water from the streets pours into the sanitary sewers and overwhelms the system. Sewage cascades through the treatment plants without time for adequate treatment.

Sewage backs up in the main pipes and—because of the San Francisco system's design—starts overflowing through 38 "sewer diversion structure outfalls" located on beaches, marinas and under the San Francisco docks.

Even in dry weather the San Francisco system is primitive by the standards of other Bay Area cities.

The North Point and Mile Rock Beach discharges are given only "primary" treatment, chlorinated and discharged at the water's edge. The Islais Creek treatment plant discharge isn't chlorinated and is discharged to fester in a dead-end lagoon.

By contrast, most Bay Area cities have built—or are actively planning—expensive "secondary" treatment facilities which cycle sewage through a series of processes which, some engineering consultants claim, turns sewage into "swimming pool quality water."

Some communities, such as Valley Community Services District near Livermore, use even more advanced "tertiary treatment," which turns sewage into an effluent which almost equals the U.S. Public Health Service standards for drinking water.

East Bay Municipal Utility District Special District No. 1, covering Oakland, Berkeley, Emeryville, Albany, Piedmont and Alameda (and soon to add El Cerrito and Kensington) uses what Dierker calls "advanced primary" treatment.

However, instead of discharging at the water's edge as is done in San Francisco, EBMUD's treated sewage passes through a long pipe and disperses in a deep channel in the middle of the Bay where there are strong tidal currents.

In addition, EBMUD is designing secondary treatment facilities and is considering a further program to treat storm water discharges which pick up pollution from city streets.

Some South Bay cities are planning to bond themselves for expensive equipment that would carry their already treated sewage through pipes 20 miles long to discharge it into better tidal currents.

Water pollution control is expensive.

Dierker said most cities and sewer districts charge the equivalent of more than 50 cents per \$100 assessed valuation for sewage treatment facilities. Until recently Oro Loma Sanitary District residents in Ashland paid 97 cents, and in some parts of the Bay Area the cost is higher, Dierker said.

Dierker and Daniel Murphy, an engineer for the regional board, both stressed that a properly designed sewer system has an emergency overflow that would discharge raw sewage into a river or the Bay in case of a major disaster such as an earthquake or a big flood.

The difference between San Francisco and every other city in the Bay Area is that fundamental design in San Francisco causes its system to overflow raw sewage in every rain storm.

No one knows how much of San Francisco's

sewage goes into the Bay raw, but according to Murphy, during what engineers call a "five-year storm," 99.25 per cent of the water flowing in San Francisco's sewers does not even go into a treatment plant.

What little sewage does reach the treatment plant simply cascades through the pipes without a chance to settle.

In such a storm (equal to half an inch of rainfall in any one hour period) the sewers are discharging at the rate of 20,000 cubic feet a second where the maximum hydraulic flow which could receive even minimal treatment is only 150 cubic feet per second, Murphy said.

All storm drains carry some pollution from streets and roofs, but the San Francisco problem is made worse because the rush of water from the streets loosens the accumulation of grease and slime inside the sanitary sewer pipes.

"That first few hours of flow out of the San Francisco diversion outfalls is extremely bad stuff," Murphy said.

Burton, a member of the regional pollution control board from its formation in 1950 until last week, said the agency prefers to work closely with local people rather than clubbing them with legal action to upgrade sewage treatment facilities.

"But," Burton recalls, "we spent more than 18 years trying to get the San Francisco City Administration to discuss the problem, but they kept dodging us."

"On one occasion we arranged a meeting with the San Francisco supervisors in their own board of supervisors chambers, but none of them showed up for the meeting."

"Another time some supervisors came to a meeting, but they started denouncing their own city engineering staff when they started to talk about the problem. Maybe they thought their own city employees were members of the regional board staff, or maybe they just didn't want to hear about it," Burton said.

However, Burton praises Joseph Alioto as "the first San Francisco mayor in the past 18 years who has been willing to at least talk about the problem."

But, Burton stressed, "There's a difference between talking about a problem and doing something about it."

Jerome Gilbert of Novato, present chairman of the regional board, said, "There's a well-founded lack of confidence in San Francisco's willingness to actually solve the problem."

He said pressure from the Federal Water Pollution Control Administration finally produced a resolution by San Francisco supervisors last October which officially admitted, for the first time, that the city has a sewer problem and proposing a time table for partially solving it.

He said federal authorities refused to approve a minor federal grant to the city until supervisors filed a time schedule for providing secondary treatment of all sewage.

There was the implied threat that the government would start rejecting other kinds of federal grants for the city.

The San Francisco resolution promised to provide secondary treatment at two of three city treatment plants by 1975 and said the city would start treating four of its 38 wet-weather raw sewage discharges.

Regional Board member Sidney Lippow said the San Francisco resolution was "full of a lot of weasel words" which, even if carried out completely, would solve only part of the problem.

San Francisco supervisor Robert Mendelson, who presented the resolution to the regional board, said that because of other urban problems San Francisco won't budget much money for sewage treatment and said the Federal Government would have to pay most of the cost.

Under questioning by the regional board, Mendelson said the "secondary treatment"

standards all other Bay Area cities are being asked—or compelled—to obey, are too expensive to apply in San Francisco.

"But I'm sure San Francisco can probably get an adjustment in the federal standards for this city," Mendelson said.

This observation stunned officials of other Bay Area cities, who have spent more than \$300 million since 1950 on sewage treatment facilities and are planning to spend much more to meet federal and state standards.

Mendelson said San Francisco officials declined even to consider financing the improvements through sewer service and sewer connection charges which have financed the ambitious pollution control programs in Oakland and San Jose.

The regional board's suspicions about San Francisco worsened in December when city officials failed to show up—until after adjournment—at a regional board meeting called to consider detailed implementation of San Francisco's plans.

At that meeting William Bishop, a federal pollution control official, testified that a \$921,000 federal grant had been given to San Francisco in June to finance a demonstration design project to suggest various ways to eliminate the wet-weather raw sewage discharge from the Baker street sewer at the St. Francis Yacht Club.

But, board chairman Gilbert discovered, six months after the money was given to San Francisco, the city hadn't even let a design contract.

"If you're having that kind of trouble on something as simple as this, what's going to happen in the next few years when you're scheduled to have real work under way?" Gilbert asked San Francisco officials.

San Francisco will have real problems complying with their promise to provide secondary treatment of the massive flows of sewage in wet weather.

Secondary treatment requires holding sewer water for hours at a time when flow of the San Francisco sewers is big enough to fill a good sized reservoir in a short time.

Murphy said it will require imaginative thinking, such as possible carving out huge tunnels or caverns in the San Francisco hills to hold storm flows until they can be treated. Conceivably such a system could generate hydroelectric power as sewage flows down to treatment plants, he said.

San Francisco officials reject the idea of doing what Oakland is doing in older parts of the city—digging up the old single-pipe system and installing separate pipes for sanitary sewage and storm drainage.

(Oakland spends \$1 million a year from special tax funds specifically earmarked for this purpose.)

Murphy said installing two pipes would require digging up every single street in San Francisco and also reinstalling the plumbing in every building in the city because toilets and roof drains are now connected to the same pipe system.

Oakland and Berkeley used rapid transit construction as an opportunity to replace many older portions of their sewer systems, but San Francisco is reconstructing Market Street with the same old antique single-pipe sewers.

Murphy said it would be useless to put separate sanitary and storm pipes under Market Street if all the tributary sewers from surrounding streets still used the old system.

But, Murphy said, complete replacement isn't impossible.

He noted that the U.S. Defense Department rebuilt and separated storm and sanitary pipes at the Presidio and at San Francisco Naval Shipyard; both handle as much sewage as a small city.

However, the Army and Navy sewer cleanup programs didn't have much effect. The brand new systems were reconnected to San Francisco's obsolete single-pipe sewers.

And when it rains, Army and Navy toilet

flushings still pour out onto the public beaches, along with the sewage of 740,000 San Franciscans.

SEWAGE CONTROL VESTED IN BOARDS

(By Fred Garretson)

Control of water pollution is fundamentally a state responsibility which in the San Francisco Bay Area has been delegated to an autonomous, and powerful, local board known as the Bay Area Regional Water Quality Control Board.

There are nine such boards in California whose boundaries of authority are set up on watershed lines which have only a passing relationship to city or county boundaries.

The Bay Area regional board has authority to specify standards for all waste water discharges into streams, rivers or ground water flowing into San Francisco Bay as far eastward as a point about one mile west of Antioch Bridge.

The control of waste flows in the Sacramento and San Joaquin Valleys, and the Delta—which has a major effect on the quality of Bay water—is controlled by a Central Valley regional board encompassing 40 per cent of the land area in the state.

The Bay Area board's authority also extends 50 miles out into the Pacific Ocean and along part of the San Mateo and Marin County ocean coastlines.

The Bay Area board's authority covers at least parts of all nine Bay Area counties, although most of Sonoma County lies in the jurisdiction of the North Coast regional board, which had headquarters in Santa Rosa.

The seven members of the regional board are appointed by the governor for four-year terms. By law, six members represent special interest groups and one represents the public at large.

Jerome Gilbert of Novato, manager of the North Marin Water District, the chairman of the board, last week was appointed executive officer of the State Water Resources Control Board, which sets broad policies for the nine regional boards in the state.

His appointment leaves a vacancy on the regional board for a representative of a water supply agency in the nine county area.

Other members are:

Vice-chairman, Ercole Caroselli of San Francisco, a Pacific Gas & Electric Co., executive representing industrial waste dischargers.

James F. McCormick, of Moraga, manager of a Berkeley printing firm, representing conservation groups; William C. Weber, of San Mateo, a businessman and city councilman representing city governments.

Edward Teresi, a San Jose land developer, chairman of the Santa Clara County Planning Commission, representing county governments; Cecil E. Herrick, Napa Valley farmer, representing agriculture interests who depend upon irrigation.

Sidney S. Lippow, of Martinez, a businessman with diversified holdings, is the public-at-large representative.

Teresi and Weber were appointed to the board last year by Gov. Ronald Reagan.

Herrick was appointed last week to succeed Grant Burton of Walnut Creek, longtime chairman of the regional board who had served on the regional board since it was created in 1950 following passage of the Dickey Act, which set up the state pollution control program in 1949.

The regional board office is at 364 14th St., Oakland.

Since 1950 it has compelled or convinced cities and sewer districts to spend more than \$300 million of sewage treatment facilities, plus other millions for private industrial waste treatment, according to Fred Dierker, the board's executive officer.

The board's top engineers are Roger James,

policy formation; Dr. Teng Wu, surveillance, and Bill Gingrich, administration.

Regulatory engineers for special county areas are H. C. (Chuck) Knapp, Contra Costa, Solano and Napa; Dan Murphy, Marin, Sonoma and San Francisco; Robert Scholier, San Mateo, Santa Clara and Alameda.

The board's powers are purely regulatory, with the actual operation of sewage treatment facilities in the hands of local governments or industries.

Dierker stressed that the board can't compel a local government or industry to use a specific type of treatment process.

The board sets engineering standards either for the actual sewage discharge or for certain specified levels of water purity in the "receiving waters" (usually a specific section of the Bay or a river near the discharge site.)

Unlike most government agencies, the regional board has the power to change the rules at any time for any discharger.

Agencies who violate the board's orders are served with cease and desist orders. In severe cases the problem is certified to the county district attorney (or the state attorney general if the county official refuses to act) for possible prosecution.

City or industry officials can then be found in contempt of a court order, if pollution continues, and jailed. Fines of up to \$50,000 per day—or even larger—against the offending agencies are possible.

The regional board operates under guidelines set down by the five member California State Water Resources Control Board. The chairman is Kerry Mulligan, former mayor of St. Helena.

The Federal Water Pollution Control Administration, an Interior Department agency, whose southwest regional headquarters are in San Francisco, with Bay Area offices in Alameda, has a broad influence over pollution control programs.

FWPCA has the power to give or withhold federal grants, which often amount to more than 50 per cent of a multi-million dollar local project, in effect, a life-and-death control over these local government projects.

Another major agency is the Bay-Delta Project, a special state agency drawing up a master plan for waste disposal in the Bay Area plus portions of three more counties east of the Sacramento-San Joaquin Delta. Much of the Bay-Delta Project planning has been done under contract by Kaiser Engineers of Oakland.

Gilbert said the regional board is seeking to persuade cities and sewer districts to consolidate their operations into larger, more efficient sewage treatment plants.

The model for such consolidation is East Bay Municipal Utility District No. 1, which treats all sewage from the cities of Oakland, Berkeley, Emeryville, Piedmont, Albany and Alameda and will soon annex the Stege Sanitary District in El Cerrito and Kensington.

INDUSTRY LENDS A HAND IN BAY POLLUTION BATTLE

(By Fred Garretson)

Industry has been one of the major polluters of San Francisco Bay.

For decades it befouled the water with unchecked streams of butchered hogs' blood, fruit packing sugar, sulphuric acid, copper smelting poisons and the multitudinous deadly wastes of oil refineries.

But times have changed.

A number of major industries—but by no means all of them—are now taking significant, and expensive, steps to clean up the Bay and to keep it clean.

The most recent figures compiled by the Bay Area Regional Water Quality Control Board show 44 industries discharging 269 million gallons of industrial waste per day directly into the Bay through industry-owned sewer pipes.

In addition, industry provides a big proportion of the flow of 398 million gallons of waste per day discharged into the Bay by municipal and sanitary district treatment plants.

This witch's brew of industrial waste poured into the cauldron of the Bay, combined with the sewage of 4.5 million people in the Bay Area metropolis, could without control turn the Bay into an algae-covered dead sea, according to regional board officials.

Control of pollution requires setting and enforcing specific engineering standards. Some industries have a big financial stake in how high the standards are set and the cost to industry of complying.

To understand industry's role in the Bay pollution problem, it's necessary to look at some specific examples.

One of the major policy decisions now facing the regional board—is a proposal to establish "thermal pollution" standards.

The board's reports say that 94 per cent of the industrial waste discharged directly into the Bay consists of "cooling water" that has been pumped out of the Bay, cycled through factories to cool off hot machinery, and then discharged back into the bay several degrees warmer—and sometimes boiling hot.

The most outspoken opponent of thermal pollution standards is Pacific Gas & Electric Co. which uses a huge flow of cooling water at its power plants at Pittsburg, Antioch and San Francisco, and is planning to build more such plants in the Bay, including an atomic power plant at Collinsville.

These flows of warmed-up water affect wildlife. PG & E argues that warming up the Bay stimulates marine life and improves fishing. Some naturalists say it's bad for wildlife.

The board is also considering stiff new regulations reducing the already minute traces of radioactivity allowed to be discharged into the Bay.

State officials say the radioactivity rules are necessary to protect delicate forms of marine life whose natural processes help clean up other forms of Bay pollution. PG&E objects that the new rules will hurt atomic power plant projects and perhaps make electricity more expensive in the future.

The regional board, consisting of seven laymen appointed by the governor, including a PG&E executive as the official representative of pollution-causing industries, will wade through a mass of conflicting expert testimony, and then set engineering standards for the nine Bay Area counties.

Under terms of the Dickey Act, which created the regional board in 1950, these seven men have enormous power to set very high pollution standards for one city or industry, set low standards (or no standards) for a neighboring community . . . and to change the regulations at any time.

The differing treatment given to two companies—Humble Oil and Refining Co., and Johns-Manville Products Corp.—illustrates the problem.

Humble Oil has been criticized at times in national conservation circles.

Three years ago conservationists gathered almost a million proxy votes and marched into the stockholders meeting of Standard Oil Company of New Jersey (Humble's parent corporation) to demand—successfully—that a proposed Humble refinery not be built on a Monterey County beach.

Yet, Fred Dierker, executive officer of the regional pollution control board, says, "Humble is doing a good job on control of Bay pollution."

Coming from a tight-lipped engineer like Dierker, that's high praise.

When Humble set out to build its new \$100 million refinery at Benicia (the one that got thrown out of Monterey), the company accepted—with a minimum of battling over specific details—the stiffest water

pollution control standards ever established for a Bay Area industry.

In addition, company officials say, the new plant in Solano County will comply with regulations of the Bay Area Regional Water Quality Control District even though Solano County isn't a member of the district and the county board of supervisors is fighting to keep state and federal air pollution regulations out of the county.

Dierker said he'd like to see more companies with Humble's cooperative attitude move into the Bay Area.

In contrast, Dierker cites the problem of pollution at the Johns-Manville Products Corp. plant at Pittsburg.

Johns-Manville has an outstanding national reputation as a manufacturer of pollution control equipment and a company where top management figures are active in wildlife conservation.

For this reason it was one of a handful of Bay area industries which, under a regional board policy, was permitted to operate under "self regulation" rules for 18 years with the understanding that the company would voluntarily clean up its pollution by redesigning production facilities.

Dierker said some industries spent millions of dollars cleaning up pollution under this voluntary policy.

But in May, 1968, the board's inspectors visited Johns-Manville for the first time and found 1.04 million gallons per day of untreated waste pouring into the dead-end lagoon of New York Slough on the south side of Suisun Bay.

This is a spot where tidal fluctuations during winter and spring can easily carry significant amounts of this pollution into the drinking water intake pumps of both the city of Antioch and the Contra Costa County Water District.

The board report said the Johns-Manville discharge consisted of the toilet flushings of 300 workers "mixed with industrial waste from the manufacturing of tar paper, asphaltic and asbestos roofing and asbestos-cement building products."

Company officials did not appear at a public hearing to discuss the problem. The regional board then ordered stiff regulations for the company's plant and asked the staff to draft some more.

Johns-Manville national officials were stunned by the resulting publicity and promptly flew top management officials to California to issue a public apology.

The company is still discharging raw waste into the Bay, but the plant will be hooked up to the Pittsburg city sewer system by May. This has required redesigning Pittsburg's sewage facilities.

The regional board's policies toward industry differ with each plant. Situations which would be considered intolerable in the stagnant waters of South San Francisco Bay might be acceptable in North Bay areas which have a strong natural tidal "flushing action."

Tidal flushing in the south Bay (generally south of Bay Farm Island and Hunters Point) is so poor that Army Engineers tests show that only one-millionth of the sewage discharged at Redwood City gets flushed out of the Golden Gate by tidal action in a measurable length of time.

The Army tests on the Bay model at Sausalito shows pollution dumped into the South Bay simply flows up into all of the tidal sloughs and sits there.

San Jose's ultra-modern new \$32 million treatment plant, which serves 750,000 people, has improved the South Bay situation since 1964, but even the San Jose plant can't meet the desired South Bay water quality standards.

San Jose, and other South Bay cities, are now considering constructing a 35-mile-long sewer pipe up the Bay from Alviso to the vicinity of Treasure Island so that San Jose's

already highly treated sewage can discharge where tidal currents will carry it to the ocean.

The situation in the North Bay is different. Dierker said the city of Vallejo uses only low-grade "primary" sewage treatment, but its discharge into the fast moving currents of Carquinez Strait is adequate to disperse the waste.

The last of the "self-regulating" industries brought under regional board control was the California and Hawaiian Sugar Co. at Crockett, which sends its sewage to a municipal treatment plant but also discharges 45.2 million gallons of industrial waste per day into Carquinez Strait from 21 outfalls.

The board's policy statement about C&H, drafted by Dick Russell and H. C. Knapp, of the board's staff, said 96 per cent of the discharge is cooling water.

The report said the remaining flow consists of sodium carbonate cleaning chemicals, burned sugar, raw sugar and the washings of sugar-processing machinery, battery acid, sulfamic acid, hydrochloric acid, hydrofluoric acid, etc.

This would be a bad combination in most areas of the Bay—particularly the sugar discharge, which burns up oxygen in the water, kills fish and can turn salt water black.

Sugar in cannery waste at San Jose is the major source of water pollution in the South Bay.

But, Russell explained, "The flow of water at Carquinez Strait is tremendous and the C&H discharge isn't really a problem." In engineering terms, he said, "pollution is a function of volume" and at the C&H plant the volume of good water is tremendous.

There is widespread evidence that industry is willing to spend considerable amounts of money to clean up pollution, but in most cases the actual figures aren't available as a matter of public record.

Ronald James, mayor of San Jose, recently told a pollution control meeting "A few years ago the local managers of national corporations wouldn't give us the time of day when we talked about pollution."

"We have some bad stuff flowing into San Jose's sewers, including sugar and various cannery wastes, acids and chemicals from electronics manufacturing and other things that are difficult for a treatment plant to handle."

"But recently, the local plant managers have been told by national firms that they're supposed to cooperate. In most cases we're getting good cooperation."

San Jose enacted a sewer tax surcharge under which industries with difficult-to-treat sewage are charged at a higher rate. This has resulted in considerable experimentation in "pre-treatment" to clean up waste before it goes into the sewers.

East Bay Municipal Utility District is considering the same sort of surtax for hard-to-treat sewage in Oakland, Emeryville, Alameda, Berkeley, Piedmont, Albany, El Cerrito and Kensington.

However, in San Francisco, where the worst kind of raw, untreated industrial pollution pours out from overflowing sewer lines every time it rains, the county board of supervisors is on record as opposed to any kind of sewer tax, sewer surtax or sewer connection fee.

When asked what the possibility of using such taxes to clean up the San Francisco mess, San Francisco Supervisor Robert Mendelsohn, chairman of the health committee, told the regional board, "We aren't even considering anything like that."

The Islais Creek Sewer Treatment Plants, which discharge the toilets of 161,000 persons, plus the south-of-Market industrial area, into a dead-end lagoon one block from the San Francisco Wholesale Produce Market, doesn't even chlorinate the sewage.

The regional board's report on San Francisco County found 660,000 gallons per day of untreated waste, mostly in the industrial

district, discharging into the Bay because pipes hadn't been hooked up to flow into the sewer treatment plants.

Under board orders the city shut down a dozen individual company raw sewage discharges and agreed to tie the South Fourth Street industrial area sewer pipes into the municipal collection system.

At the San Francisco Port Authority docks the regional board investigators found 207,000 gallons of raw sewage per day flushing directly into the Bay from 405 toilets, 243 wash basins and 180 urinals.

The city has launched a program of connecting San Francisco Port Authority toilets to the municipal sewer system although some officials consider this a futile effort because of the flows of raw sewage pouring out under the docks from the rest of the city sewer system.

The regional board report concluded: "The city and county of San Francisco has the ambivalent role of being the greatest waste discharger while requiring the greatest protection of Bay waters along her shore for beneficial uses."

There are some kinds of pollution which are extremely visible in the Bay but are considered harmless to wildlife and are therefore at the bottom of the board's priority list.

Dierker said these include the reddish tint seen in the water near the Bay Bridge Toll Plaza, which he said is iron oxide from an Emeryville paint plant. A white tinge can be seen near a South San Francisco milk of magnesia factory.

Dierker said a "very significant" effort is being made by a committee of industries to clean up pollution in the North Richmond area in the cove east of Point San Pablo.

During the past four years the dischargers spent \$5,145,000 on new pollution control equipment and worked on a major long range plan to eliminate pollution to this cove.

A report issued by the industrial committee listed spending in four years as: Allied Chemical Corp., \$90,000; Chevron Chemical Co., \$1,632,000; San Pablo Sanitary District, \$236,000, and Standard Oil Co. of California, \$3,187,000.

On Jan. 15, the regional board adopted a policy, agreed to by the dischargers, under which dischargers promised to work toward the "maximum feasible degree" of treatment in North Richmond.

Dierker said, "This means tertiary treatment (very pure) discharges. The companies and the sewer district might elect to use a lower degree of treatment and discharge it far out into the Bay through a long pipe, but in that case they'd have to come back to the board to ask for a lowering of standards."

This program might turn North Richmond into one of the most beautiful spots along the shoreline of San Francisco Bay.

SAN FRANCISCO REALLY HAS A SEWER PLAN— BUT JUST WHAT IS IT?

(By Fred Garretson)

San Francisco city officials talk boldly, but not too confidently, about Mayor Joseph Alioto's master plan to clean up the San Francisco sewer mess.

After 20 years of playing hide-and-seek with the Bay Area Regional Water Quality Control Board, San Francisco's supervisors caved in to strong pressure from the U.S. Interior Department and on Oct. 28 passed a resolution agreeing to obey state pollution control laws.

On Nov. 13 Alioto signed the official "policy of intent to adhere to a schedule for compliance with waste discharge requirements" established by the pollution control board.

At the same time Alioto let it be known that San Francisco wouldn't be able to meet the time schedule unless the state and federal governments put up most of the money to buy pollution control facilities which the

other 90 cities in the Bay Area have taxed themselves to pay for.

Nonetheless, Alioto and other San Francisco officials have been able to say, "We are proceeding with a plan . . ."

But there is considerable confusion among San Francisco's top officials about just what that plan is:

Mayor Alioto says it's a \$300 million plan to build a great sewer discharge pipe stretching miles out into the ocean. He tells reporters, "See Tom Mellon for the details."

Chief Administrative Officer Tom Mellon says it's a \$600 to \$800 million plan to build huge "sewerage caverns" in the San Francisco hills and to construct many small treatment plants along the shoreline. He tells reporters to "See Myron Tatarian for details."

Public Works Director S. Myron Tatarian says it's a \$135 million plan to extend three city sewer treatment plant outfalls a few thousand feet out into the Bay and to "do something" about the great streams of human excrement which now cascade across the public beaches in the western part of the city after every little rainstorm.

Tatarian doesn't pass the buck to anyone, but he refers a lot of questions to City Engineer Robert C. Levy, who said the city is considering a whole galaxy of plans including sewage caverns, mini-treatment plants, shoreline sewage holding ponds, and, if worst comes to worst, maybe a big pipe out into the ocean.

San Francisco's fundamental problem is an antique design which combines sewage and storm water runoff in a single pipe system which, in dry weather, delivers sewage to three treatment plants, but which in wet weather overflows raw sewage through 41 bypass pipes along the city shoreline.

Tatarian said the plan adopted by the Board of Supervisors is:

1. By 1975 the city's average daily dry weather flow of 99 million gallons of partly treated sewage will be discharged in deep water tidal channels instead of spilling out close to shore in brown waves under the docks near Fisherman's Wharf, in a dead-end creek near the San Francisco Wholesale Produce Market and directly onto the sands of Mile Rock Beach near Lands End.

2. By 1981, if all goes well, 12 of the city's 41 wet weather sewer discharge pipes along the ocean beaches and near Aquatic Park and the Marina will be fixed so that human excrement will no longer be dumped onto the public beaches.

No provisions were made to fix up the other 29 sewer outfalls along the Bay shoreline south of Pier 45 (Fisherman's Wharf). This area includes not only the largest sewers, but the heaviest population densities in San Francisco.

San Francisco is divided into three "sewer watershed" zones whose resident populations are: Richmond-Sunset, 170,000; Southeast (the industrial district), 161,000; North Point (including all of downtown) 409,000.

By 1981, if the city can meet the official timetable, all of Richmond-Sunset's wet weather discharges, plus four of the 20 North Point Sewers (Baker, Pierce, Laguna and Hyde Streets) will be fixed. No one knows for certain, but these four sewers apparently serve about 60,000 persons.

This means that the toilet flushings of the entire Southeast Zone, plus 350,000 residents of the North Point Zone will continue the pour untreated into the Bay during wet weather.

The current boom in skyscraper office and apartment houses will increase the number of toilets in this zone.

A 1965 survey by the Northern California Transit Demonstration Project showed 890,299 daily trips in and out of San Francisco Central Business District between 10 a.m. and 6 p.m. on weekdays.

This figure can be subjected to wide in-

terpretation because visitors contribute to the sewers through toilets, restaurant dishwashing and garbage disposal machines.

City planning department officials said this particular study counted commuting workers only once, but downtown shoppers twice and also included some of the through traffic from the Bay Bridge that bypassed downtown San Francisco. The figure doesn't include evening visitors to San Francisco.

But by conservative estimates the figure could be translated into 450,000 visitors depositing into the sewer system.

This means that in the North Point and Southeast Sewer Zones the raw sewage of almost one million people will continue to get dumped into the Bay untreated every time it rains.

The timetable adopted by the Board of Supervisors and proclaimed as official policy by Mayor Alioto, makes no provision for these 29 sewers except to say that the problem will be considered "as the need arises," if and when water contact sports facilities are built along the waterfront.

Tatarian says this means that individual sewers will be diverted if the city decides to build a marina or swimming facility at a spot where a sewer now discharges.

And Tatarian stresses, the multi-million cost of fixing the sewers will be computed as part of the cost of the recreation development.

This runs exactly opposite to the policies of the regional water pollution control agency, which aims to make all parts of the Bay safe for swimming.

Levy said reconstructing the entire San Francisco sewer system to modern standards by putting in separate sanitary and storm drainage pipes would cost \$1.4 billion.

He said it would require digging up every street in the city, and rebuilding the plumbing of every building to separate the sanitary pipes from the roof rain drains.

Half of the cost would be public money. The other half would be borne by private property owners, who would have to pay an estimated \$2,000 per dwelling unit to make the conversion, Levy said.

"There wouldn't be any money available for other civic projects," he said.

Tatarian and Levy said various types of construction could solve a major part of the sewer overflow problem—mainly sewage retention basins—and might bring San Francisco into conformity with water quality control board standards.

They said extending dry weather outfalls into the Bay and making internal treatment plant improvements would cost \$35 million.

Fixing the wet weather outfalls on ocean beaches and near the Marina District would cost \$45 million. Fixing the other 29 wet weather sewer outfalls would cost \$55 million.

However, Levy stressed, these are 1968 dollar figures which don't include bond interest costs, inflation or rising land and construction costs, which they said are increasing five percent per year.

Levy said these cost figures are optimistic estimates based on tentative conclusions by consultants working on an experimental design for a miniature wet-weather treatment plant that might meet water pollution standards.

This pilot plant is proposed for the Baker Street Sewer outfall next to St. Francis Yacht Club.

The success or failure of this experiment will affect all future planning to clean up the San Francisco sewer problem.

Mr. REID of New York. Mr. Chairman, I rise in strong support of H.R. 4148, the Water Quality Improvement Act of 1969.

This measure contains several important safeguards to preserve the remaining purity of this Nation's water re-

sources and to insure that they will be free of the pollution that results from a number of major activities.

In particular, the bill provides strict controls on oil pollution and establishes the liability of the owner of the facility responsible for the oil leak for cleaning up the water and surrounding beaches. I believe that the civil and criminal penalties in this section of the bill for failure to comply with these requirements are fair and necessary in light of the several recent tragic oil leaks.

There is another aspect of this legislation which I would like to emphasize briefly. That is section 11(b) which requires that any applicant for a Federal license for an activity that may discharge waste into the navigable waters of the United States present the issuing agency with certification from the affected States that the activity will be conducted in such a manner that it will not reduce the quality of the water below the State's accepted standards. This provision is specifically intended to require that the Atomic Energy Commission take thermal pollution into consideration when issuing licenses for nuclear generating facilities.

This section was included in the bill over the objections of the chairman of the Joint Committee on Atomic Energy, who sought to weaken it in several particulars. I applaud the firm stand of the Public Works Committee in insisting on these sensible precautions so that the thermal standards for water quality adopted by 34 of the Nation's water quality jurisdictions will not be meaningless in the eyes of the AEC.

In my judgment, we must give much more study to the deleterious effects of thermal pollution. While many States have made progress in adopting thermal standards for water quality, there are indications that some of those standards are inadequate. I feel that we should effect a moratorium in the construction of nuclear powerplants until we can be sure not only that the plants present no radiological hazards, but also that they will not reduce the quality of surrounding waters or upset the ecological balance in the area. There has been some indication that the coolant towers associated with nuclear plants can be a source of enormous air pollution, and even cause weather modification in some instances. While these aspects of power production are not of immediate concern in connection with this legislation, my colleagues may wish to bear them in mind for future discussions regarding air pollution, nuclear plants, and the quality of our environment. To further befoul our air and water and retard their purification in the name of advancing technology would be folly.

It is my understanding that the gentleman from Ohio (Mr. VANIK) will propose an amendment to this bill, to incorporate the features of H.R. 9382, of which I am a cosponsor. Mr. VANIK's amendment would provide an emergency fund to provide permanent corrective relief for those areas of the Nation which are in environmental crises. Included among those "pollution disaster" areas are the Lake Erie basin, the great rivers,

and other offshore regions. The problems in these areas are international, interstate, and of such magnitude that their solution is beyond the capacity of any single State. I urge my colleagues to support Mr. VANIK's amendment, in order that these areas may receive the urgent attention which they need.

Finally, Mr. Chairman, while I commend the committee's comprehensive approach to the problem of water pollution, I feel that the appropriations authorized by this legislation are totally inadequate. It has been estimated that, to restore this Nation's waters to their natural state and keep them that way, we would need to spend \$100 billion between now and the end of the century. This bill would authorize appropriations of only \$348 million during the next 3 fiscal years. I hope that my colleagues will provide full funding for this legislation, will increase the funds for water pollution control in future years, and provide funds for sewage treatment in an additional bill. There is a critical need for legislation providing for the treatment of solid wastes.

Mr. WOLFF. Mr. Chairman, I am pleased to join in support of the Water Quality Improvement Act of 1969 which promises to be another major step forward in our effort to curb water pollution and protect our environment for future generations.

There is a special pleasure in supporting this bill because section 18 contains provisions I had previously introduced as separate legislation to control sewage from vessels. I am, of course, gratified to see my long-standing recommendation included as part of this omnibus legislation.

It is essential that this legislation receive our prompt affirmative action. Every day our waterways are being polluted by waste from vessels, industrial spillage, oil slicks, and other pollutants that collectively threaten to permanently destroy our environment. I have long felt this is an area, along with air pollution, deserving the highest priorities of the Federal Government. It is therefore reassuring that this legislation is among the first major bills to come before the House this year. I trust we will pass this bill without delay and declare ourselves firmly in favor of necessary controls on the menace of water pollution.

As has been noted in debate the major provisions of this legislation are designed as a greatly needed assault on the problem of pollution from offshore oil drilling and oil leaking from tankers. This problem has increased sharply in recent years and reached its unfortunate zenith in January and February when the beaches of southern California were turned into filthy, blackened sponges full of oil. A repetition of this tragedy, which killed fish and wildfowl besides ruining recreational and natural resources for human enjoyment, cannot be tolerated and I am hopeful this bill would begin to solve this problem.

I am also impressed by those provisions of the bill requiring assurances that industries and utilities discharging wastes into waterways provide necessary assurances that the waste will not violate

existing guidelines on pollution. This is a constructive step in the effort to curb the still unmeasurable impact of thermal pollution.

As I noted at the outset I am pleased that the bill contains provisions I had sponsored previously to control the sewage from vessels. As pleasure boating and commercial use of the waterways are growing we must have the necessary protections to ward off still another threat to our rivers, harbors, and shoreline.

This is a good bill that takes a giant step in the effort to stem the rising tide of pollution. With constructive legislation such as this there is reason to hope that the great waterways and shorelines of the United States will be conserved in a manner befitting our heritage. I believe there is little we might do that is more important than conserving that heritage so I am pleased to be able to vote for the Water Quality Improvement Act of 1969.

Mr. LANGEN. Mr. Chairman, I concur with the basic provisions of the Water Quality Improvement Act of 1969, which is before us today. The Committee on Public Works is to be commended for directing early attention to the problems of water pollution, and it is hoped that these proposals receive favorable action.

I am most grateful to the committee for including the basic principles of my own lake pollution control bill, which I introduced in 1967. I urge that this section of the bill be kept intact.

We in Minnesota are particularly aware of the benefits derived from attractive and clean lakes, since we have so many of them.

The scenic surroundings and satisfying recreational and relaxing activities associated with lakes will be in ever greater demand as our population continues to grow. It is quite a sight to see the cars stream out of our cities at the end of the week, all carrying families to a favorite lakeshore spot that promises fresh, clean air and pure water for swimming, boating, fishing, and the many other activities connected with our lakes.

Unfortunately, the presence of man in ever-increasing numbers has aggravated a problem that threatens the future of these great resources. This is why many of us introduced legislation to amend the Federal Water Pollution Control Act to authorize a comprehensive planning program in lake pollution prevention and control. The comprehensive planning programs called for in the bill before us today will go a long way toward halting the steady erosion of our lakes.

The manmade pollution of our lakes is accelerating the normal aging process of such bodies of water. Lake Erie is a conspicuous example, but our smaller lakes, some in Minnesota, also are deteriorating at a rapid pace. Rank vegetation chokes much of the lake beginning in July, and restricts fishing, boating, swimming, and other recreational activities. Subsequently the mass of vegetation begin to rot, creating odor problems, and lowering the oxygen level so that fish frequently die.

These conditions might naturally develop, through the regular aging process,

but it would take thousands of years. But man has accelerated this aging process through pollution. It comes from many sources, such as septic tanks of the shoreline cottages, sewage from cities and towns situated on the watershed, pollution from livestock on farms, and draining from fertilized farmlands. Siltation from erosion within the drainage area further complicates the problem. Unfortunately, a lake has relatively little flushing action, and has much less capacity to dilute introduced wastes than does a flowing stream.

Greatly expanded Federal, State, and local research and demonstration programs are needed to develop practical and effective methods for improving the quality of lake waters. The problem must be attacked on two fronts simultaneously. First, we must find ways to remove or dissipate the existing nutrients. And then we must reduce the nutrients entering the lake.

The clean lakes section of the bill before us is a welcome step in the right direction. It authorizes the Secretary of the Interior to enter into contracts and grants with various individuals, agencies, and organizations, for research and development on the problems of lake eutrophication and other lake pollution problems. The Secretary would also be authorized to develop field laboratories, research facilities, and demonstration projects. We desperately need new and improved methods for the prevention, removal and control of natural or man-made pollution in our lakes. This bill will provide the means of accomplishing these methods.

Mr. DONOHUE. Mr. Chairman, I most earnestly urge and hope that the House will approve this bill before us, H.R. 4148, as another forward step in the legislative efforts we have exerted, and which I have supported, over the last several years to strengthen the Federal Government's effectiveness in trying to prevent catastrophic pollution of our waterways.

The provisions of this current measure are designed particularly to help the various States adequately deal with the most vexing problem of oil discharge and spillage by making shipowners liable for such discharge; establishing a revolving fund for reimbursing States faced with sudden and tremendously expensive cleanups of oil and other polluted material; initiating a demonstration program for effective water pollution control; encouraging students, through grants, to undergo training in water quality control; and authorizing funds for extending water pollution control research and development.

Mr. Chairman, the reasons for and the meaning of these and other provisions in the bill have been thoroughly and expansively explained to the membership, and there is no need of enlarging upon them at this time.

The objectives of the bill are unquestionably in the national interest and the appropriations projected are reasonably moderate in consideration of the vital importance of removing and preventing the very dangerous and damaging pollution of our national waters.

Therefore, I hope that this Water Quality Improvement Act of 1969 will be overwhelmingly adopted.

Mr. EILBERG. Mr. Chairman, I want to take this opportunity of recording my unqualified support of H.R. 4148, a bill which will help solve some of the major unmet pollution abatement needs of this country.

There is no question that water pollution is one of the most aggravating and serious problems of our time. For over 10 years now the Congress has been studying the facts and enacting progressive legislation to overcome the shortcomings of public and private action. Nevertheless, our citizens continue to express deep concern over the slow pace of cleanup efforts and achievements to purify the waters of our streams, lakes, and shoreline.

The Gallup poll, in 1968, issued the results of a study in which the people questioned were asked what they considered the most urgent of environmental problems. Thirty-two percent said water pollution. When asked what they considered the best solution, they responded that new ways must be found to stop industrial pollution, existing laws should be better enforced, and new legislation passed.

Enactment of H.R. 4148 will be a significant step in these directions.

The bill provides strong penalties for discharging oil into the navigable waters of the United States and also establishes a program in which the Federal Government can clean up the oil from a spill and require that the industry or person responsible for the spill reimburse the Government for costs of the clean up. In considering this provision, the House Committee on Public Works urged that State and local groups already formed for clean-up operations be called upon for cooperation and assistance. In addition, both national and regional contingency plans are to be developed to meet all future emergency spillages such as the *Ocean Eagle* incident off the coast of Puerto Rico.

Wastes from ships and boats with inadequate marine sanitation devices are a major cause of pollution. According to estimates of the Federal Water Pollution Control Administration, the combined waste being discharged from all watercraft operating in American waters approximates the quantity of raw sewage that could be discharged by a major city such as Buffalo or Cincinnati. The bill authorizes the Secretary of the Interior, after consultation with other appropriate departments, to promulgate Federal standards of performance for marine sanitation devices. The enforcement of these standards would prevent the future discharge of untreated and inadequately treated sewage into navigable waters.

Acid mine drainage is still another major source of pollution. It has been estimated by the Federal Water Pollution Control Administration that each year over 4 million tons of acid-equivalents are being discharged into streams from both active and abandoned mines. These acids can destroy fish and their habitat, thereby greatly reducing the recreational value of our Nation's

streams. Experts have indicated that control methods are not yet known. The bill therefore authorizes the Secretary of the Interior to enter into agreements with State or interstate agencies to carry out demonstration methods and projects for acid mine water control.

There is urgent need for more skilled manpower both in research and the operation of treatment facilities. To alleviate this need, the bill authorizes an expansion of the existing training grants program established under the Water Quality Act.

Federal agencies which control property or issue licenses and permits for construction or development, have a major role to play in pollution control, since many of these facilities and operations affect water quality. For example, the dredging and disposition of spoil in navigable waters is controlled by the Corps of Engineers. The bill provides that each agency having jurisdiction over property or over the issuance of permits or licenses must insure that all operations resulting in pollution effects, must be carried out in a manner that will comply with established water quality standards. This provision simply means that the Federal Government, in all of its activities, will lead the way in preventing pollution.

There are a number of research studies that must be sustained in the years ahead if adequate solutions are to be found to outstanding and poorly understood pollution challenges. For example, although some advances have been made on the problem of lake aging or "eutrophication," much more knowledge is required. Research is needed on the control of phosphorus and on the elimination of pollution from combined storm and sewer systems. The bill provides for these and other needs by authorizing appropriations for 2 additional years at the level already provided for fiscal year 1969.

Mr. Chairman, the control of water pollution must be a dynamic effort, responsive to both old and new problems stemming from constant technological change. I have supported the passage of earlier pollution legislation. I hope and I am confident that this House will enact into law this bill before us.

Mr. FASCELL. Mr. Chairman, I strongly support H.R. 4148, the Water Quality Improvement Act of 1969. Adoption of this much-needed protection is long overdue.

Basically, this legislation takes the approach of making those who handle oil and other potential water contaminants responsible for any damage caused by these materials. The existing law applies only to oil damage that is willful or grossly negligent; but the increasing complexity of our civilization has produced many sources of contamination that did not meet these criteria.

The breakup of the tanker *Torrey Canyon*, with its incalculable damage to the coast of England and its nearly \$8 million cleanup costs, and the devastation of California's beaches this year by oil from an offshore drilling rig are but two examples of unintentional but tragic dam-

age to wildlife and our natural environment. Making those who handle oil and other possible pollutants responsible for the cost of any damage will provide a powerful incentive for them to take ever greater measures of protection.

One provision of the bill makes ship-owners liable for oil discharge or spillage cleanup costs up to \$10 million, or \$100 million per gross ton. It provides criminal penalties against individuals operationally responsible for vessels who fail to promptly report a discharge of oil or other polluting matter to the Coast Guard or Secretary of Interior. It also provides civil penalties against vessel owners or operators in cases of willful or negligent discharge. The measure would authorize the Government to recover costs of clearing up discharge or spillage presenting an actual or threatened pollution hazard if those responsible are unable or unwilling to remove it.

But this legislation does not stop in these major areas of water pollution concern. It provides protection against discharge of inadequately treated sewage from vessels, and authorizes a demonstration program on acid and other mine water pollution control. Research funds on water quality control are also provided, and it is hoped that these expenditures will enable us to do a far better job of preserving and protecting our water environment in the future.

Taking all of these things into account, the legislation is strongly in the national interest. From my own area's viewpoint, it could help prevent the golden sands of Miami Beach from being despoiled by oil from offshore vessels—a tragedy which has not happened so far only because of good fortune. Internationally, this bill would help cleanse the world's waters by encouraging foreign nations to follow our example.

The increasing size and number of oil tankers, the growing exploration for offshore oil, and the presence of other pollutants make it necessary that we impose these new protections. Therefore, I strongly urge my colleagues to approve this bill.

The CHAIRMAN. There being no further requests for time, pursuant to the rule, the Clerk will read the Committee substitute amendment printed in the bill as an original bill for purposes of amendment.

The Clerk read as follows:

H.R. 4148

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

Mr. WRIGHT. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having assumed the chair, Mr. SMITH of Iowa, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 4148) to amend the Federal Water Pollution Control Act, as amended, and for other purposes, had come to no resolution thereon.

GENERAL LEAVE TO EXTEND

Mr. WRIGHT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the bill (H.R. 4148) and include extraneous matter.

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

There was no objection.

ELECTION TO COMMITTEE

Mr. MILLS. Mr. Speaker, I offer a privileged resolution (H. Res. 363) and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. Res. 363

Resolved, That David R. Obey, of Wisconsin, be, and he is hereby, elected a member of the standing committee of the House of Representatives on Public Works.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PRESIDENT NIXON ENUNCIATES VITAL INFORMATION POLICY

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

Mr. MOSS. Mr. Speaker, I direct to the attention of my colleagues an important policy statement by President Nixon concerning the availability of executive branch information to the Congress.

The President, in an exchange of correspondence with me, and as set forth in his implementing memorandum to administrative officials, has stated that any claims of executive privilege to withhold information from the Congress will not be asserted without specific Presidential approval in each instance.

The information policy is consistent with the pattern established in recent years. I wish to express to the President my appreciation and that of the Subcommittee on Foreign Operations and Government Information for taking this significant step in behalf of freer access by the Congress and the American people to information concerning the activities of the Federal Government.

The above-mentioned exchange of correspondence and the President's memorandum are included herewith:

CONGRESS OF THE UNITED STATES
HOUSE OF REPRESENTATIVES,

Washington, D.C., January 28, 1969.

HON. RICHARD M. NIXON,
The President of the United States,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: The claim of "executive privilege" as authority to withhold government information has long been of concern to those of us who support the principle that the survival of a representative government depends on an electorate and a Congress that are well informed.

As you know, some administrations in the past made it a practice to pass along to Executive branch subordinates a discretionary authority to claim "executive privilege" as a basis to refuse information to the Congress. The practice of delegating this grave

Presidential responsibility was ended by John F. Kennedy when he restored a policy similar to that which existed under previous strong administrations, including those of Presidents George Washington, Thomas Jefferson and Theodore Roosevelt. In a letter to the Foreign Operations and Government Information Subcommittee, dated March 7, 1962, he enunciated the policy as follows:

"... this Administration has gone to great lengths to achieve full cooperation with the Congress in making available to it all appropriate documents, correspondence and information. That is the basic policy of this Administration, and it will continue to be so. Executive privilege can be invoked only by the President and will not be used without specific Presidential approval."

President Lyndon B. Johnson informed the Subcommittee by letter, dated April 2, 1965, he would continue the policy enunciated by President Kennedy. He stated:

"Since assuming the Presidency, I have followed the policy laid down by President Kennedy in his letter to you of March 7, 1962, dealing with this subject. Thus, the claim of 'executive privilege' will continue to be made only by the President."

In view of the urgent need to safeguard and maintain a free flow of information to the Congress, I hope you will favorably consider a reaffirmation of the policy which provides, in essence, that the claim of "executive privilege" will be invoked only by the President.

Sincerely,

JOHN E. MOSS,
Chairman.

THE WHITE HOUSE,
Washington, April 7, 1969.

HON. JOHN E. MOSS,
Chairman, Foreign Operations and Government Information Subcommittee, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: Knowing of your interest, I am sending you a copy of a memorandum I have issued to the heads of executive departments and agencies spelling out the procedural steps to govern the invocation of "executive privilege" under this Administration.

As you well know, the claim of executive privilege has been the subject of much debate since George Washington first declared that a Chief Executive must "exercise a discretion."

I believe, and I have stated earlier, that the scope of executive privilege must be very narrowly construed. Under this Administration, executive privilege will not be asserted without specific Presidential approval.

I want to take this opportunity to assure you and your committee that this Administration is dedicated to insuring a free flow of information to the Congress and the news media—and, thus, to the citizens. You are, I am sure, familiar with the statement I made on this subject during the campaign. Now that I have the responsibility to implement this pledge, I wish to reaffirm my intent to do so. I want open government to be a reality in every way possible.

This Administration has already given a positive emphasis to freedom of information. I am committed to insuring that both the letter and spirit of the Public Records Law will be implemented throughout the Executive Branch of the government.

With my best wishes,

Sincerely,

RICHARD M. NIXON.

MEMORANDUM FOR THE HEADS OF EXECUTIVE DEPARTMENTS AND AGENCIES

(Establishing a procedure to govern compliance with congressional demands for information)

The policy of this Administration is to comply to the fullest extent possible with

Congressional requests for information. While the Executive Branch has the responsibility of withholding certain information the disclosure of which would be incompatible with the public interest, this Administration will invoke this authority only in the most compelling circumstances and after a rigorous inquiry into the actual need for its exercise. For those reasons Executive privilege will not be used without specific Presidential approval. The following procedural steps will govern the invocation of Executive privilege:

1. If the head of an Executive department or agency (hereafter referred to as "department head") believes that compliance with a request for information from a Congressional agency addressed to his department or agency raises a substantial question as to the need for invoking Executive privilege, he should consult the Attorney General through the Office of Legal Counsel of the Department of Justice.

2. If the department head and the Attorney General agree, in accordance with the policy set forth above, that Executive privilege shall not be invoked in the circumstances, the information shall be released to the inquiring Congressional agency.

3. If the department head and the Attorney General agree that the circumstances justify the invocation of Executive privilege, or if either of them believes that the issue should be submitted to the President, the matter shall be transmitted to the Counsel to the President, who will advise the department head of the President's decision.

4. In the event of a Presidential decision to invoke Executive privilege, the department head should advise the Congressional agency that the claim of Executive privilege is being made with the specific approval of the President.

5. Pending a final determination of the matter, the department head should request the Congressional agency to hold its demand for the information in abeyance until such determination can be made. Care shall be taken to indicate that the purpose of this request is to protect the privilege pending the determination, and that the request does not constitute a claim of privilege.

RICHARD NIXON.

OIL AND TAXES—THEY DON'T MIX

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

Mr. PODELL. Mr. Speaker, today is the Federal income tax deadline for all people of the United States. Millions of them will fill the night air with tears and recriminations, fulminating at the injustice of it all. Let us look behind this. Let us examine some shocking facts.

Our oil industry pitifully staggers under a Federal tax burden of approximately 8.8 percent, while taxpayers average out closer to 25 percent of their income in Federal taxes.

In 1966, Standard Oil Co. of New Jersey paid out 6.3 percent in Federal tax of a net income before taxes of \$1,830,944,000. Gulf earned \$655,727,000 in 1965, paying 8.1 percent of it in Federal tax. As you tote up what you are paying today, individual taxpayers, think of Conoco Oil, which earned \$241,362,000 in 1967 in net income before tax. It paid out \$30,031,000 in taxes to our Federal Government. Atlantic Oil Co. earned \$61,110,000 in 1962 and didn't pay a penny in Federal taxes. In 1965, Atlantic earned

more than \$105 million in net income, and did not pay a penny in Federal tax that year. In 1966, Atlantic earned \$127,284,000 in net income and did not pay a cent in Federal tax that year.

How much did you pay, Mr. Taxpayer? How much did your family have to do without that year? Or the year before? How about the year Atlantic got away without paying a penny again? How much did you skimp on food, clothing, and education? How much did you do without in spite of hard work and saving, while oil company barons made fortunes, enjoying them in poverty-stricken leisure?

Pure Oil Co. did not pay a penny Federal taxes in 1962, 1963, and 1964, as it earned upward of \$88 million. Richfield earned more than \$26 million in 1964, and did not pay a cent in Federal taxes that year. How is that for helping America's consumers? Like throwing an anchor to a drowning man.

Now we contemplate the pitiful sight of these oil companies parading before the tax-writing committee of the House, pleading poverty. Weep for them. Roll in agonized sympathy on the floor. Before they will admit they have done you wrong, you will be able to milk an elk. To slap them on the hand is like prescribing milk of magnesia for a typhoon or aspirin for an earthquake. The only thing these princes of plunder understand is tax reform delivered by an aware and responsible Congress.

Congress gave the oil-depletion allowance to this industry. Congress has the daily power to remove these privileges, or at least bring them down to manageable levels.

Congress must do its duty to America's taxpayers, who have asked for tax reform. The oil-depletion allowance could be abolished tomorrow, including that priceless little gem which allows an oil company to produce oil in a foreign country and receive a depletion allowance for U.S. tax purposes. I have introduced a bill to abolish the 27½-percent depletion allowance. Other Members have done the same. Let us act.

DEDICATION OF THE STATUES OF FATHER DAMIEN AND KAMEHAMEHA

(Mrs. MINK asked and was given permission to address the House for 1 minute, to revise and extend her remarks and include extraneous matter.)

Mrs. MINK. Mr. Speaker, symbolic of the harmony between races in Hawaii, the two men chosen by the Hawaiian people to be honored in Statuary Hall represent two different worlds which, fused, created the great State of Hawaii. Kamehameha the Great was a warrior king who believed in the gods of his ancestors, and the man who successfully united the Hawaiian Islands in 1810 under one rule. Father Damien was a Catholic priest from Belgium who spread the Christian faith throughout the islands before devoting the last 16 years of his life to the suffering lepers of Hawaii; Father Damien was an example to all mankind of the spirit of Christianity.

Kamehameha was born in 1758 in Ko-

hala, Hawaii, to High Chieftess Kekuia-poiwa and High Chief Keoua of Kona. Legend has it that soothsayers had reported to the king that the child would be a rebel and "slay the chiefs," and the king had ordered him killed, but the baby's mother had insured his safety by hiding him in the hills. He was brought back to the Hawaiian court when he was 5 years old and named Kamehameha, which means "The Lonly One."

Even as a boy, Kamehameha was a strong young warrior. In his youth, the boy's ruler-uncle placed him in charge of a temple where Kamehameha performed his duties seriously. The death of his uncle in 1782 brought about a civil war on Kohala, and the youthful warrior Kamehameha led one of the three rival factions. With the aid of seven loyal warriors, Kamehameha led his forces to victory, and captured the large island of Hawaii. In the summer of 1794, King Kahekili, ruler of all the other islands, died, and left his lands to a younger brother and to his son. After these leaders had declared war, Kamehameha captured the islands one by one. By 1795, he had conquered all of them except the islands of Niihau and Kauai, and had made himself king. In 1810, the two remaining islands were ceded to him, and Kamehameha was ruler of all the Hawaiian Islands, united under one ruler for the first time.

Kamehameha, for having achieved the political consolidation of the islands, is universally recognized as the outstanding Hawaiian chief of the island's history. A fearless leader of powerful physique, he was skilled in the practices of war and government. The most popular tale told of Kamehameha took place during the civil war on the island of Kohala. Jumping from a canoe to battle some fishermen on shore, he caught his foot and fell, and the fishermen took that opportunity to strike him with a canoe paddle. Later, when he became king, Kamehameha's first great edict was "mama-lahoa," or the "law of the splintered paddle" whereby he decreed that, "The old men and children shall sleep on the highways unmolested." The greatness of Kamehameha lay in his humanitarian qualities and in his ability to effectively organize his government, while encouraging industry and promoting agricultural endeavors by his people.

He is honored as an enlightener and reformer of his people. He was a good judge of men, and had the ability to inspire loyalty in his followers. He was the first chief to understand the advantages to be gained by friendly relations with foreign visitors to the islands, many of whom came to Hawaii during his reign. He managed the internal affairs of his kingdom in a way that minimized the danger of insurrection or revolution. His relations with other chiefs, his disposition of lands, and his administration of the government all tended to quell disruptive influences, to weld discord into union, and to create national feeling and national pride. He was true to the traditions and ancient religion of his people, and, at the same time, built a new nation and united his people. Kame-

hameha died at Kailua, Hawaii, on May 8, 1819, 150 years ago, but he has not been forgotten by the Hawaiians of today who celebrate Kamehameha Day each year, and perpetuate his memory in many other ways.

The second man to be honored here today was born Joseph de Veuster in the Flemish sector of Belgium on January 3, 1840. One of six children, he was expected to bring material success to the family, and, as a young man, he was sent to France to study a commercial course. The de Veuster family was one in which religion played an important part. Joseph's brother, Auguste, was studying for the priesthood; his sister, Pauline, became a nun. His parents were disappointed, but gave their approval when, at age 18, Joseph decided to enter a religious order.

He was accepted at the monastery at Louvain, where his brother Auguste soon became Father Pamphile and Joseph took the name "Damien." It was at Issy near Paris, studying for the novitiate, that Damien first heard about the need for missionaries in the Pacific islands. Both he and his brother were anxious to go. After taking his final vows, Pamphile was scheduled to go to Hawaii, but, before he could sail, he caught typhoid when an epidemic struck, and Damien went in his place.

Two months after Damien landed at Honolulu, he was ordained a priest and assigned to the island of Hawaii. For 8 years, he served the district of Kohala, preaching the Gospel and ministering to the sick. In 1869 the Government of Hawaii began to enforce rules for isolating lepers; a colony was set aside for this purpose on a peninsula on the northern coast of Molokai.

Cut off forever from healthy men and women, the 800 lepers at Molokai were given no supplies, no assistance of any kind. Their condition was tragic and deplorable. When a new group of priests arrived, and someone was found to take his place in Kohala, Father Damien went to Molokai to bring help and the word of God to the forsaken lepers. He gradually gained their trust, built a chapel, and brought them faith. In the 16 years that he lived in the leper colony, churches, schools, and orphanages were built, a pipeline was constructed to bring fresh water to the colony, and wooden houses were built. Word spread around the world of the work of Father Damien. Franciscan Sisters from the United States arrived to nurse the acutely sick housed in a makeshift hospital. In 1885, Father Damien found that he was now himself a leper, and a shocked and sorrowful world contributed the money and supplies that made it possible to build a hospital that housed over a thousand lepers.

From a hopelessly vile encampment where doomed lepers waited to die, Father Damien had built a colony with sanitary facilities, medical help, and spiritual aid. He brought love and hope to the sick and dying. After 16 years of devotion to the lepers, Father Damien died of leprosy on April 15, 1889—exactly 80 years ago today.

These men, whose lives and works con-

tinue to inspire the people of Hawaii today, are worthy indeed of this honor we accord their memories. By placing their likenesses in Statuary Hall, millions of people who visit the Capitol may learn of their greatness, and come to understand our meaning of the word "aloha."

LING-TEMCO-VOUGHT

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

Mr. CABELL. Mr. Speaker, in recent weeks one of the finest corporate entities in the Nation has been the victim of a smear campaign by individuals in Government, and by one or more agencies of the Federal Government.

Why this firm, LTV and its chairman, Mr. James J. Ling, should be so singled out is beyond comprehension.

In this morning's mail, I received an unsolicited letter from one of the Nation's great philanthropies, the National Jewish Hospital and Research Center at Denver, chronicling the many contributions that Mr. Ling and his company have made to this organization during the past years.

Anyone reading this letter will join me in decrying the slanderous misinformation, and I suspect, the demagoguery, to which these people have been subjected.

I will insert this letter in the RECORD at this point in the hope that all Members will read it:

NATIONAL JEWISH HOSPITAL
AND RESEARCH CENTER,
Denver, Colo., April 10, 1969.

HON. EARLE CABELL,
House of Representatives,
Washington, D.C.

DEAR SIR: It has been said of the "conglomerates" that they lack social conscience and evade social responsibility.

Like most generalizations, this one is only partly factual. But where they are not true, they cast an unfair light upon those who do not fit into the generalized description.

Whatever the general feeling is about conglomerates and their social conscience, we would like to tell you about the one with which the National Jewish Hospital and Research Center at Denver is specifically acquainted.

Mr. James J. Ling, Chairman of the Board and Chief Executive Officer of Ling-Temco-Vought, has for many years taken an active part in behalf of the National Jewish Hospital. After serving on the Dallas area NJH Committee, he undertook the Chairmanship of the Annual Dinner in 1962, was the Guest of Honor in 1968, and serves on its Board of Trustees. Through his active interest, many, many thousands of dollars have been raised for our free treatment medical center in Denver.

For any other person, these efforts might have been enough and their "social responsibility" considered fulfilled—but not for James Ling. In September of 1968, he agreed to serve as National Chairman for the National Jewish Hospital's \$4,000,000 Building Fund Campaign. Toward this effort he has not only rallied the resources of LTV but also of dozens of other business and community leaders throughout the country—in addition to making a most general personal contribution.

The cause of the National Jewish Hospital that Mr. Ling has so ably assisted is truly a philanthropic one in every fine sense of the

word. The patients treated, without charge to them, could not have afforded the high cost of hospital medical care and often would not have been able to receive treatment had NJH not been available.

Without income from patients, almost the total amount of the budget must be raised every year. In 1968-69, this was 6½ million dollars and will be 7 million in 1969-70. This then, is the challenge presented to the nation's business leaders—to which they so nobly responded. This is the effort put forth by James Ling and through him by his friends and business associates. An effort for which they get nothing in return—nothing that is, in a materialistic sense but perhaps everything in the sense of fulfillment achieved as the results of a good deed done.

Very truly yours,

NORMAN DAVIS,
President.

PROPOSED CUTS IN B-52 MISSIONS IN VIETNAM—A CRUEL ECONOMY?

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

Mr. WALDIE. Mr. Speaker, I am greatly concerned about the recent cutbacks in B-52 bombing missions in South Vietnam announced by Secretary of Defense Laird. Cutbacks, I might add, that were said to have been made solely in the interest of economy.

My very, real concern about this 10-percent cut in one of our most effective tactical weapons was heightened yesterday by the receipt of a letter from the parents of a young man who at this very moment is on his way to the front lines for combat duty.

At this time I would like to read an excerpt from that letter from Mr. and Mrs. Arnold O. Anderson of Orinda, Calif.:

Our son Robert is leaving for Vietnam next Thursday after 1½ years of training including recently concluded Special Forces training at Fort Bragg, N.C. Both Ruth and I (the parents) feel very strongly that if America's sons are sent to fight in Vietnam, the least the rest of us can do is support them properly. We have some doubts about our involvement in that small far-away country, but if we are going to continue this war, then let us give more than adequate support to our forces there.

Mr. Speaker, the parents of Robert Anderson and the parents of all our young men in Vietnam deserve the assurances that their sons will receive the fullest support possible. To reduce that support in the name of economy is irresponsible to say the least.

I, like Mr. and Mrs. Anderson, harbor some doubts about the scale of this Nation's involvement in the Vietnam conflict. Twice in the past year I have joined my colleagues on the floor of the House of Representatives to call for a reduction in our combat commitment in the hope that the South Vietnamese military establishment would take a more active role in the conflict and that reduction of our commitment would ease the path toward a mutual deescalation by all combatants.

However, there is a great distinction between reduction of combat commitment in the interest of peace and reduc-

tion in tactical strength in the interest of economy.

There has been some speculation in the press that the administration's decision to reduce the B-52 missions by 10 percent, thus saving some \$110 million, is actually a move by this country to indicate to the opposing side that we are interested in scaling down the war.

There have been no indications from the administration or the Defense Department that this is indeed the case. Rather, the White House and the Pentagon have steadfastly maintained that the B-52 cutbacks were "strictly budgetary."

Mr. Speaker, our commander in the field, General Abrams, has repeatedly said the B-52 raids are a most vital and most effective weapon in this difficult war. Our young men on the lines concur. To remove even 10 percent of this weapon from their disposal to pare down this Nation's budget is an inconceivable and cruel economy.

If, Mr. Speaker, this reduction is actually an important step to remove the present impasse in peace negotiations in Paris and elsewhere, then I call on Secretary of Defense Laird or President Nixon to announce that this is the case.

Mr. Speaker, when President Lyndon Johnson announced to the Nation, in March 1968, that he was reducing the level of bombing in North Vietnam in the real belief that this act would result in significant progress toward a lasting peace in Vietnam, he did so without regard to saving money. He did so in the interest of saving lives. Yet, he did not reduce the effectiveness of our fighting men in the field.

This, I think, is in marked contrast to the announced reduction of B-52 raids that are in close and direct support of our troops in the combat zones of South Vietnam.

Mr. Speaker, this so-called economy move is being taken at a grave risk to the lives of our young men on the frontlines. It is being taken despite the protestations of the commander in the field and despite the concern of parents of boys on the lines.

I urge that so long as we persist in a questionable policy of maintaining combat forces in Vietnam, that those forces be given every feasible means of support—at any cost. They, and their parents, deserve no less.

ROGERS SAYS FINCH TARDY IN APPOINTING HEALTH SECRETARY

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

Mr. ROGERS of Florida. Mr. Speaker, to date there have been more than 100 bills introduced relating to public health referred to the House Interstate and Foreign Commerce Committee. Hearings have been held and will be held on these bills.

I think my colleagues will agree that the public health of the people of the United States is a matter of top priority.

Indeed, when Health, Education, and Welfare Secretary Finch appeared before

our committee on March 5, he said there existed a genuine crisis in terms of the confidence of the American people in the health delivery system.

Yet the Secretary has failed to name an Assistant Secretary for Health, the executive position of leadership in the executive branch. This certainly is no way to calm a crisis.

I can understand the thought which must go into the appointment of a man to this position and I appreciate this.

But it has been almost 3 months since Mr. Finch took office. And when he appeared before the committee and was asked about the immediacy of the appointment, he said he expected it to come within a few days or a week.

That was 42 days ago.

I think that period allows for ample consideration. I know that there are varying elements concerned with the problem which must be taken into account when appointing a man to this position.

Still, we must also realize that this Nation's health problems need attention now and should not be relegated as the stepchild of HEW. The organization of our entire health effort suffers in proportion to the number of days that the office of Assistant Secretary for Health remains vacant.

I think we have waited patiently past the period of reasonableness. Now I call upon the Secretary to unravel what problems he may be facing and proceed with the task of naming a man to the post of Assistant Secretary for Health and to set in motion the planning necessary to assure the field of health the attention and leadership it merits.

I would also add that I hope the Secretary gives proper attention to the appointment of a Chief Dental Officer. This position has been vacant for nearly a year and a half and has allowed our efforts in the field of dental care to splinter and proceed leaderless.

PRESIDENT SUPPORTS TAX INCENTIVE CONCEPT

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

Mr. BENNETT. Mr. Speaker, President Nixon's domestic proposals announced Monday included one very important goal which I have been working on for the last two Congresses.

The recommendation for "a program of tax credits, designed to provide new incentives for the enlistment of additional private resources in meeting our urgent social needs" is one with great potential to help solve our great social problems.

This program should include an attack on our hardcore unemployment.

Government cannot create permanent employment for all Americans; and should not attempt to do so. However, I believe Government can help in solving the problem of the 2 million permanently unemployed in America.

I have introduced, H.R. 112, along with 40 cosponsors which would provide tax credits to businesses for training the

hardcore unemployed. The legislation is pending in the House Ways and Means Committee, and I have urged speedy reports and hearings on this bill. In view of the President's recommendations I am hopeful for fast action.

I applaud the President for his support in essence of H.R. 112. The bill would go a long way in solving the hardcore unemployment problem—for 2 million Americans.

The cosponsors of the tax incentive legislation are:

Mr. ADDABBO of New York, Mr. BARING of Nevada, Mr. BYRNE of Pennsylvania, Mr. CLARK of Pennsylvania, Mr. COWGER of Kentucky, Mr. DERWINSKI of Illinois, Mr. DICKINSON of Alabama, Mr. DOWNING of Virginia, Mr. DULSKI of New York, Mr. EDMONDSON of Oklahoma, Mr. ESHLEMAN of Pennsylvania, Mr. FASCELL of Florida, Mr. FRIEDEL of Maryland, Mr. FULTON of Pennsylvania, Mr. FULTON of Tennessee, Mr. HALEY of Florida, Mr. HAYS of Ohio, Mr. HOWARD of New Jersey, Mr. HUNGATE of Missouri, Mr. LEGGETT of California, Mr. LUJAN of New Mexico, Mr. LUKENS of Ohio, Mr. MATSUNAGA of Hawaii, Mr. McDONALD of Michigan, Mr. MESKILL of Connecticut, Mr. OTTINGER of New York, Mr. PICKLE of Texas, Mr. PUCINSKI of Illinois, Mr. RIEGLE of Michigan, Mr. SANDMAN of New Jersey, Mr. SAYLOR of Pennsylvania, Mr. TIERNAN of Rhode Island, Mr. VIGORITO of Pennsylvania, Mr. WALDIE of California, Mr. WOLFF of New York, Mr. ZION of Indiana, Mr. WHITEHURST of Virginia, Mr. MOORHEAD of Pennsylvania, Mr. POLLOCK of Alaska, and Mr. GROVER of New York.

ON LOWERING VOTING AGE TO 18

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

Mr. FULTON of Tennessee. Mr. Speaker, there is considerable discussion today about a "generation gap."

Such a "gap" does exist, and it is my feeling that one of the major causes of such a situation has resulted from our telling our young people they must accept the responsibilities of adulthood, and yet we have denied them a voice in their own destiny.

Their voice could, and should, be heard at the polls.

We call upon our 18-year-old citizens to enter our military services and face combat.

We permit our 18-year-old citizens to marry, accept family responsibilities, to earn a living, pay taxes, operate a car, accept legal obligations which mean they can be sued, buy a home, obtain charge accounts, answer for their debts, make a will, and become eligible for employment under our civil service laws.

Yet we deny what is considered the basic right of citizenship and responsibility—the right to vote.

Today's youth of 18 is more physically fit than his parents, thanks to an improved diet and living standard.

More important, today's youth, at 18, is better educated than his parents were at the same age. Not only have our

teaching techniques improved, but far more is expected of a young man or woman in high school today. Technological changes, coupled with more qualified instructors, utilizing improved techniques in teaching that were not even known in previous generations, have played major roles in not only teaching more students, but in teaching students more.

Television, not only as a tool of education but as a part of our mass communication media, has increased the scope of knowledge of today's young men and women. These young people see history happening. Through the television media they usually participate in great debates of our times at the United Nations, the horror and reality of war is brought to them by our network correspondents, and they see, firsthand the human misery spawned by a civil war in Nigeria.

Our young people are idealist and enthusiastic. They are knowledgeable of our political processes and are capable of making meaningful contributions to our social, economic, and political life.

In 1956, young people between the ages of 15 and 19 numbered 17,052,000, and those between 20 and 24 numbered 13,667,000. By 1970, it is estimated that the number of 15- to 19-year-olds will total 17,261,000. In just 8 more years, in 1975, there will be 20,807,000 young people between 15 and 19 and 19,299,999 will be between 20 and 24 years of age. By then half our population will be under 25 years of age.

Our 18-, 19-, and 20-year-old men are carrying a major share of the burden in the war in Vietnam. Well over 25 percent of our fighting men in Vietnam are between 18 and 20 years of age. The casualty rate for this age group is just under 30 percent.

Our 18-, 19-, and 20-year-olds have earned their right to be heard through their ballot. They have earned this right through their service to their Nation.

A man's maturity should be judged by how he accepts and carries out his responsibilities, and today, the vast majority of our young people have shown they are not only willing, but capable of accepting the obligations and responsibilities of full citizenship, including the right to vote.

It is my pleasure to join many of my colleagues in seeking to lower the voting age from 21 to 18, by introducing a resolution calling for a constitutional amendment prohibiting denial of the vote on account of age to anyone 18 years of age or older.

KIRKLAND COLLEGE WILL INAUGURATE ITS FIRST PRESIDENT

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

Mr. PIRNIE. Mr. Speaker, on Saturday, April 19, 1969, Kirkland College, a new and educationally noteworthy institution of higher learning will inaugurate its first president. I am confident my colleagues will desire to join me in wishing every success to Kirkland College and its

first chief executive officer Samuel F. Babbitt.

The history of Kirkland College is brief only because of the newness of the institution; but the brevity of the chronicle should in no way be allowed to detract from the college's significance and the quality of education it makes available to its students.

In 1961, as part of its 150th anniversary, Hamilton College in Clinton, N.Y., decided to take a long and intensive look at itself and at its possible future. The trustees of Hamilton, the Nation's 30th oldest college, finally decided that they could best meet those demands engendered by the ever-increasing number of young people who seek and qualify for a college education of superior quality by establishing a series of coordinate, undergraduate colleges, all of which were to be built on land adjacent to the Hamilton campus.

The first of these units is Kirkland, a residential college for women which was opened to a class of 165 freshmen last fall. It has enriched its older brother and established a pattern whereby both colleges may maintain a small size, individual traditions, and the historical respect for human values which has characterized Hamilton. Kirkland, like Hamilton, is committed to a liberal arts curriculum, and it believes in small classes and the individualized teaching which this allows.

Kirkland has been able to attract an extremely well-qualified group of men and women who are dedicated to teaching undergraduates. Its imaginative curriculum together with the opportunity to share in the development of a new college has attracted scholars from over thirty different institutions. In its first year of operation a member of this faculty was one of ninety in the country to be awarded a research grant by the National Endowment for the Humanities.

The mission of Kirkland College is best summarized in this paragraph from its catalog:

It sets out to prepare a woman to be intellectually alert and to handle with superior capability the multiple and overlapping phases of her life—as an individual active in society, as a wife, mother, career professional. These phases are of necessity dissimilar. They require widely differing abilities and attitudes. They require a woman who can continue her role as learner into adult life beyond college—a woman able to discriminate between unchanging values and ever-changing circumstances. Kirkland would equip its students to meet these demands by developing, to the maximum, each student's potential for self-preparation and self-direction.

The person charged with seeing to it that Kirkland College meets these ideals will be inaugurated on April 19.

Samuel Fisher Babbitt became Kirkland's president in July 1966 after he had served as an assistant dean of the Yale Graduate School. A graduate of Yale, he began his academic career as an assistant to the director of admission of Yale College and assistant to the freshman dean. In 1957 he became dean of men at Vanderbilt University. Five years later he joined the Peace Corps in Washington, D.C., as Director of the Division of Colleges and Universities in

the agency's Office of Public Affairs. He received his Ph. D. in American studies from Yale in 1965.

President Babbitt's undergraduate career at Yale was interrupted by 3 years of service in the infantry, during which time he was made a master sergeant. This enlistment included 11 months of combat duty in Korea during which he received the Silver Star for outstanding valor.

At the age of 40, he is a young president of a very young college. He is sensitive to and profoundly aware of the issues that now threaten so many of this Nation's colleges and universities, and, with the approval of his trustees, he has taken a number of imaginative steps in an attempt to insure that what has happened elsewhere will not occur at Kirkland.

These actions may be characterized by their involvement of students in the college's decisionmaking process. For example, both students and faculty are appointed to standing committees of the board of trustees, and a recently adopted constitution for the conduct of the affairs of Kirkland College provides for a joint assembly of students and faculty to discuss and propose a broad range of college policies. The result has been a means of expression and impact which can instill and maintain the vital sense of community which is so scarce in the educational community today.

Kirkland College is the first new, independent women's college in the East since 1926. I am proud that it is in my district, and I am proud, too, that the president of Kirkland College has had the foresight to include in his inauguration day festivities a colloquium of educators from the United States and foreign countries who will travel to Clinton to discuss the possible responses of educational institutions and of government to the changes dramatically reflected in student action throughout the world.

I know you will be watching this new institution which comes into being in such troubled times for education, and I am confident you will join me in congratulating Kirkland College and President Babbitt and extending every good wish in their new and important venture.

LET US STOP SOCKING IT TO THEM

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

Mr. SCHWENGEL. Mr. Speaker, we could hardly find a better day to discuss the need for tax reform than today when we are all so pointedly reminded of the existence of, and the inadequacies in our tax system. An article by Murray Seeger in the April 1969 Washingtonian does an excellent job of pointing up some of the present inequities and the need for reform. I insert Mr. Seeger's article in the RECORD, as follows:

IT'S INCOME TAX TIME AGAIN OR SOCK IT TO THE MIDDLE-CLASS!

(By Murray Seeger)

You might call it the nation's most exclusive club. At the last roll call there were

only twenty-one members and each had an annual income of a million dollars or more. What is most unusual, however, is that these fortunate souls make their millions without paying a penny of Federal income tax.

There is nothing illegal about their tax returns. The lucky twenty-one have simply taken full advantage of Internal Revenue Code loopholes. The club members pay high fees to the lawyers who guide them to the promised land, and together they can laugh at the innocents who believe the United States has a progressive or confiscatory tax system.

These anonymous club members, known only to a few Treasury Department experts, have one thing in common . . . they are very, very rich; for the biggest and best tax shelters are tailored for our wealthiest citizens.

For the poor, about the only defense against the tax collector is the personal exemption of \$600 for each member of the family. For middle and upper-middle income groups, income-splitting between husband and wife cuts tax rates. The rich, however, have capital gains, oil-depletion allowances, rapid depreciation allowances, "hobby" farm losses, and unlimited charitable contributions.

One of the great anomalies of American life is that the poor save on their Federal taxes by having babies and the rich escape simply by having so much money. The result is that the largest group of taxpayers, the much-abused middle class, carries a disproportionate share of the Federal tax burden.

It is not just the twenty-one super tax evaders who stand out. In 1967, a total of 155 taxpayers each reported gross incomes of more than \$200,000 and paid no taxes.

A landmark study of 1962 tax returns by Joseph A. Pechman, the brilliant economist at the Brookings Institution, found that those earning over a million dollars a year paid an average actual tax rate of 26.7 percent, about the same rate as taxpayers earning between \$50,000 and \$100,000 a year. Although the law says tax rates for individuals making \$50,000 and up slide from 62 to 70 percent, only a very naive taxpayer would pay that high a rate. The highest average tax rate paid is actually about 30 percent and that falls on the \$100,000 to \$200,000 group.

How do these champion tax dodgers do it?

Here is an actual example—call him Mr. X: His total income was \$10,829,028 in 1967, almost all of it from stock dividends and therefore subject to the full maximum tax rate of 70 percent. But Mr. X is a great benefactor to mankind, giving \$10.5 million to charity. With other deductions Mr. X was able to protect his entire income from taxation.

But did Mr. X really give away all his income? No, what he gave away was stock that had grown in value over a period of years without being taxed. Mr. X thus avoided the capital gains tax, got a full deduction against his current income, and laughed all the way to his broker's office where he started the cycle over again.

Mr. Y earned stock dividends of \$2 million and in addition had capital gains of \$4.4 million. The 70 percent rate should have been applied against the dividend flow and the lower capital gains tax of 25 percent against the remainder.

But Mr. Y was able to juggle his capital gains and losses that year and give away \$4 million worth of property to charity so that he, too, ended up with a zero on the line marked "balance due."

Mr. Z didn't have to find a convenient charity because he is in oil. As most everyone knows, the enterprise and luck of oilmen are rewarded as no other economic activity is. Mr. Z also was a farmer, but his luck on the land was not nearly so good as it was underground.

After his costs for exploring and develop-

ing new wells are taken off the top, Mr. Z still had reportable income of \$2,280,962 in 1967. Then came the other deductions—\$865,644 from the twenty-seven and a half percent depletion allowance and \$828,571 from that lousy farm. Charity got only \$32,809, because all the other deductions were big enough to wipe out Mr. Z's tax obligation.

About that farm. You would think a smart fellow like Mr. Z who did so well in oil could make his farm break even. But Mr. Z knew that the law allows him to write off his farm losses against nonfarm income. Maybe he built himself a mansion on that farm, loaded it up with the best equipment and best cattle, and charged it against the money pumped out of the ground in the form of oil.

A recent Treasury study observed: "The indication is that as people have more adjusted gross income they have a remarkable propensity to run their farm operations at a loss."

Another club member, call him Mr. A, earned his million in real estate, another area of investment favored by the tax laws.

Mr. A's total income was \$1,433,000, mostly in capital gains from selling real estate. But he could deduct depreciation costs of \$864,000, since real estate can be written off at rates up to twice as fast as other capital investments. He had to give away only \$33,000 to end up with a zero tax bill.

Almost everyone, of course, tries to pay as little Federal income tax as possible. The ideal tax system would be neutral, that is, it would treat everyone alike and there would be equity not only among different classes of taxpayers but also among various sources of income.

Our system, however, is not neutral, so people make decisions that will be rewarded by the tax laws. One of the simplest examples is the couple who buy a house instead of renting an apartment because the mortgage interest deductions will actually give them more cash income at the end of the year.

Conspicuous among those making financial decisions in hope of avoiding the tax collector are doctors, lawyers, and small businessmen.

A few years ago, Washington real estate speculator Burton J. Dorfman started tapping the surplus income of Montgomery County doctors and businessmen. He used the money to buy central city properties on which he obtained oversized mortgages. The investors shared in the income from the properties, and also shared in the special depreciation provisions.

Together the partners put up \$250,000 to help Dorfman buy four apartment buildings. "We went into a smaller one first," Dr. Arthur J. Willets of Chevy Chase explained, "and it paid off nicely. When more came up, we decided to go into them, too. But we lost money on them."

"It is difficult for any of us to tell what happened," Dr. Willets, who first met Dorfman at a party, recalled. "Evidently, the mortgages were very high, a very tight squeeze. The break-even point for the buildings was then very high. And apparently the cost of running them went up too high." In this case, the tax provisions had seduced a group of Washingtonians into making a reckless financial investment.

Others who have money to bury buy shares in oil development companies because of the big write-offs available even if no oil is found. A big strike, of course, allows a depletion allowance that goes on at twenty-seven and a half percent of the mineral property's income no matter if the oil keeps coming for four years or 40.

Combines are formed every day to buy new buildings or expensive items such as airplanes that can be leased to corporations who don't want to spend their own cash. The lenders share the rent and the tax credits.

The case of the central city investor, however, has serious social implications. The speculators do little to improve their slum property since such investments use up depreciation benefits.

The rapid depreciation, plus mortgage interest deductions, wipes out taxable rental income and also allows depreciation-caused tax losses which can be applied against other income. As a result, there is a payoff for rapidly turning over slum properties and spending little on maintenance. Selling prices are held artificially high because there are always buyers looking for the tax havens. Millions of tax dollars are lost because of these special provisions, yet the tax incentives have not given us the kind of housing needed in our cities.

In the same way, the tax loophole that invites the rich to buy hobby farms means that those who actually want to farm have to pay more for land.

The analysis of what the tax loopholes do to the nation has been going on since the Congress started writing the provisions into law. In many respects, one man's loophole is another man's tax reform.

The late Senator Robert F. Kennedy, for instance, was highly successful at dramatizing the inequities in the law which allow the small group of very rich taxpayers to evade their responsibility. And still he advocated other forms of tax write-offs to speed private investments in urban renewal and job training for the hard-core unemployed. To a tax purist, the Kennedy proposals were potential new loopholes.

"Tax reform is like cutting federal spending," says Rep. Wilbur D. Mills, the canny chairman of the House Ways and Means Committee. "Everyone is for it until you get down to the details."

As a result, countless efforts to remove individual privileges such as the oil depletion allowance or unlimited charity donations have failed. Every recent attempt to tighten the depletion allowance resulted in more minerals being covered by the fixed write-offs.

The current drive for tax reform is gaining momentum, however, and one reason is the notoriety of the Twenty-One Club.

Joseph W. Barr, now vice chairman of American Security and Trust Co. turned the spotlight on the privileged few in testimony before the Joint Economic Committee last January shortly before he left the Treasury Department.

"We face now the possibility of a taxpayer revolt if we do not soon make major reforms in our income taxes," Barr said. "The revolt will come not from the poor but from the tens of millions of middle-class families and individuals with incomes of \$7,000 to \$20,000 whose tax payments now generally are based on the full ordinary rates and who pay over half of our individual income taxes."

"The middle classes are likely to revolt against income taxes not because of the level or amount of the taxes they must pay but because certain provisions of the tax laws unfairly lighten the burdens of others who can afford to pay. People are concerned and indeed angered about the high-income recipients who pay little or no Federal income taxes."

Whatever measure Barr had taken of public opinion, his conclusions were accurate. A few days after he testified, Congressmen and the White House started getting mail. President Nixon called Wilbur Mills to the White House to confess he was truly interested in tax reform. "We're getting letters from all over the country," says one congressional staff member. "They are mostly from little old ladies who are mad to find there are people who don't pay taxes." The Treasury went on overtime to prepare legislative proposals.

The revenue gained if the twenty-one biggest tax evaders were roped would be small compared to the money lost in other areas. But the notoriety gained by this little club

has been the biggest stimulant to tax reform this year. It almost seems like a put-up job, having those very rich, anonymous individuals to shoot at. But if a true tax reform bill is written, the twenty-one will have performed a great public service.

TAX RELIEF AND NEED FOR SIMPLIFICATION OF FEDERAL TAX RETURN FORMS

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

Mr. HUNT. Mr. Speaker, today, April 15, will rank high on the list of days that would preferably be forgotten. But it will not be forgotten soon, because by midnight tonight, millions of taxpayers across the Nation have already had to dip into savings or obtain personal loans, at interest rates approximating 8.5 percent, to pay taxes for which withholdings were insufficient. This situation is due largely to the retroactive effectiveness of the 10-percent surtax, but especially in the case of single persons, withholdings would have been inadequate anyway.

To make matters worse, there were additional millions of taxpayers whose State and local taxes were not withheld from their wages and salaries, and in the aggregate, it is a rather bleak day for those who come to the realization once a year that while the cost of living climbs, so do taxes.

Perhaps, the only consolation, if indeed it is one, is that the taxpayer gets only a very small taste of just how much the Government of which he is a part is costing him. To be sure, if no taxes, Federal, State, or local, were withheld, there would undoubtedly be a complete tax rebellion tomorrow let alone the mere rumblings of such an occurrence as it is.

Compounding the already dismal situation even more is the fact that taxpayers were faced with an ever-increasing maze of paperwork and instructions they were to comprehend only to find that the results were as frustrating as the paperwork. Literally millions even had to pay someone else to find out how much more they had to pay Uncle Sam.

Today, I am introducing two measures which are intended primarily to relieve those in the middle and lower income brackets. One would raise the standard and the minimum standard deductions allowable to individual taxpayers to provide direct economic relief. The other would provide for the establishment of an advisory committee to the Secretary of the Treasury to recommend improvements in and simplification of Federal tax return forms and procedures. While other major tax reforms are still being formulated, I commend both of these measures to the attention of the appropriate committee for due consideration.

CAUSE FOR CONCERN

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

Mr. GONZALEZ. Mr. Speaker, less than 2 weeks ago I described to the House a new kind of race hatred that is

developing in Texas. This new racism is racism practiced by a minority group; past victims of discrimination, they have adopted the same poisons, the same attitudes, the same tactics of those who have so long offended them. Mexican Americans in Texas now see racists among them; they now see self-appointed so-called leaders making facile judgments of large classes of people, using the same sort of distorted logic, deceitful tongues, and hateful words of racists. We now have the supreme irony that to these misguided souls, the answer to racism is racism in return. I had hoped when I spoke a few days ago that I might be wrong about this phenomenon, but time has proved that indeed there was cause for concern and that rather than being wrong, I was right.

A few days ago the leader of the Mexican-American Youth Organization held a press conference during which he stated that his goal was freedom and independence for Mexican Americans—in a confused kind of way—and stated that if all else failed he would resort to killing his “gringo” enemies. This young man says that he can claim that some members of the Anglo-American society are all right, but in the next breath condemns the whole group and its society. Apparently to these new racists, the key to being good or evil depends on whether they personally approve of you or not; if you are an Anglo, you are presumed guilty of racism until you prove yourself innocent; if your name happens to be Spanish surname you are presumed all right no matter what you might have done in the past—crimes being excused as the product of Anglo racism—as long as you are with them; and if you are not with them then you have “gringo” tendencies.

The thinking, unrefined as it is, connected with the words, irresponsible as they are, of groups like this, compose a potent mixture. There is held forth pride as the goal, and there is held forth an enemy of pride, and there is put forward much heat, but little information on where exactly people should go to find their new pride. All that is said is that the reason that pride does not exist lies with the Anglo racists, and that one day the “gringos” might have to be killed. This odd mixture of hate and cant gives rise to serious concern. Neither misdirected hatred, meaningless slogans, empty rhetoric, nor dramatic gestures can alone produce real progress. Progress requires real goals and real work, something that seems beyond the ken of the new racists.

Indeed, what appears most disturbing of all is that the new racism demands an allegiance to race above all else. In this new allegiance an individual is entitled only to those views which the leaders—self-appointed and self-anointed—believe forward the cause. Anyone deviating, anyone criticizing, anyone questioning, is tainted with having “gringo” tendencies or having sold out the cause. On the other hand, anyone judged loyal can do no wrong, and regardless of his actions, regardless of how irresponsible he might be, is not to be criticized, because such criticism would

destroy the unity of “la raza.” Thus the new racists want it both ways—total loyalty for those within, but the right to excommunicate those who deviate.

I do not believe that the sins of the past can be forgotten, nor do I believe that present-day racists ought to be forgiven. I do believe that facts are required on the side of the right, and that these new racists lack the facts to support their claims; and I believe that honest goals require honest tactics. It saddens me to see mirrored in faces promoting idealism the same ugliness I have seen in faces promoting shameful bigotry. It is in the name of idealism that some of the most shameful episodes of history have taken place; and it is the name of idealism that is being used by these thoughtless adventurers.

What saddens me most of all is not that I am personally an issue, because that has happened before; it is that the issue, the real issue, is not being addressed at all, and that is: What is the goal, how do we defeat poverty and hopelessness and despair best, and where do we now stand? The real questions stand forgotten, and that is proved in the following report from the San Antonio Express and News:

MAYO LEADER WARNS OF VIOLENCE, RIOTING (By Kemper Diehl)

(NOTE.—Elimination of gringos may become necessary, Gutierrez tells press conference in South America.)

A gringo-dominated society is responsible for the problems of the Mexican-American “barrios” and unless there is social change there is a possibility of violence and rioting as a result of “very serious social unrest.”

If “worst comes to worst” it may be necessary to eliminate gringos by killing them.

That was the message delivered in a calm and scholarly way Thursday by a 24-year-old “Mexicano” at a press conference called to detail the aims of the Mexican-American Youth Organization—a group under fire from U.S. Rep. Henry Gonzalez as a source of the spread of racial hatred.

Presiding adroitly at the conference held by MAYO leaders at their headquarters at 1009 S. Zarzamora St. was Jose Angel Gutierrez just back from a fund-raising visit to Washington.

Gutierrez in predicting the possibility of violence was agreeing with fears expressed by Gonzalez earlier this week. But he did not agree with the congressman on much else during a question and answer session which lasted well over an hour.

In fact, he agreed that Gonzalez might turn out to be a gringo himself.

Joining Gutierrez in the conference were Mario Compean, recent candidate of the Committee for Barrio Betterment in the city election, and Norman Guerrero. Standing by to lend legal assistance, if necessary, was Juan Rocha of the Mexican-American Legal Defense Fund and taping the proceedings as a precautionary measure was the Rev. Henry Casso.

During the lengthy conference it was established that MAYO's operating budget of \$8,527 is financed by Ford Foundation funds distributed through intermediary organizations.

Gutierrez, it was explained, draws no pay directly for his MAYO efforts, but is a staff investigator and “community involvement specialist” for MALD which is also funded by the Ford Foundation. Guerrero is head of the University of the Barrios which operates on a budget of some \$6,000 provided by the Mexican-American Unity Council, a Ford-funded group.

Gutierrez prefaced his remarks with a demand that newspapers and broadcasters distribute the entire text of his opening statement in full as well as the entire give and take of the conference itself.

The statement actually served as an excellent take-off point for the discussion to come. It announced:

"MAYO has found that both federal and religious programs aimed at social change do not meet the needs of the Mexicanos of this state.

"Further, we find that the vicious cultural genocide being inflicted upon La Raza by gringos and their institutions not only severely damage our human dignity but also make it impossible for La Raza to develop its right of self-determination.

"For these reasons, top priority is given to identifying and exposing the gringo. We also promote the social welfare of Mexicanos through education designed to enlarge the capabilities of indigenous leaders.

"We hope to secure our human and civil rights, to eliminate bigotry and racism, to lessen the tensions in our barrios and combat the deterioration of our communities.

"Our organization, largely comprised of youth, is committed to effecting meaningful social change. Social change that will enable La Raza to become masters of their destiny, owners of their resources, both human and natural, and a culturally and spiritually separate people from the gringo.

"Only through this program, we of MAYO, see the possibility of surviving this century as a free and complete family of Mexicanos. We will not try to assimilate into this gringo society in Texas nor will we encourage anybody else to do so.

"Rather MAYO once again asks of friends here and across the nation to assist us in our efforts. We intend to become free as a people in order to enjoy the abundance of our country and share it with those less fortunate.

"MAYO will not engage in controversy with fellow Mexicanos regardless of how unfounded and vindictive their accusations may be. We realize that the effects of cultural genocide takes many forms—some Mexicanos will become psychologically castrated, others will become demagogues and gringos as well and others will come together, resist and eliminate the gringo. We will be with the latter."

Gutierrez was asked his definition of a gringo and replied:

"A person or an institution that has a certain policy or program or attitudes that reflect bigotry, racism, discord and prejudice and violence."

He was asked if Gonzalez was a gringo, and replied:

"He has demonstrated some tendencies that fit in that category."

Asked if a majority of Anglo-Americans could be designated as gringos, Gutierrez responded:

"According to the Kerner report we could say yes to that answer."

He went on to say he could not testify as to this from personal experience as MAYO had not had extensive dealings outside of Texas. He added:

"The majority of the ones (Anglo-Americans) here in this state are gringos."

Gutierrez was then asked what was meant by the phrase "eliminate the gringo" in the MAYO statement. He replied:

"You can eliminate an individual in various ways. You can certainly kill him but that is not our intent at this moment. You can remove the base of support that he operates from, be it economic, political or social. That is what we intend to do."

A newsman asked:

"If nothing else works, you're going to kill all the gringos?"

Gutierrez replied:

"We'll have to find out if nothing else will work."

The questioner persisted:

"And then you'll kill us all?"

Gutierrez replied:

"If it doesn't work . . . I'd like to add to you that if you label yourself a gringo then you're one of the enemy."

Gutierrez was asked if he might not be a gringo himself in that he appeared to show racial animosity toward Anglo-Americans. He replied that he did not accept the premise that he displayed racial animosity.

"I don't think I have," he announced, "I think I am identifying the problem and attempting to point out what the problem is."

He was asked if he could say, "Some of my best friends are Anglos," and chuckled before replying:

"That's a racist statement. I wouldn't be that derogatory or condescending . . . I would say that a lot of people are friends of mine and some of them are Anglos."

He was asked if the MAYO group sought a separate society and replied he did not mention society.

"I said culturally and spiritually," he explained. "We are distinct and we don't wish any part of this racist society. We have something beautiful to begin with."

He emphasized that the MAYO aim was to "resist any further cultural genocide."

Asked to explain this he cited as one example "racism" in textbooks and the denial of the right to speak Spanish in elementary grades.

Gutierrez asserted that so far as he knew the San Antonio ISD was the only local school district to change its policy so as to legitimize the use of Spanish. Of Edgewood ISD he said:

"They don't require them to speak English, but they do have punitive measures of punishment for those who do speak Spanish."

Asked if MAYO identified with the people of Mexico in its aims, he replied:

"If they share the same values, yes. We are different from the Mexicans in Mexico . . . in that we have been able to develop and adapt to the local situation here and as a consequence we have modified many of our value systems."

Gutierrez was again pressed as to intentions of killing gringos "if worst comes to worst." He replied:

"If worst comes to worst and we have to resort to that means, it would be self-defense."

Asked if he hated gringos, he replied:

"Yes I do."

He was asked if there were a time limit as to when it might be determined that "worst had come to worst."

He answered:

"Well I can only make a personal decision. If the attacks on my person and my property continue as they have been doing then it will only be a matter of a few years."

He explained:

"Last year part of my property in Crystal City was burned. Two months ago my home was burned in Crystal City. In 1963 I was kidnapped and coerced or attempted to be coerced . . . by gringo elements."

He continued that in "the whole attempt to create an organization and movement" he had been "abused and misused by a lot of people."

He added:

"If this continues, within a few years I will no longer try to work with anybody."

Asked to explain why 500,000 Mexican nationals had immigrated to the U.S. within the past 15 years despite his charges regarding the misery and degradation they face, he replied:

"Maybe they don't know any better . . . You'll find about an equal number going back."

Gutierrez said he had been born and reared in Crystal City. He is a graduate of St. Mary's University.

He said that he felt Gonzalez "has been

unjust in his treatment of us because he hasn't presented any proof or any base for the charges that he makes."

He was asked if Sen. Joe Bernal and Comm. Albert Pena had helped MAYO and replied:

"They've certainly been around when we need them."

Asked who might be called the "white hats" and "black hats" in his view, he answered:

"In gringos there's nobody wearing white hats. They're all a bunch of animals."

He cited Mayor McAllister as a gringo.

Asked about the reference to the religious programs in the opening lines of the MAYO statement he said that he did not believe the church had "ever reached" the Mexicano for "social change."

He was asked what the church had reached the Mexicano for, and replied:

"To make them dependent on the church as a crutch."

Despite a "Brown Power" sticker on the window of the office, Gutierrez said he did not know anything about the background of such a slogan and commented:

"I don't know that we're advocating brown power."

On several occasions Gutierrez made it clear he had no confidence in the courts of Texas. He was asked if he was optimistic about obtaining justice in the courts and replied:

"Not at the Texas level. In fact there's been no relief by any Texas court given to any Mexicano. It's always come from federal court."

Gutierrez said that the MAYO movement might concentrate on the employment of economic force through "labor strikes," the "boycott of certain business," development of barrio-owned business firms, or even "a loan from McAllister's San Antonio Savings Assn."

He was asked if he had any opinion on the Cuban revolution and Fidel Castro and replied he knew little about them, adding:

"Only what I read in the newspapers and that leaves a lot to be desired as far as getting the other side of the story."

Near the close of the conference Gutierrez dealt with the relationship of the work of MAYO to that of VISTA which has been accused of distributing MAYO literature.

He held that MAYO was more effective in its work because VISTA youngsters must contend with "hangups."

The MAYO leader said that VISTA workers are "completely prohibited from any political activity which is a tremendous source of power."

Further, they have no "identification" with the people of the Southwest and tend to think they are doing "missionary work."

Expounding on the political activity situation, Gutierrez said that the VISTA workers are not really able to get people together to discuss issues. He added:

"We can relate the same message in Spanish without actually getting up there and advocating anything or anybody."

Though Gutierrez said he regarded some portions of the MAYO effort as a sort of non-partisan political activity, he was confident it did not threaten the tax-exempt status of the Ford Foundation.

Rocha explained that what MAYO actually does is to bring about public dissemination of information.

Compean reported briefly on educational and leadership aims of the organization including participation in voter registration drives. He emphasized work of MAYO with former gang members.

Guerrero discussed the work of his university which has a staff of three and works with gang members and drop outs.

"We've been out on the streets until two or three in the morning," Reported Guerrero,

adding that "We have a lot of fun with the policemen."

Asked to amplify on the 3 a.m. duty, he said that "we're talking to the people—to the dope addicts."

He charged that police have called his students "pachucos" and at times had booted them in "the rear end."

Asked of the police involved were Anglo-American or Mexican-American, Guerrero mused that police are "weird people." He said that, though there are "good cops," the people of the poverty area consider the police to be "perros—dogs."

Asked about the murder which occurred late one night at the university, he noted that "after the years of poverty and degradation we have encountered—this system has not produced angels."

A reporter asked if the group felt Rep. Gonzalez had done anything for the Mexican-Americans. Gutierrez replied that he had passed a tremendous amount of social legislation but "locally the record with Mexicanos is not very impressive."

Asked if Gonzalez had not helped with the food stamp program, Gutierrez assailed the food program as helping "Mexicanos become dependent on a welfare system." He called for replacement of the present welfare system with a system under which the government as a last resort would guarantee every person a job or a fixed income.

Guerrero reported he was a scholarship student at Trinity University. Pressed as to whether he considered it a gringo institution, he reported:

"The majority of my professors are—they're Anglos. There are a lot of gringos that go there."

Asked if the professors were "all right," he replied:

"Some of them . . . but my hassel is not with Trinity."

NEED FOR REDEFINITION OF FOREIGN POLICY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. MINSHALL) is recognized for 60 minutes.

GENERAL LEAVE

Mr. MINSHALL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks on the subject of my special order today.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. MINSHALL. Mr. Speaker, events of last year in east-central Europe clearly spelled out two facts for all the world to see: First, the resilience of the forces opposing Soviet Russian hegemony and of traditional, totalitarian communism, and, second, the brute military power of the Kremlin ready to crush any burgeoning nationalism, humanism, or market-oriented economics in the region.

In 1968 we witnessed the "spring of Prague," the challenge to bureaucratic totalitarianism, secret police terror, and alienation of the individual in a collectivist society by Czech and Slovak students and intellectuals, regardless of whether they were Communist Party members or anti-Communists. We watched the increasing search for national identity and sovereignty, renewed interest in the history of these nations in order to strengthen identification with

the West. We discerned the younger generation's hunger for humanism and moral values rather than the emptiness and deceit of communism.

Yet we also witnessed the use of military force against Czechoslovakia by the Soviet Union, the repression of students, intellectuals and Jews in Poland, the revival of the old divide-and-conquer tactics of the Russian occupiers in Czechoslovakia, the slowdown in economic reforms in Hungary, and the fateful proclamation of the "Brezhnev Doctrine." This unilateral pronouncement of the Soviet Government, restricting the national sovereignty of "Socialist" nations by declaring Soviet intervention legal if the "Socialist" governmental order were endangered, is a clear attempt to legalize the protectorate status of these countries.

No wonder that even some of the Communist governments and parties protested this unabashed claim to become the protecting power in contravention of the United Nations Charter.

American policy under the Kennedy and Johnson administrations was mostly that of detached waiting and ineffectual sloganeering. Our silence before, and shortlived protests after the invasion of Czechoslovakia seemed to indicate to many a tacit understanding that we consider the area a Russian preserve which can be ruled according to the whims of the Moscow regime.

The Soviet invasion of Czechoslovakia reawakened old fears of Russian expansion by force in Europe. It reopened the Berlin problem. More immediately, it raised the specter of a Russian invasion of those Communist countries which, in part or entirely, detached themselves from Russian military domination; that is, Yugoslavia, Rumania, and even Albania. Occupation of these countries by the Red Army would greatly aggravate the situation of our NATO allies in the Mediterranean and our position in the Middle East.

At the same time, however, Moscow's political gamble in Czechoslovakia remained a pyrrhic victory. Resistance, though in muted forms, persists in Czechoslovakia, federalization strengthened the allegiance of the people to the state, and the death of Jan Paluch focuses world attention to the undefeated spirit of the youth that seeks humanism and believes in Western values of freedom and human dignity. This determination was displayed on a historic scale by the young Hungarian freedom fighters in 1956, it burns now in the youth throughout east-central Europe.

Under these circumstances, the new administration is well-advised to seek a redefinition of our policies. A way must be found to reduce and remove Soviet military presence and pressure and to help restore national self-determination to these countries. If liberation is excluded by the existence of nuclear parity, and if "bridge-building" only leads to Soviet military intervention, a new approach must be found. Soviet actions in east-central Europe, the resilience of anti-Soviet, pro-Western nationalism there, the quest for humanism infiltrating even some party workers, the in-

creasing intensity of the Sino-Soviet conflict—all are factors which might enable the United States and other Western countries to suggest new solutions to the Soviet Union. Solutions, which would, if not solve at least alleviate the sad fate of these proud nations so closely allied through history, culture, economic interest and sympathies with Western Europe.

One such approach would be the strengthening of unity and the coordination of efforts in Western Europe in the spirit of Atlantic partnership, with a proposal to neutralize, at least part, but preferably all of the area between Germany and Russia by international guarantee after a withdrawal of Soviet military forces. The new buffer zone also would include pro-Western Austria, national Communist Yugoslavia, Hungary, Czechoslovakia, and probably Rumania and Poland as well.

Such ideas were most succinctly analyzed in a recent memorandum of the American Hungarian Federation submitted to the President and Secretary of State Rogers. The International Affairs Committee of the Federation and its active, scholarly chairman and secretary are to be warmly congratulated for their incisive analysis of the situation. I am particularly impressed by the scope of their thinking, which does not limit itself to Hungary alone. For, in reality, there is no separate question. The future of Hungary hinges on development of the East European region in particular and on unity and coordination of efforts in Western Europe in general.

Mr. Speaker, at this point I will insert the memorandum in the RECORD:

MEMORANDUM OF THE AMERICAN HUNGARIAN FEDERATION

Self-determination of all nations has ever been the fundamental tenet of American foreign policy. In its name, and mindful of the disappointing experiences of the last 25 years, the division of the globe into spheres of influence among the superpowers, the United States and the Soviet Union, must be rejected as ineffectually and dangerously offensive to American national interests.

Conceived as a four power system at the Teheran and Yalta Conferences, this master plan had further deteriorated into a confrontation of the two superpowers maintaining a precarious balance through mutual intimidation. Accordingly, instead of unification, the European continent was partitioned into two halves, and that deplorable split is enforced even today by unopposed Soviet intervention.

The existing balance of terror is fragile and an unfortunate conglomeration of events resulting from cumulative minor decisions could produce a situation in which even the superpowers would lose their freedom of choice.

The basic assumption for a reassessment of our policies cannot be "bridgebuilding," an ineffectual slogan of irresolute politicians unhappy with the results of bipolarity, but unwilling to work for a gradual transformation of the European status quo. It must be rather the promotion of the emergence of a Europe, friendly toward the United States, but sufficiently united and independent to act as a third superpower in regard to its major regional interests. Therefore, measures promoting Atlantic partnership must be given priority over bilateral arrangements with the Soviet Union.

Only the emergence of a politically well-coordinated Europe can overcome the frus-

tration felt by Europeans on both sides of the Soviet-American demarcation line and their relapse into provincial isolationism.

Acceptance of Europe as an equal partner would create a power sharing Western cultural and historical heritage at the center of the power conflict. It should exert a peaceful, but almost irresistible, pull on Central European nations and serve as the natural mediator and major cultural force in re-forging the ties with these countries, preventing them from moving closer to the Soviet Union as a result of the feeling of helplessness and abandonment by Western countries.

However, even a Western European superpower could not offer an automatic solution to the overriding problem of Europe's central lands, the partitioning of Germany, and the presence of Russian troops in the area between Russia and Germany. For Soviet power in the region is military and economic, rather than ideological. Nationalism, therefore, forms the counterpoise to communism and the Soviet Union. Nationalists in East Central Europe are committed to Western historical traditions of their nations and yearn for closer ties with Western European countries.

Under these circumstances, the road to change would have to lead probably through a neutralization of the Central European states, creating actually three Europes: the Western European power, the buffer area of East Central Europe and the East European superpower: the Soviet Union. Such a neutral zone would even cater to real or alleged security interests of the Soviet Union in regard to "German revanchism," and "American imperialism."

The contention of the Soviet Union, however, that the maintenance of a "Socialist" order supersedes the rights of East Central European states to sovereignty as far as the Soviet Union is concerned, can never be accepted either implicitly, or explicitly. The "Brezhnev Doctrine" contravenes the basic principle of the United Nations and international law which is the sovereign equality of nations, and endangers peace and security in all of Europe.

While a neutralization cannot be conceived without future progress on the solution of the problem of German reunification, it is not dependent upon a full solution of the same. Neutralization would have to include preferably all nations between Germany and Russia, but at the minimum Hungary, Czechoslovakia and already neutral Austria, perhaps also Yugoslavia, Rumania and Poland. International guarantees by the major powers, and a corresponding withdrawal of foreign troops to 200-250 miles from the present demarcation lines, could make such proposals attractive even to Moscow which today has less problems with Austria and Finland than with allies Rumania and Czechoslovakia. Furthermore, a European settlement would increase the freedom of action of the Soviet Union on her Chinese flank. Central European peoples would greatly benefit by the removal of Soviet military and economic pressure from the area. Premier Imre Nagy Hungarian Government asked for a neutralization of Hungary on November 1, 1956, and neutralization formed topic of serious discussions in Czechoslovakia during the summer of 1968.

Our alternative option is to maintain bipolarity and to emphasize the control of nuclear arms in order to find common grounds with the Soviet Union. In the long run, this course would result in a reheating of the German question, in frustration and possible revolts among the despairing Central European nations, and in an increasing fragmentation of Western Europe. Finally, Soviet American tensions would be reintensified with no mediating European power present.

Lured into a false sense of security by the seemingly stable bipolar balance, with the

sympathy of our friends alienated by our unattractive role as the policeman of the status quo, we could easily approach the precipice facing surrender, or a nuclear Armageddon. For legitimacy, or the recognition of binding principles of international order, are not accepted in theory, or practiced in diplomacy, by the Soviet Union.

President Nixon, in his October 19, 1968 speech at Eatonsville, N.J., stated that a regional pact can have a great role in peace-making and continued:

"Regional pact can prevent a local conflict from escalating into a world war. The regional pact thus becomes a buffer separating the distant great powers from immediate threat—and the danger of a local conflict escalating into a world war is thereby reduced. A regional pact would provide a buffer between the United States and the Soviet Union in future flareups."

It is this kind of regional pact establishing a neutral zone in Europe that our memorandum seeks while asking for the promotion of Atlantic partnership concepts for Western Europe in order to promote a stable peace on the continent of Europe that should not be bargained away for real, or alleged, concessions of the Soviet Union on the issues of the Middle East and Viet Nam.

Mr. LUKENS. Mr. Speaker, today I am joining with my colleagues, ably led by the distinguished gentleman from Ohio, in discussing new approaches to our policies toward east-central Europe after the deadlock of many years under the past administrations. The occasion is provided by the memorandum of the American Hungarian Federation on the issue to the President and the Secretary of State which was recently sent to them.

Our policy toward east-central Europe was characterized by either indifference or irresolution. Despite the strong forces opposing the present status quo which condemns these nations to the satellite status toward the Soviet Union, forces which manifested themselves clearly in the 1956 Hungarian Revolution and the events in the spring and summer of 1968 in Czechoslovakia, and the efforts of even the Communist regimes of Rumania and Yugoslavia to escape Russian domination, we have not come up with a comprehensive policy that would have had a reasonable chance of ridding these nations from Russian military pressures and occupation. The liberation policy failed as it was to be restricted to propaganda. The bridgebuilding policy remained ineffective, morally compromising us in accepting the regimes and Soviet influence. Instead of successfully detaching some states from the Russian orbit, it only led to the consequential and evil Brezhnev doctrine which claims the right of military intervention by the Soviet Union in case the "Socialist" order is endangered in any one of these "Socialist" countries. This is an international law definition of protectorate and nullifies the sovereignty of these nations even under international laws.

We must find some means to counteract the increasing pressures of the Soviet Union on the area in view of the strength of those native forces which struggle valiantly against overwhelming odds for national sovereignty, human dignity and more individual initiative in these collectivist, totalitarian societies.

As it seems to be clear that even much

of the Communist Party leadership of the lower- and middle-echelon levels desires the removal of Russian military occupation and a freer development of national policies, and as it is evident that the peoples are in favor of ending Russian occupation and of re-forging their ties with Western Europe, it would be in our interest in proposing neutralization of the Central European area, including Austria and Yugoslavia, as well as to the Soviet Union and the governments concerned. While such neutralization might not be the best solution, it would enable these countries to resume more independent national policies, rid them from Russian occupation troops, and enable them to cooperate among one another. The "inner core" of the buffer zone would approximately be the territory of the former Austro-Hungarian monarchy where common historical traditions and economic interests already exist and have been forcibly torn apart by the Versailles-Trianon Treaties of 1919-20, the German domination of the area in the late thirties and the Russian domination of the region since 1945.

We hope that if our Government plans to have negotiations with the Soviet Union, this approach would be used instead of continuing with the Kennedy-Johnson policy of watchful waiting and idleness toward the region that helped the peoples of east-central Europe and the Western European nations, as well as believe that we have written off east-central Europe for good as a Russian reservation.

Mr. PUCINSKI. Mr. Speaker, today I am joining my colleagues in discussing our policy toward the region of east-central Europe on the basis of the recent memorandum of the American Hungarian Federation.

With the events in Czechoslovakia and the visit of the Russian leaders to Rumania the problems of east-central Europe are again moving into the forefront of interest of world politics. To this added the expressed desire of the new administration to concern itself increasingly with European problems and its intent to start in the near future substantial talks with the Soviet Union involving European and Middle Eastern questions. Undoubtedly, much thought must be given by our policymakers on how to activate American policy in this region without necessarily upsetting the general aim of a detente with the Soviet Union.

One such well-reasoned proposal has been recently submitted by the American Hungarian Federation which memorandum was also signed by the Federation of Free Hungarian Jurists and Hungarian Freedomfighters Association of America. The memorandum urges a rethinking of our policies in finding ways which would induce the Soviet Union to yield military control over part of the area in return for Western concessions. The way suggested is a neutralization of the Danubian countries on both sides of the Iron Curtain, including Austria and Yugoslavia and Hungary, Rumania, and perhaps Czechoslovakia.

It is in support of this concept that I am speaking today, though I believe that the proposal should be extended to Po-

land as well and perhaps the idea of neutralizing both the Danubian countries, Poland and the two Germanies would find a better response in the Soviet capital. However, we must realize that at the present, a more modest approach might be of better diplomatic value and, therefore, I welcome the proposal of the American Hungarian Federation and hope that our policymakers will pay the needed attention to it and will further research it.

Mr. BYRNE of Pennsylvania. Mr. Speaker, the fortunes of the peoples of east-central Europe are always close to our hearts. Many Americans or their ancestors came from these lands of the Danubian region, Poland and the northern Balkans. They helped us to build a better and culturally more enriched America, and they remain concerned about the fate of their former conationals.

Furthermore, the strategic importance of the Danubian region and the northern Balkans has been of great significance to our NATO allies, particularly Germany, Greece, and Italy; and the deprivation of the right of the Danubian and northern Balkan nations to self-determination remained a heavy heritage of our inept policies at Teheran and Yalta and of brutal Soviet aggression toward them.

Events, however, continue to evolve even in east-central Europe. The days of Stalinist monolithic satellization are gone, but Russian military and economic hegemony over the area still deprives them of true political independence and strong internal pressures for such a state of affairs still provoke Soviet military intervention, like in Hungary in 1956 and Czechoslovakia in 1968. Yet the forces of nationalism, which is almost completely anti-Russian, and the search of the youth and intellectuals for a more democratic life and humane methods cannot be repressed even by Russian tanks; and the economic realities of the 1960's force even the Communist regimes to expand trade with the West in order to help modernize their obsolete machinery and management methods.

Yet the central fact remains continued Soviet control and no true solution can be achieved until this central fact is successfully altered. Therefore, it is with great interest that I have read the recent memorandum of the American Hungarian Federation proposing neutralization of part of the area: The Danubian region, including now neutral Austria, Hungary, Yugoslavia and either or both Rumania and Czechoslovakia. I trust that our diplomats and policy planners will further study the interesting proposal and work out a comprehensive plan which could form our counterproposal to the Soviet-backed European Security Conference which will have to be dealt with in some manner after the remarks of President Nixon to the NATO meeting last week and the NATO communique composed at the end of the same meeting.

Mr. ADDABBO. Mr. Speaker, today I am joining my colleagues in discussing various alternatives to American policies toward east-central Europe.

The two salient facts evident about the

situation in that region are the anti-Russian, nationalist spirit of the peoples, and the unchallenged military superiority of the Soviet Union which finds its expression in the occupation of most countries of the region and in the new-fangled "Brezhnev doctrine" claiming the legal right of intervention, a *carte blanche* for political and military domination.

The events of 1968 in Czechoslovakia showed with great clarity the presence of these two major forces and the absence of any coordinated policy on our part. While liberation is outmoded by the military-political realities of life in international politics, we must continue looking for an alternative policy not based on the sanctioning of the protectorate status of these proud nations in the "Socialist commonwealth."

Recently the American Hungarian Federation which for over six decades served as the spokesman of the American Hungarian community submitted a memorandum to the President, Secretary of State, and the National Security Council on the subject of future policies of the United States in east-central Europe. They discussed the issue in the all-European framework, pointing out that the emergence of a politically coordinated Europe that can speak with one voice on the major regional issues is a prerequisite for any successful Western policy toward these historically pro-Western countries of the European center. Therefore, they suggested that we give precedence toward policies directed toward Western unity, and promoting Atlantic partnership.

In addition, however, realizing that negotiations with the Soviet Union over the major international conflict issues are necessary, they also suggested the official presentation of a comprehensive neutralization program for Austria, Yugoslavia and at least Hungary, Czechoslovakia, preferably Poland and Rumania including the withdrawal of foreign forces from these countries. This neutralization would also be guaranteed by NATO and the Soviet Union thereby increasing the security of both Western Europe and the Soviet Union by the creation of a buffer zone especially as the increasing intensity of the Sino-Soviet conflict and the troubles the Soviet Union continues to have with some of her allies in east-central Europe, must render Moscow more interested in a European settlement.

I certainly hope that the memorandum will be carefully read by the policymakers in this country and further studies be made on the proposals of the American Hungarian Federation.

Mr. JOELSON. Mr. Speaker, today I join my colleagues in discussing alternate courses to present American policies toward east-central Europe.

Recently, we are faced in east-central Europe with two forces for change. The first one is the increasing recognition of national independence and historic tradition of these nations in response to the increasingly anti-Russian feelings of the peoples. The second force is the search for some kind of humanism by the younger generation, a return to Western moral and philosophical ideals

even when presented within the political framework of a socialist society. These ideals found acceptance in many countries even among the young and the intellectuals who were Communist Party members and who occupy important positions in the cultural and political life of their countries.

However, since August 1968, Russian military and economic pressure against the states of the region has increased in order to counteract these tendencies. We have seen the repression of the spring demands of the Polish university youth in 1968, the military occupation of Czechoslovakia where individual freedom was, at least in part, restored and further reforms demanded, and the pressures on Rumania and even on independent Yugoslavia.

Yet the pressures were only partially successful. Everywhere, even in Hungary, which underwent the traumatic experiences of an anti-Communist national rising in 1956, the peoples express their quest for reforms and humanism with increasing impatience despite the Czech events.

President Nixon is preparing this year for a new summit meeting with the Soviet Union, and it is to be expected that the future of east-central Europe will form one of the most important topics of such a negotiation. Together with the German question, it could cause a confrontation between the two superpowers and NATO more easily than Vietnam or the Middle East.

It is, therefore, necessary to ask ourselves what alternatives we have. Liberation can no longer be pursued in view of the present military balance between the West and the Warsaw Pact nations. Bridgebuilding via Moscow has been proven too ineffective because in the moment the policy is even half successful, Russian intervention can deprive the nations and the West of any of its accomplishments as has been proved in Czechoslovakia.

We must search for a regional arrangement which would safeguard great power interests in the area, as well as the interests of the nations involved. A compromise plan is proposed by a memorandum of the American Hungarian Federation which suggests that neutralization of central Europe, including Hungary, Czechoslovakia, possibly also Rumania and Poland on the one hand, and already neutral Austria and independent Communist Yugoslavia on the other, would remove the seeds of conflict from the Danubian Basin while safeguarding also alleged Russian fears of Western advance in Europe under the guise of neutralization. We believe that in view of increasing Russian interest in a detente with the West, a result of sharpening conflict between Russia and China, such a proposal may even be considered by the Kremlin, and we urge the President and the Secretary of State to give careful consideration to the ideas expressed in the memorandum.

Mr. DULSKI. Mr. Speaker, I am happy to join my distinguished colleagues in discussing our policies toward east-central Europe.

The initiative for this round of dis-

cussion was provided by the recent memorandum of the American Hungarian Federation sent to President Nixon and Secretary of State Rogers, proposing the inclusion of a neutralization plan for part of central Europe as an official American negotiating position.

This plan appears to have much merit and follows, in many respects, earlier plans by American-Polish experts on a Central European Federation. Since we cannot liberate east-central Europe and we cannot prevent the continued rise of nationalist and anti-Russian sentiments, it is our duty to find some provisional solution that could provide security to the peoples of the area, including a large degree of national self-determination, and also which would be acceptable to NATO and the Soviet Union.

Any neutralization plan must include some progress toward a solution of the German question. Placing the complex German question into the foreground of negotiations negated, in the past, any progress toward a restoration of peace and free development to the other nations in the region. Therefore, we welcome the suggestion of the American Hungarian Federation for a neutral zone to be established on the Austrian pattern, not only including Austria, but also Hungary, Poland, Czechoslovakia, and independent Yugoslavia, and providing for the withdrawal of foreign forces from the zone. While such a proposal would have been considered Utopian a few years ago, in view of the many difficulties the Soviet Union has been experiencing with many of its "allies" in the region and the increasing Chinese pressure on the eastern frontiers of the Soviet Union, perhaps this might become a proposal of considerable interest to the Soviet Union as well as a counterproposal to the European Security Conference promoted for propaganda purposes by Moscow.

Mr. CRAMER. Mr. Speaker, today I am joining my colleagues, led by the distinguished gentleman from Ohio, in discussing the problem of American policies toward east-central Europe. The debate is occasioned by the fine paper of the International Affairs Committee of the American Hungarian Federation recently submitted to the President, the Secretary of State, and the National Security Council.

It is my belief that the Czechoslovak events of 1968, the Timisora Conference between Tito and Ceausescu, the recent, not too successful, attempts of the Soviet Union to gain wholehearted support of the parties of the region against the Chinese are all signs that east-central Europe is not going to remain a docile subject of the Soviet Union even in the face of our continued inaction. Internal developments, whether manifested in the quest for economic efficiency instead of the wasteful practices of Marxist-Leninist economics, for humanism among the youth and the intellectuals, or for political democracy among the masses are going to continue despite Soviet intervention. In fact, the more repressive foreign measures are used, the more nationalism and aversion against Russia will grow, rendering slowly, but inevitably, this region of the world a new powder keg just like in the decades since 1914.

The new administration wants to take a different approach to the problem from the ineffectual "bridgebuilding" attempts of the last 8 years. We must find some means to deal with the overriding problem: the presence of Russian military forces in the area. Entering an era of negotiations rather than confrontation we cannot revert to "liberation" policies, but neither can we recognize the satellite status of these countries under what is now called the Brezhnev Doctrine of legal Soviet Russian intervention in case of danger to the Socialist order in these countries by internal developments.

The ideas of the American Hungarian Federation on these matters are interesting. They stress the need for more active Atlantic partnership policies in Western Europe in order to promote the emergence of a politically well coordinated Europe, independent but friendly which could make its own decisions about major regional issues. Such a Europe would, of course, exercise a strong peaceful pull on the states of central Europe. But the memorandum goes beyond these generalities. It proposes studies on a possible neutralization of Austria, Yugoslavia, and part of the Warsaw Pact nations, particularly Hungary and Czechoslovakia, by means of negotiations with the Soviet Union and the NATO allies.

I hope that our policymakers will give the attention to this paper which it deserves by its new approach and that further studies will be made in this direction.

Mr. CULVER. Mr. Speaker, I would like to bring to the attention of the Members of the House the recent publication by Frederick A. Praeger of "The Czech Black Book," a translation of a publication compiled by the Institute of History of the Czechoslovak Academy of Sciences and entitled "Seven Days in Prague."

The purpose of the book, which was first secretly circulated in Czechoslovakia, was and is to refute the so-called Soviet white book—"On Events in Czechoslovakia," Press Group of Soviet Journalists, Moscow 1969.

"The Czech Black Book" is an excellent account of the Soviet-led invasion of Czechoslovakia and seriously undermines any credibility the Russian "white book" may have had.

As just one example of the unreliability of the Soviet publication, I would cite a statement on page 18 of the translation which states:

U.S. Congressman J. Culver who returned from a visit to Czechoslovakia was quoted by the Lebanese newspaper Al Hadaf on August 29 as describing his encounters with the former director general of the Czechoslovak television, J. Pelikan.

Here is what J. Pelikan said in short: "The advocates of liberalization are counting on purging the leading party organs not only of hostile elements but also of all those who have been taking a vacillating or wait-and-see stand."

"The leadership of the country will be taken over by men who will be able to wrest Czechoslovak politics and economy from out of the influence of the red ideology and to turn them in a direction conforming to Western traditions."

Mr. Speaker, there is no truth whatsoever to the story which appeared in Al Hadef and was reprinted in the Russian

"white book." At no time either during my travel abroad or after my return to the United States did I describe to a representative of the press a meeting with Mr. Pelikan, nor attribute to him in any way the comments which the Soviets have reported.

It is this type of fabrication which "The Czech Black Book" overcomes, through its report of the 7 tragic but heroic days in Czechoslovakia last August. I commend it to the Members of the House.

Mr. HOWARD. Mr. Speaker, I am glad to have the opportunity today to join my distinguished colleague from the State of Ohio in discussing the direction of American foreign policy in Eastern Europe.

The general direction of American foreign policy in all areas has been toward the self-determination of all nations. It has been my feeling that this course should be more aggressively followed. In the case of the Eastern European bloc, I feel it must be our responsibility to do everything possible, in a nonmilitary manner, to encourage and support the attitude of self-determination which is being so earnestly sought by these freedom-loving people.

As we consider the possibility of bilateral discussions in the near future, I feel we should keep in mind the possibility of correcting our own course of direction in foreign policy. We have recently watched the development of more independent governmental structures in the Eastern European countries, and we cannot help but notice that this move toward independence continues to grow in strength, despite efforts by the Soviets to stop it. I feel American Government must indicate its support of these efforts, which may well lead to a more united Europe, with a healthier, more viable economy.

As I have stated many times previously on this floor, the nations of Eastern Europe have long fought for the right to govern themselves as part of a free society. In developing our Nation's policies toward those countries, we should keep their efforts well in mind, and keep our minds open for new alternatives in supporting those efforts.

Mr. BROYHILL of Virginia. Mr. Speaker, it gives pleasure of joining my colleagues, ably led by the distinguished gentleman from Ohio, in analyzing trends and options of American policies toward Eastern Europe.

The last years have seen a renewal of the spirit of nationalism and humanism in that part of the world. A remembrance of the historical and cultural ties which binds the countries of the Danubian region, Poland and Bulgaria to the western part of the continent and which go back in some cases more than a thousand years. There is also a spirit of questioning and defiance on the part of the youth and the workers, the so-called darlings of the Communist system against the untenable and erroneous Communist ideology, and a search for a more humane and more effective approach to politics and economics.

Simultaneously, the dislike of the Russian occupation and dictation is growing even among nominal party members, and

even by some in the high echelons. The ferment in Czechoslovakia was primarily anti-Russian, the foreign policy of Rumania betrays increasingly nationalist motivations behind the veil of Communist Aesopian language, and even the presence of large occupation troop units have not done away with all the vestiges of liberalization in Czechoslovakia. The Kremlin is finding it harder and harder to keep the satellites in line who are encouraged also by the sharpening Sino-Soviet conflict.

At the same time, the Kremlin found no new recipe for dealing with the native forces of resistance. Tanks, censorship, secret police methods are still sought in order to keep Russian control, increasing the dislike which prompted the alienation in the first place.

The United States has a great stake in seeing freedom and national self-determination restored to the peoples of east-central Europe. Our past policies under the past two administrations was basically a hands-off policy, camouflaged by the ineffective slogans of "bridgebuilding," which was, however, exposed as extremely vulnerable to Russian actions in the moment of its first incomplete success.

We need a new approach which could be summarized by viewing the policy toward east-central Europe in the greater NATO and Soviet framework and in counterproposals rather than acceptance of the Russian-East European suggestion for an European Security Conference. Such counterproposal should take the form of a neutralization plan for the Danubian countries on both sides of the demarcation line, including at least Austria, Yugoslavia, Hungary, and Rumania and preferably also Czechoslovakia.

Such ideas were proposed by the American Hungarian Federation memorandum recently submitted to President Nixon and the State Department. I welcome them as an expression of real concern on the part of Americans of Hungarian descent in the matters not only of the country of their origin but also for the future of the entire region in general and American relations with Eastern Europe in particular. I am sure that our policymakers will listen to the new approach proposed and will further the study of the situation.

Mr. ST. ONGE. Mr. Speaker, I am pleased to join with my colleagues in discussing the memorandum of the American Hungarian Federation on problems of American foreign policy toward east-central Europe.

The memorandum has several positive assets. First, it recognizes the complexity of the situation and does not call for simple solutions. It perceives clearly that there are no independent Hungarian, Czechoslovak, or Polish problems in our policy toward the belt of states located between Germany and Russia. Furthermore, that our policies are greatly influenced by our conception of Europe as a whole, by our attitudes toward an evolution of NATO and by our relations with the Soviet Union, the dominant power in east-central Europe at the present time.

Moreover, the memorandum exposes

the failures of our past policies, whether they be of the "liberation" or the sloganizing "bridgebuilding" type. The success of any of these two policies in part brought about a tragedy for the peoples of the region. The so-called liberation policy was unmasked as propaganda without military backing by the Hungarian Revolution of 1956, which was finally crushed by the Red army despite the heroic efforts of the Hungarian people. The bridgebuilding policy was proved worthless by the invasion of Czechoslovakia last August and the subsequent repression of liberalism in that state at direct Russian intervention.

The question remains whether we should conduct a hands-off policy of indifference toward these states, which for most of the last millennium played a major part in shaping the history of Europe, or should we look for new initiatives? The memorandum concludes that the latter must be the case and I tend to agree with its conclusions. The form in which the new initiative could be made remains to be rendered more precise by expert research, but the general direction is clearly shown in the memorandum.

In the forthcoming talks with the Soviet Union, the new administration must seek to raise the issue of a possible neutralization of the countries of the Danubian Basin, including Austria and Yugoslavia, which are outside of the Soviet orbit, Hungary and Rumania, and possibly also Czechoslovakia. I hope that our policymakers to whom this memorandum has recently been submitted will take the time to consider it carefully and will apply its contents to the subject of further policy-oriented research.

Mr. RODINO. Mr. Speaker, it is evident that the new administration attaches great significance to European affairs, and therefore I believe that it would do well to closely study the proposals advanced by the American Hungarian Federation in a memorandum recently submitted to the President, the Secretary of State and other major policymakers.

The memorandum deals with both Western and Eastern European affairs, as the two cannot in reality be separated from one another. Our policies toward Western Europe should reflect the spirit of Atlantic partnership and aim at promoting a strong and independent Europe which, together with the United States, can deal with the regional problems of the Continent.

The European Continent has two major problems, both inherited from the Second World War. The first is the question of the division of Germany; the second the problem of continued Russian domination over large areas of east-central Europe. While we continue to hope for progress on the question of German unity, which is a concomitant requirement for progress on the situation in east-central Europe, the two problems are not identical.

The creation of a buffer zone including Austria, Yugoslavia, Hungary, Bulgaria, Czechoslovakia, and Rumania would still be possible before a full solution of the German question and could pave the way toward solving it. The cen-

trifugal forces within the Warsaw bloc are already so strong that even in the face of our very limited involvement they can only be restrained—not eradicated—by superior Russian military and economic power. The increasing difficulties of the Soviet Union in keeping these countries in line, together with the intensified tension at the eastern border of the U.S.S.R. with the People's Republic of China, are factors that may make even the Russian receptive to such an arrangement, provided their security and economic needs are respected by some international guarantee on the status of the region and the attainment of certain economic ties. The winners would be the peoples of the region who crave for national independence and for an evolution of their systems into more humanistic and democratic forms, and for the re-forging of their severed ties with Western Europe. I hope that our policymakers will consider these possibilities in preparing for talks with Russia.

Mr. BUCHANAN. Mr. Speaker, it is pertinent in the discussion to insert at this point the remarks of Dr. Z. Michael Szaz, secretary of the International Affairs Committee of the American Hungarian Federation:

REMARKS BY MR. SZAZ

American foreign policy toward Eastern Europe has been ever since 1944 a basically defensive one. The region was recognized as not vital to American national interests and therefore political considerations have always prevailed over security considerations.

While the Yalta Agreement did not in effect establish a sphere of influence division of Europe, such a division existed in fact as soon as the American and Soviet armies met at Torgav on April 24, 1945. As the Soviet Union has never lived up to the Declaration of Liberated Europe calling for the establishment of representative governments by free elections, by 1946 the United States also reconsidered its position and stopped sending reparations from its zone in Germany to the Soviet Union and in 1947 established the Bizonal Economic Area in Germany. The cold war soon hardened the military demarcation line into a political and ideological one and non-Communist parties and politicians met either jail and execution at home in Eastern Europe or had to escape to the West.

The Communization of Eastern Europe was not accepted as final by the United States. Public opinion's disgust was paired with the general assumption of American military superiority and it was considered possible to shake the Russian rule over the countries of Eastern Europe by diplomatic, economic and propaganda means without provoking World War III.

This was basically the "liberation" program of John Foster Dulles endorsed by General Eisenhower in his speech to the American Legion in August 1952 before his election to the Presidency of the United States.

The weakness of the "liberation" theory has been that it came too late. Such an active policy might have saved at least part of the area in 1946, but starting six years thereafter was doomed to failure by Soviet and domestic Communist entrenchment in the entire socio-political apparatus superiority over the Soviet Union in the nuclear and air power fields Soviet control over Eastern Europe can be loosened by political and economic means, by psychological warfare without leading to World War III and American military intervention.

While the Truman Administration continued to protest and undertake a large-scale propaganda campaign with the help of Radio Free Europe and the Voice of America, the

full use of all political, economic and psychological means in form of a "liberation" campaign with all means short of war was first promised by the Republican Presidential candidate General Eisenhower in his speech to the American Legion on August 24, 1952.

The incoming Eisenhower Administration, under the leadership of Secretary of State John Foster Dulles embarked on the above program. However, it became soon clear that psychological warfare alone would not suffice to break down the vise of Communist control which by that time has permeated all socio-economic and political levels of the Eastern European countries and was wedded to a ruthless and terroristic, but efficient secret police apparatus. Only an appeal to open revolt or to guerilla warfare would have been powerful enough to shake loose Communist control, but such an appeal would have meant promise of active American military support, a conclusion to which the Eisenhower Administration has not subscribed.

Three months after the inauguration of the Eisenhower Administration the death of the Soviet dictator Joseph Stalin appeared to have created a completely new situation rendering the success of the liberation program more likely but also introducing new elements like an evolutionary process of "nationalization" and "liberalization" of the existing regimes in Eastern Europe and possible Russian acquiescence into neutralization of part or all of the region due to internal weaknesses.

The results were tragic for the peoples involved, especially in Hungary where as a result of inept Communist leadership the discontent assumed the form of open revolt and forced the establishment of a multi-Party Government which tried to restore democracy and leave the Warsaw Pact. The challenge to Soviet and Communist control resulted in the near-intervention in Poland only averted by Gomulka's cooling of nationalist passions and temporary liberal reforms and in the bloody intervention of Russia in Hungary crushing the fight for freedom and establishing a quisling regime.

The Hungarian Revolution represents a watershed in American policy toward Eastern Europe. It demonstrated unmistakably the insufficiency of an activist policy which is unable or unwilling to draw the necessary military conclusions of its successes. The result of the fall events of 1956 has not been a curtailing of Soviet influence over the region but an actual increase in the long-run prospects of acceptance of Russian overlordships by these peoples. After all the dream of American liberation has been shown utterly unreal by the Hungarian freedomfighters. Rightly or wrongly the peoples of Eastern Europe felt even more abandoned than in 1945 and drew their own conclusions that they have to get along with their present masters and work for improvement within the existing ideological and power political framework.

On the American side the twin crisis in the Middle East diverted attention from the magnitude of political defeat but before any new policies could have been effectively implemented, a new event had occurred destroying the basis for an activist policy in Eastern Europe, the Russian space feats with the Sputnik and their implicit ramification of nuclear stalemate with the arrival of ICBMs.

The remaining period of the Eisenhower Administration did not produce any firm policy toward the region. The argument between those who wanted to continue the old tactics and aim it now for a "nationalistic" deviation of the regimes, and those who advised a hands off policy, or even a bridge-building policy continued with none of the protagonists achieving clear superiority in American Administration councils. Thus, the Hungarian question was kept on the U.N.

agenda, but food and credits were extended to Poland, a summit meeting was sought and the German question was still discussed but after the second Berlin crisis in November 1958 attention was focused on the new Russian offensive in the region rather than on any liberation policies.

The Democratic Kennedy Administration started on a new tack. Especially after the Cuban confrontation and the end of the Berlin crisis, a new theory underlined our policies toward Eastern Europe. It called for an activist policy but not toward undermining the governments by direct appeals to the opposing elements among the population. Rather it called for improvement of economic, cultural and even political relations with the governments in power recognizing their permanence and political claim to power and hope that the enlightened national self-interest of the governments will lead them to better relations with the West and liberalization of the totalitarian controls at home. Yet, this bridgebuilding policy explained in President Kennedy's speech at the American University and elaborated by President Johnson's October 1966 speech was not to be restricted to Eastern Europe.

It was rather to be a minor part of our bridgebuilding policy toward the Soviet Union, for the policy was based upon the permanence of Russian military and economic control of the region. We were trying to become, together with other NATO countries a sort of junior partner in Soviet-controlled Eastern Europe and receive in return the economic satisfaction of trade and the moral satisfaction of the removal of the worst features of dictatorial rule for the populations involved.

The theory was very logical and nice, but it has never completely worked. There were too many internal contradictions in it and it did not fit into the Soviet plans for the region in the long run.

II

The bridgebuilding theory via Moscow has been long advertised as the major accomplishment of the Kennedy-Johnson Administration. It has laid the basis for a durable peace and led to a limited but vital cooperation between the two superpowers, both of whom realize now that the existence of the other and the avoidance of a nuclear holocaust is in its own national interest.

It is a political misfortune for the Democratic Presidential candidate in 1968 that the failure of the policy occurred exactly during the Presidential campaign with the Soviet occupation of Czechoslovakia. For facing the mess in Vietnam and its urban and racial affairs at home, the apparent accomplishments of the bridgebuilding, detente policies were the only selling points of the eight years of Democratic Administration to the American people.

A close analysis of the bridgebuilding via Moscow policy has shown in the past that it does not work in the interest in the United States. Already long before the Prague events the negative sides has outweighed the positive ones. The first corollary of the policy has been the slowing down of American involvement in NATO, and a passive acceptance of French "going it alone" policies by the Johnson Administration. Once agreements with the Soviet Union became possible on international security matters and Russian aggression did not have to be feared, the role our NATO allies played in the formulation and implementation of American policies could be relegated into the background and NATO could be deemphasized. The events of the last four years of NATO history show clearly this trend of American policy and the sorry disarray they have created. In a perverse manner, apparent success in detente also meant that American influence over Western Europe could be re-enforced, but for reasons of his own, Presi-

dent Johnson avoided this temptation which was exploited by President Kennedy in his first year of detente policy (1963).

The second corollary of the policy was the assumption that both the Soviet Union and the Eastern European countries would be slowly liberalized and thereby become more open to Western cultural and economic contacts. The Iron Curtain was to be dismantled and people-to-people contacts expanded. As all East European countries needed the hard currency of the tourists and Western businessman, the bridgebuilding policies attained some successes. However, the cultural and economic beneficiaries of the bridgebuilding were not United States citizens, but Germans and Frenchmen, Britons and Italians who could both on historical and economic grounds compete better for the favor of the local Communist regimes than their American counterparts. However, the policy was linear and was unprepared for a refreezing of the atmosphere that must occur when the bridgebuilding becomes moderately successful in Eastern Europe and present a latent danger to Russian economic and political control. Thus, in the moment of its success the policy would become a failure unless the liberalization or disintegration trends in the Soviet Union would proceed approximately at the same speed, a very unlikely occurrence.

The third corollary of the policy was the abandonment of anti-Communism as an American bargaining point in Eastern Europe. While the old liberation policy was strictly based on it, the new policy tried to hide it, ignore it, or even deny it, thus going to the other extreme. Realpolitik was to silence the opposition forces and cause them to cooperate with the new regimes and try to force the changes from the inside. The damage done to American image by this policy in Eastern Europe among the people over 35 has never been completely analyzed, but it must have been considerable. It also deprived the American informational agencies and papers of their strongest moral, ideological and political weapons. At Radio Free Europe even articles were no longer accepted for publication as early as 1964 which would prove economic exploitation of satellite countries by the Soviet Union. They were considered to be too delicate.

The final corollary of the policy was based upon its acceptance by the Soviet Union. However, the bridgebuilding policy toward the Eastern European countries has never been accepted by Moscow. Russian and local Communist writers and essayists were always warning of the ideological and political infiltration of the West and kept the people to people contact generally within well defined limits, minimizing the intellectual and economic impact of Western influences.

III

The Soviet occupation of Czechoslovakia and the ensuing threats to Rumania and the Federal Republic of Germany raises anew the question of American foreign policy toward Eastern Europe.

The Soviet occupation destroyed most of the assumptions of an evolution of the region to national communism of a more permissive type. It has shown that even when facing ideological bankruptcy, the Soviet Union can and will revert to military methods to enforce her own national control over the region. Furthermore, that bridgebuilding policies do not deter the Soviet Union from assuming a psychological-diplomatic offensive in Europe as long as NATO is in disarray and our relations with France and Germany are strained.

In my opinion, reassessment of our policies must not be restricted to Eastern Europe like in the past. The question of Eastern Europe is embedded in the problem of our relationship with our NATO allies and the Soviet Union. Viewed in isolation, a return

to activist "liberation" policy would rehear the cold war without great advantages to us. Yet the bridgebuilding policy is dead and no matter of rhetoric of the *New York Times* or Professor Brzezinski can resurrect it.

We must find a East European policy that takes into consideration the following factors:

1. There is no such unit as Eastern Europe. Events of the last few years created at least "two Eastern Europes," one held in subjugation by Russian military power, or by national interest complementary to the Soviet desires (Bulgaria), and one ruled by Communist regimes responsive to the local national interests, e.g., Rumania and Yugoslavia. Furthermore, no solution of the Eastern European problem may be achieved without some progress on the German question.

2. The basis for Soviet power in Eastern Europe is no longer ideological. Even in Poland, as the spring events of 1968 have evidenced, there are many Communist elements who disagree with the Soviet-type of socialism and local nationalism is on the rise in every Eastern European country. Nationalism remains the only major counterpoise to communism in Eastern Europe and its development since the death of Stalin constitutes the only effective anti-Soviet force. In reverse, there is little question that the Prague events show that the Soviet Union is also giving continuing precedence to national imperialist considerations over general, international Communist interests.

3. The basic question in Eastern Europe is the presence of foreign occupation troops. By now, every country still subject to Russian control has Russian troops at her soil. The removal of Soviet troops must be the primary aim of American diplomacy in the region. There is reasonable hope that once this objective is achieved, the countries would orient themselves toward Western Europe and liberalize their policies at home.

4. Unless we have a strong Western Europe which is further integrated, there cannot be an active policy toward Eastern Europe for any settlement leading to a diminution of Russian presence in the area can only be based at the reduction of American forces in Western Europe. While disengagement cannot provide the full answer, some disengagement and progress on the Germany question would have to precede Russian withdrawal from Eastern Europe.

IV

There are few other alternatives. To continue the present policy would be disadvantageous to the United States and would encourage the Soviets to assume an offensive stance toward the NATO countries while putting military pressure on Rumania and Yugoslavia.

A return to "liberation" policies would probably not receive public support either in the United States and Western Europe and would be ineffective in view of nuclear parity.

To abandon all interest in the region again would be interpreted in Moscow as neo-isolationism forced upon the United States by internal problems and result in Soviet initiatives against the NATO region.

The new policy must be based upon the recognition that in the long run it is in our national interest to promote increasing contacts and integration between Eastern and Western Europe and to reduce our military presence in Europe.

This is not a call for troop reduction at a time of danger to NATO countries. The prerequisite for the policy is the reestablishment of military balance by an enlargement of present NATO forces and withdrawal of the forward elements of the Red Army from Czechoslovakia. But as a medium-range consideration, the thinning out of the Central European sector from foreign troops must be the hub of any reasonable policy aiming at furthering American and European interests in Eastern Europe.

The new policy must aim at the reopening of the German question. No amount of talk about disengagement, or reduction of forces, or bridgebuilding can solve the problem unless German unity is restored in some shape or form. The basis for a solution of the security and free development of Eastern Europe is progress in restoring German unity.

The new policy must guarantee to a greater extent than before that countries which assume a nationalistic stance will not be abandoned at the alter of the detente to the Soviet Union's kind graces. This is not to call for their full guarantee by NATO, but at least for their placing into the grey area of American military interests which, under certain circumstances might be defended from armed aggression. The Johnson announcement of Rumania came close to such a position, though his abject silence on Czechoslovakia was rightly interpreted as a disclaimer of any American interest in Czechoslovakia.

Each of the three principles of a new policy would require a long study in itself. However, they must be part and parcel of an all-European policy aiming at bringing increasing coordination and unity to the continent not by American-sponsored community projects, but by helping the European powers to find the way to one another, in the spirit of John Foster Dulles, but realizing that the best encouragement we can give is the expression of our interest and the upgrading of their role in our policy-making vis-a-vis the Soviet Union and Eastern Europe. The creation of Europe united on foreign policy, integrated economically, and culturally independent, and friendly to the United States without forming part of an enforced Atlantic Community, is in our national interest. The fulfillment of the promises of this policy would go far in solving the problems created by Russia in Eastern Europe without direct American involvement. After all, it was the success of West German trade and cultural relations with Eastern Europe which exerted a substantial influence on the Soviet leaders to occupy Czechoslovakia lest they lose their influence in most of the region. And Soviet Russia, too, in the long run, will have less objections to ties between Eastern and Western Europe than to close ties between Eastern Europe and the United States.

Mr. FINDLEY. Mr. Speaker, today's discussion of American policies toward east-central Europe is very timely.

A solution to the complex problems of the region cannot come overnight, but unless we start thinking of new ways of trying to deal with the present crisis-filled deadlock between the nations of the area and the Soviet Union on the one hand, and between NATO and the Soviet Union on the other, central Europe might again become the powderkeg of Europe just as it had been twice during the present century.

Native forces in these countries have already worked some change during the past decade. The Soviet monolithic control has been already cracked by the Polish and Hungarian events of 1956, especially by the temporary victory of the revolutionary forces in Hungary later defeated by Soviet armored divisions. With some modifications, the Soviet Union was quickly able to restore control over the region by the end of 1957. The second upheaval came more gradually.

Yet, despite Soviet occupation, nationalist and democratic unrest continues in Czechoslovakia where passive resistance extends not only to the masses and workers, but to much of the party lead-

ership itself. Rumania succeeded in vetoing closer economic integration within Comecon which would have been detrimental to her national interests, and even in foreign policy has recovered some leverage and independence. Hungary is experimenting with economic reforms and while it is emphasized that they could not spread to the political realm, the changes are undermining classical Marxist economics. Anti-Russian feeling is high in almost every country of the Warsaw Pact in view of the events of August 1968 and nationalism has become the major counterforce penetrating, transforming, and often outrightly opposing traditional Communist tenets.

It has been said that the Soviet Union has less trouble in her relations with neutral Austria, or Finland than with Rumania and Czechoslovakia who are formally members of the Warsaw Pact.

Mr. HALPERN. Mr. Speaker, today I join my colleagues, ably led by the distinguished gentleman from Ohio (Mr. MINSHALL), in discussing the situation in east-central Europe in the light of recent proposals of the American Hungarian Federation.

With the new administration displaying signs of renewed interest in East European affairs and preparing serious negotiations with the Soviet Union on major issues, it is of great importance that we try to find new approaches to our relationships with central Europe.

The American Hungarian Federation's call for an Atlantic partnership to be the mainstay of our policy toward Western Europe appears to be a most hopeful approach to this problem. We cannot and should not play the policeman of Europe; rather, we must help the European nations to become self-sufficient in military and political matters and promote integration and coordination among them in the creation of a viable European community.

It is my belief that we can arrive at no solution of the complex east-central European question without a regional plan which would be acceptable to the peoples of that region and which would at least be tolerable to the Soviet Union. It is, therefore, with special interest that I read the proposal for the neutralization of much of central Europe by the American Hungarian Federation. Such a neutralization would establish common guarantees against intervention. Creation of a buffer zone would in fact create three Europes: Western Europe, the buffer zone, and the Soviet Union. It would be a possible solution to the security needs of the Soviet Union and the needs of the central European nations to live outside of blocs. This desire needs no proof as far as Austria and Yugoslavia are concerned, and was also manifest in Hungary and Czechoslovakia in 1956 and 1968, respectively.

Such an approach could take the form of a cautious but positive reply to the European Security Conference ideas which the Soviets and their satellites are now pushing for propaganda reasons and for effecting our withdrawal from Europe, unmasking the Soviet designs, but preserving the potentially positive elements of the plan which call for the dissolution of military blocs. A buffer zone neutralization could even be acceptable

to Soviet security needs at a time when the Soviet Union has considerable trouble with several of its Warsaw pact allies.

In this connection, may I call attention of my colleagues to a periodical published in New York: "Studies for a New Central Europe," which is pushing the idea of neutralization of the Danubian states, with possible common institutions among them once neutralization has been achieved and guaranteed by the major powers.

I insert at this point the editorial in the last issue of the "Studies for a New Central Europe" which pertains particularly to the idea of neutralization:

TOWARD A THIRD WAY IN A NEW
CENTRAL EUROPE

Europe is an extremely sensitive area of the world where the use of bare military power will bring neither permanent peace nor a solution to its problems and needs. The Russians will soon realize that the use of a raw force in a highly developed area backfires. The military "blood and iron" method of Napoleon, the Czars, Bismarck, Mussolini and Hitler harmed in the long run more than they helped their nations and Europe. American and Western policy must also change from their predominantly military countermeasures, pacts and expenditures—as Richard Nixon recently emphasized—to "preventive diplomacy" and peace planning with "regional peace pacts" and the whole-hearted participation of the nations concerned.

THREE ALTERNATIVES IN EUROPE

The solutions commonly advocated for Europe fall into three categories:

A. A *United Europe*. This is presently politically unrealistic, at least for the foreseeable future and so long as the Soviet Union is a nuclear superpower. Moscow would never give its consent to a politically, economically and militarily unified Europe that included East Central Europe "from the Atlantic to the Urals." Such a unity exists only culturally, based on deep historical sentiments of the European nations. But politically, a *United States of Europe* is still unrealistic, a fantastic dream like that of Coudenhove-Kalergi's *Pan-europa* proposed between the two World Wars to which some statesmen like Briand, Seipel and Masaryk gave lip service but which proved to be a political illusion. Now, the European Movement invites its friends and adherents to almost yearly conferences with its program devoted to "European unification." The main speaker of the last conference held January 19-20, 1968 in Rome, was the German Professor Walter Hallstein who emphasized the idea of "Europe as a whole." Another organization, Action Europeenne Federalist held its congress November 18-19, 1967 in Brussels with the participation of Jean Rey, Professor Hendrik Brugmans, Dr. Dieter Roser, Vice President of the German Europa-Union and others. The 17th congress of the latter organization met on March 4-5, 1968 in Cologne. But Jerzy Jankowski, a Polish journalist and editor of *Poland in Europe*, who attended these congresses, summarized their net results as follows: "The regimes in power in Eastern Europe are hostile to the United Europe idea. Thus, what is there left to say at the congresses beside repeating cheap formulas about an 'entire Europe' and platonic compliments to the peoples of the 'Second Europe'?"¹

B. The *Present Two Europes* organized militarily by NATO and the Warsaw Pact

countries would permanently fix the present East and West Europe side by side. This would be a hell to those nations caught unwillingly between the two superpowers, the masters of NATO and the Warsaw Pact. This present *status quo* would leave the German problem unsolved, the Berlin Wall and the Iron Curtain permanently established, the Cold War, intermittently intensified, especially now after the occupation of Czechoslovakia and as it was previously, after 1948 and 1956. The greater the increase of military power on both sides of the Iron Curtain, the more unbearable will life be for the 120-130 millions who live between Russia and Germany. Such enormous military expenses incurred by both America and the USSR are also an unnecessary burden on their economies that unbalance their budgets, foreign payments, and hinder finding solutions to their problems at home. Both America and England are willing to withdraw from Europe but as long as the Two Europes exist, a military de-escalation in Europe remains a dream. At whose expense were the 650,000 Soviet troops deployed in Czechoslovakia and now rocket bases established there? The NATO forces, America, Germany and also Yugoslavia immediately reacted by increasing their military expenditures, ordering more expensive rockets, tanks and jet bombers. Cannot lessons be learned from Hitler's military failures? The present trend only lays the base for a Third World War which could not be contained in Europe.

C. We submit, the realistic solution is a third way:

Three Europes: 1. Western Europe with its nucleus, the Common Market. 2. East Europe which is practically Soviet Russia. 3. Central Europe, a neutralized buffer zone between Russia and Germany.

The French President De Gaulle was realistic when he reminded the world in a speech at the Warsaw parliament, in the heart of Central Europe, that politically, there are Three Europes: Western, Central and East Europe. While a *United Europe* is an utopian dream, the present Two Europes a hell, Three Europes would be to the advantage of all nations—and is politically realistic. It would be in the interest of the nuclear powers too, including the Soviet Union.

For Peace and Military Deescalation, a Neutral Buffer Zone is needed in Europe.

It is vain to exhort the leaders of the Kremlin to move their troops out of Hungary, Czechoslovakia and East Berlin so long as the English-American troops remain and are even strengthened on the other side of the Iron Curtain. Russia was invaded several times since Napoleon and it understandably feels the need of protection against what it calls "German revanchism" or other aggression. The present "revanchism" of West Germany serves as an admirable bogeyman to keep the Warsaw Pact group in line. Therefore a neutral buffer zone between the Russians and Germans would release the Soviet Union from this fear and enable the Kremlin to concentrate against a possible invasion from China. If a Central European neutral zone were guaranteed by the Great Powers and, as in Austria's case, by some other 60 states, the security of Russia's Western frontier would be unquestionable. Moscow's obsession must be removed by a proposal made through diplomatic channels to neutralize the zone from Finland down through the Danubian countries. Such an agreement would make the motivation written into the recent Soviet-Czechoslovak treaty obsolete. Article 1 of the treaty "ensures the security of the countries of the socialist community against the increasing revanchist strivings of the West German militarist forces." Neutralization would serve the security of the Soviet Union, Poland, and Czechoslovakia as well. It would open the way for a military de-escalation. The neutralization of Austria in the State Treaty of 1955 was one of the wisest

steps taken in decades. The Kremlin now has less trouble with Austria than with the non-neutralized Hungary, Rumania or Czechoslovakia. Neutral Sweden and Finland are better neighbors than Rumania. It will of course be in the best interest of the nations in such a neutralized buffer zone to have good economic and cultural relations with Russia. With their military expenditures reduced, peoples of the zone will attain a higher level of existence.

The idea of a Neutralized Buffer Zone gains momentum.

Fifteen years ago many questioned the usefulness of such a neutralized buffer zone between the great powers. Western diplomacy was reluctant in giving consent to neutralize Austria. Only after more than 280 fruitless four-power conferences did it yield. It was the Austrian Chancellor Raab who succeeded in negotiating the matter with Molotov in Moscow. The final Memorandum² contained the "international obligation that Austria will maintain neutrality of the same type as maintained by Switzerland." This was the key. The neutralization of Austria was a step forward. Following this, the withdrawal of troops from Hungary could have been negotiated immediately on the same platform and formula. But Western diplomacy did not see this opportunity. When the Hungarian revolution broke out in 1956, the government of Imre Nagy proclaimed neutrality. This was not backed by Western diplomacy, and the military intervention of the USSR followed. However, the Hungarian uprising marked the first defeat of Communism in Central Europe and its repercussions in the West undermined the prestige of Communist parties everywhere.

Recently, Western observers in Prague have reported increased interest among Czechs and Slovaks in the concept of a neutralized zone. Dan Morgan, correspondent for the *Washington Post* wrote from Prague on September 14, 1968:

"The Czechoslovak central authorities have completed a candid, confidential report in which they had to acknowledge an increase in a detectable interest in neutrality for Czechoslovakia. The invasion episode has also raised a significant doubt about the role of the Czechoslovak army which, although one of the best in Europe, was not ordered to resist the Warsaw Pact onslaught."

At the tenth anniversary of Imre Nagy's execution, the Prague *Literarny Listy* (June 13, 1968) published a eulogy of Nagy emphasizing his demand for Socialist neutralism. The growing interest in neutralization in Central Europe is also stated in a note sent by Czechoslovakia to the Polish government on September 13, 1968:

"An allegation made in the Polish party paper *Trybuna Ludu*, that the Czechoslovakian National Assembly's Foreign Affairs Committee had advocated neutrality of Czechoslovakia—was absolutely false."

The note, however, acknowledged that the Committee did discuss neutrality but at the insistence of the government came to the conclusion that "a proclamation of neutrality would not bring about a solution." This confidential report proves that a plebiscite in Czechoslovakia would favor neutralization by a large majority. A Hungarian journalist, Tibor Pethő, spokesman for the Government, wrote even before the Czechoslovak invasion:

"Czechs, Slovaks, Hungarians have lived together close to each other for centuries. The common experiences of this long togetherness taught us many things. We gathered ample experiences concerning antagonisms and hatreds; also the advantages of friendship and cooperation . . . by elim-

¹ Jerzy Jankowski: Problems of Eastern Europe at the Three European Congresses. *The Central European Federalist*, New York, 1968, No. 1, p. 17-22.

² Memorandum on the results of negotiations between Austria and the Soviet Union, Moscow, April 15, 1955. See *Documents on American Foreign Relations*, Vol. 1955, p. 121.

inating the influence of friendship and cooperation . . . by eliminating the influence of foreign powers which tried to divide and confuse the people in the Danube basin either by methods of the Hapsburgs or by those of Hitler . . . We trust in a federalist reorganization." (*Magyar Hírek*, June 29, 1968)

János Péter, Hungarian Foreign Minister, gave the following report to the Parliament (July, 1968):

"Diminution of the dangers in Europe is in the common interest of all continents. For further clarification of the situation in Europe it is necessary to increase the number of existing bi-lateral agreements, and also that of the regional agreements. Only from the mosaic of these can the future peace of Europe be composed. Together with our neighbors we are working for a well organized cooperation of Central European and Danubian Basin countries with different systems economically, culturally and politically, in the interests of the peace and security of Europe."

Western Powers and a Buffer Zone.

Franz Joseph Strauss, West German Minister of Finance, who has influence on German foreign policy matters, stated in one of his lectures:

"If the Eastern satellites can be formed into a buffer Europe, if the mistrust in Germany which derives from the prejudices and experiences of the past can be allayed step by step, if this policy turns the pages of history and liquidates the legacy of the Second World War, then much will have been gained."

Dr. Lujo Tomic-Sorinj, Foreign Minister of the Federal Republic of Austria, expressed his firm conviction more than once, that close cooperation among the peoples of the Danubian region is only a matter of time owing to the natural historical elements at work which will prevail against difficulties created from outside. Even Otto Winzer, Foreign Minister for East Germany told the National Assembly on August 9, 1968 that "under European security we must understand a regional system based on international agreements."

It was the English Prime Minister Eden at the Geneva Conference of Heads of Government that proposed the establishment of a buffer zone on July 18, 1955:

"We would be ready to discuss and try to reach agreement as to the total of forces and armaments on each side in Germany and the countries neighboring Germany. To do this it would be necessary to join in a system of reciprocal control to supervise the agreements effectively."

A mutual withdrawal of forces 250 miles on each side was proposed. It is regrettable that other events in world politics diverted attention from following up this idea or that of George Kennan on mutual disengagement. See also the study of E. Chaszar: "The Possibility of a Neutralized Zone in Central Europe."

The Secretary-General of the United Nations, U Thant, advocated a "vigorous and articulate Third Force" between the great powers. We agree with Nelson Rockefeller: "The historic choice fast rushing upon us, then, is no less than this: either the free nations of the world will take the lead in adopting the federal concept to their relations or, one by one, we may be driven into the retreat of the perilous isolationism, political, economic and intellectual, so ardently sought by the Soviet policy to divide and conquer."

Richard Nixon recommended a regional

buffer zone in his campaign speech at Eatonsville, N.J. on October 19, 1968:

"Regional pacts that can prevent a local conflict from escalating into world war. The regional pact thus becomes a buffer separating the distant great powers from immediate threat—and the danger of a local conflict escalating into world war is thereby reduced. A regional pact would provide a buffer between the United States and the Soviet Union in future flareups."

Dangers to be averted by "preventive diplomacy."

Austrian Chancellor Klaus was told in Moscow during his visit of March 14-21, 1967 that Austria would be breaking the obligations of permanent neutrality if she joined the European Common Market and this would be a *casus belli*. On the other hand, Klaus was told that Austria would be supported if she strengthened her neutrality and her relations with the other Central European states. Austria was also encouraged to call a Conference on European Security to be held in Vienna.

Today many dangers exist in the Central European area beside a new Anschluss. Because of the unsolved situation the possibility of widespread protest movements e.g. in Vienna, East or West Berlin like those in Paris and France in May-June, 1968, cannot be excluded. Because of the closeness of the Soviet nuclear super-power, De Gaulle's methods would be dangerous. The Soviet forces would step in to "help restore democratic order" in Vienna, Berlin, East or West Germany. If thousands of German citizens were killed in such actions as were Hungarians in 1956, the West German army, supported by fifty-five million West Germans would certainly step in. Such action could start a Third World War.

Could anyone predict what would happen if the dictator Tito should die without having an able successor to hold the multinational and insecure Yugoslavia together? Is there secure peace or safety in the Rumanian situation? Therefore, it would be wise for the U.S. State Department to nominate a committee of experts on Central Europe to prepare a detailed plan for a neutralized buffer zone between Russia and Germany to be proposed to a European Conference on Security. Although America won two world wars militarily, they were lost diplomatically at the peace conferences because of insufficient preparation of realistic peace plans. Clémenceau, Stalin, Molotov, etc. dominated the conferences because they had plans. Should not Western "preventive diplomacy" possess as carefully elaborated peace plans as the Chiefs of Staff who have their alternative military plans for possible dangers?

THE EDITORS.

NUCLEAR DISARMAMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. McCARTHY) is recognized for 30 minutes.

Mr. HECHLER of West Virginia. Mr. Speaker, will the gentleman yield?

Mr. McCARTHY. I am happy to yield to the distinguished gentleman from West Virginia.

Mr. HECHLER of West Virginia. Mr. Speaker, I should like to commend the gentleman on the position he is taking in his special order this afternoon. I hope this may be widely supported throughout the Nation.

Mr. McCARTHY. I thank the distinguished gentleman very much.

Mr. Speaker, the United States and Russia may take a step in the next 2 or 3 months that would destroy the possibility of success at the bilateral nu-

clear disarmament talks. This step is the final testing of the MIRV multiple-warhead system. I understand that both nations are expected to complete their tests within that period. And completion of testing of this new warhead would introduce a new phase in the nuclear arms race. I urge that we announce that we will defer final testing of the MIRV warhead until we begin the nuclear talks and that we ask the Russians to do the same.

Nations have few opportunities to change their policies, to modify in a significant way the positions that they have taken in the past. Each opportunity is important because the choice of alternatives sets the course for years to come. The United States and Russia have an opportunity to change their policies today. A decision by both nations to slow down and possibly reverse the nuclear arms race of the past quarter century would reduce the threat of mutual destruction.

There is no guarantee that talks with the Russians will succeed. Each nation has different goals, goals that often conflict, as events in Czechoslovakia illustrated last summer. But we also may have mutual interests, in this case the limitation of strategic arms. At this stage in the nuclear arms race, it may be in the interests of both nations to negotiate a halt in the growth of our nuclear arsenals. But this stage will shortly come to a close. Every effort must be made to start these negotiations promptly and to bring them to a successful conclusion.

The arms limitation talks are threatened by the final testing of MIRV multiple warhead systems because once those tests are completed, we will speed up the nuclear arms race. This new phase involves building many highly expensive new nuclear arms systems—systems that will increase the chances of nuclear disaster. If, for example, a decision by both nations to complete testing of the MIRV warhead would encourage a fundamental change in defense strategy. Russia or the United States might believe it necessary to attempt to develop a first-strike capability—the capability to destroy the other nation before it would be able to retaliate.

This would be a major change from the present policy of assured second strike capability—the ability to inflict unacceptable losses on the other nation after a nuclear attack. The possibility of this change in our strategy takes on added reality in light of the recent charge by Secretary Laird that the Russians are already attempting to build a first strike capability. We know that today neither the Russians nor the United States has a first strike capability. Each nation does have an assured second strike capability. Commonsense urges that we strive for agreement with the Russians on a limitation and possible reduction of strategic arms before we enter this next phase.

There are several major defense decisions facing the United States today. The decision as to whether we go forward with an anti-ballistic-missile system has received the most attention. The pros and cons are being discussed by Congress and the people. A second ques-

* Franz Joseph Strauss, *The Grand Design*. Praeger. New York. 1966.

* Studies for a New Central Europe, Series 2, No. 1, 1968, p. 9-15.

* Nelson Rockefeller: *The Future of Federalism*. (Paperback, 1968.)

tion is whether we should begin the development of a new strategic manned bomber. A third decision, one that has not received the attention that it should, is whether we should complete testing of the MIRV multiple-warhead system before we begin the arms talks.

Other major decisions, dependent in many ways in the first three are whether we should begin a sea-bottom-based strategic missile system, mobile land-based strategic missile system, or a surface ship strategic missile launching system. Individually and collectively our decisions on these questions will have a major effect on our defense strategy and the possibility of successful strategic arms limitation talks.

The decision as to whether we complete testing of MIRV is the most important of all. Many of the experts, such as Dr. Jeremy Stone, of Stanford University, believe that if the United States and Russia complete testing of multiple warheads, the arms limitations talks cannot succeed. Once testing is completed there is no way for either side to know whether the other is arming its missiles with MIRV's. It is possible to verify, I am told, whether the Russians complete their MIRV tests. It is much more difficult, if not impossible, after that point to know whether their missiles are being armed with MIRV's.

The final testing of a multiple-warhead system such as MIRV is critical because the system must be very accurate. Each warhead must be able to hit close to its target if it is to be effective. It must be highly accurate if the smaller warhead is to destroy its target. And the only way to know whether the warhead is that accurate is to test it in flight. It apparently is possible to determine whether a nation tests one of these warheads in flight. We cannot determine, short of actual physical inspection, whether a missile is equipped with one of these warheads once flight testing has been completed.

One of the key problems of nuclear arms limitations is that of verification. Each nation must be able to determine what the other is able to do. It is somewhat more easy for the Russians to know what we do, for ours is an open society in which most decisions are made known to the public. Russia, on the other hand, has always opposed inspection within her borders. Verification of Russia's actions must be accomplished by means that do not involve sending inspection teams to Russia. We apparently are able to accomplish this. As William Foster, former head of the Armaments Control and Disarmament Agency said, we have more capability for verification than the public is generally aware of. One can speculate that he is talking about cameras and other instruments mounted in reconnaissance satellites. Final testing of MIRV marks the last point at which it may be possible to agree not to equip missiles with them.

I might add here that the distinguished Senator from Vermont, Senator Aiken, said that we now have a capability with our spy in the sky satellites for detecting a postage stamp at a height of 50 miles.

Once Russia and the United States start equipping their missiles with MIRV multiple warheads they enter a new phase in the nuclear arms race. Today we have approximately 2,400 targetable warheads. If we equip our missiles with multiple warheads, we would increase the number to 8,000 to 10,000. This increase would be accompanied by a Russian increase. And the jump in size would make it more likely that one of the nation's might consider a first-strike. With 8,000 or 10,000 highly accurate warheads, it might be possible to wipe out the opponents' missiles before he was able to launch very many of them. The threat of a possible first-strike by the opponent would make it necessary to take measures to counter the threat.

These measures would probably consist of building a new generation of strategic missiles, such as a mobile land-based missile system, a seabed mounted missile system, or a new strategic manned bomber. Another measure, of course, would be to build an anti-ballistic-missile system. But I think that it has been clearly demonstrated that the ABM is not the answer to the nuclear missile threat. The answer, with all its horrible consequences, would probably be to build more and more missiles that would be more difficult for an opponent to destroy.

One of the ironies of the decision that we made to build MIRV multiple warheads is that we made the decision based on a belief that the Russians were building an anti-ballistic-missile system for their nation. It now turns out that the system that we thought was an ABM, is the Tallin antimanned bombed system. And it is only recently that the Russians started construction of the Galosh ABM around Moscow. But although a total of 67 sites were constructed, little work has been done on them lately and the system has not been expanded to the rest of Russia. It would be tragic if our decision to complete testing of the MIRV multiple warhead now led the Russians to build additional ABM sites.

We have delayed beginning the strategic arms limitations talks longer than they should have been. Unfortunately, shortly after the Russians indicated that they were interested in talking about this subject, they intervened in Czechoslovakia, chilling relations between East and West. The United States also has undergone a change in administrations with the accompanying problems of having the new team learn the ropes. President Nixon has indicated that one of his main objectives is to begin the talks. I welcome that commitment and urge that the talks begin as soon as possible.

But it will not increase the chances of success at the talks, if we complete testing of the MIRV multiple warhead and make decisions to build an ABM anti-ballistic-missile system and an AMSB advanced manned strategic bomber. The opportunity to freeze current levels of strategic arms and even reduce them could well be lost. If anything, we will strengthen the hand of those in the Soviet Union who do not want to slow down the arms race.

A delay in final testing of the MIRV multiple warhead until the talks begin

does not prevent us from completing the tests if the Russians decide to complete their tests, or if the initial arms limitation talks do not offer any indication of success. One of the first items on the agenda might well be for both nations to agree not to complete the MIRV tests for the duration of the talks. A ban on MIRV multiple warheads could then still be included in the discussions at the conference.

Some of our goals at the strategic arms limitation talks might well be:

A freeze on the final testing of MIRV multiple warheads leading to a ban on their use;

A freeze on further Poseidons, Minuteman III's, and SS-9 and FOBS intercontinental ballistic missiles;

A ban on ABM anti-ballistic-missile system—this would involve dismantling the 67 Galosh ABM sites around Moscow;

A ban on land-based mobile strategic missile system;

A ban on sea-bottom-based strategic missiles;

A ban on new strategic manned bombers;

An extension of the partial nuclear test ban to underground tests; and

A ban on the use of chemical and biological warfare.

The experts tell us that, with the exception of chemical and biological warfare, we have the means of knowing whether these limitations are being followed without actually sending inspection teams to the other nation. Our reconnaissance satellites make it possible to exercise effective arms control. Many experts also believe that we can detect underground nuclear tests. And briefly, because I intend to discuss this at length at a later date, a Russian-United States ban on chemical and biological warfare would offer much to both nations without a significant effect on their defense capabilities.

I believe that we can negotiate some, if not all, of these limitations with the Russians. Our success may well determine the fate of mankind. And if we cannot reach agreement, we will move into the next phase of the nuclear era. The risks of nuclear holocaust will mount. The costs will be high. But the United States will maintain an effective defense because there is no alternative.

Although we are willing to bear the costs of effective defense, a new nuclear era would weigh heavily on the taxpayer. William Foster estimates that the next generation of nuclear weapons will add \$100 billion more each decade to our defense budget. This would double the amount of money that we now devote to defense. And this is probably a conservative estimate.

A defense budget twice the size of today's would also place additional strains on our society. National strength is not only a matter of missiles and warheads; it is also a matter of the morale of a society. Our morale during the second half of the 1960's has not been high. The Vietnamese conflict, the decay of our cities, the difficulties of communication between youth and their parents all illustrate the troubled nature of our society. Although we have attempted to meet

these problems, we have not had the resources to do as much as we should. We have used most of our Federal taxes for defense.

I might inject here that during the debate this afternoon we heard that although the Committee on Public Works had authorized an expenditure of \$1 billion throughout the United States to combat water pollution next year, the administration has recommended only \$214 million, about 20 percent of the amount authorized. That \$214 million is considerably less than we spend on gas and germ warfare.

A limitation on strategic arms would make it possible to use some of these resources to rebuild our cities, provide a better education for all, clean up our environment, to achieve the goals toward which each American strives.

A new upward spiral in the arms race would also bring with it a further change in the nature of our society. Bigger defense budgets would mean an increase in the proportion of our industry involved in arms production. It means new defense bases located around the country. It means more defense research by experts at our universities. Each one of these steps increases the impact of the military on our society. It would further shift the balance from civilian orientation toward military orientation. This is of the utmost importance for the distinction is what made the difference between Athens and Sparta—one devoted to the enhancement of man but occasionally defending herself—the other devoted to the warlike arts alone.

The most important reason for seeking success at the arms limitation talks is survival. The main question is whether mankind can survive the nuclear age. As Henry Stimson pointed out, the nuclear weapon "constitutes merely a first step in a new control by man over the forces of nature too revolutionary and dangerous to fit into the old concepts, it really caps the climax of the race between man's growing technical power for destructiveness and his psychological power of self-control and group control—his moral power." We must strengthen our moral power, our collective moral power to control these awesome weapons of destruction.

I urge, therefore, that we delay completion of the MIRV multiple warhead tests and that we do not make decisions about other new weapons systems that will lessen our chances of successful arms limitation talks. We should not call our intentions into questions by ill-advised action now.

When I first considered making these remarks, the need to include this final thought was not evident. But events in the past week make it necessary. There is nothing more dangerous for the United States than to make honest differences on defense questions a partisan matter. It was with the deepest unrest that I have heard some administration spokesmen characterize opposition to the ABM as partisan. If defense decisions are caste in terms of Republican versus Democrat we will suffer the gravest consequences. As a matter of fact, much of the dissatisfaction with the earlier decision to

proceed with the ABM anti-ballistic-missile system derives from the fact that politics appeared to play a major part in it.

The question of MIRV multiple warhead final testing is being debated today among the top experts in the executive branch. Theirs is not a partisan debate. And I have not made my remarks on MIRV in a partisan spirit. Rather, I seek what I hope every thoughtful American seeks—the road to sense in a nuclear age. There is no room for politics on that road.

COAL MINE HEALTH AND SAFETY

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

Mr. HECHLER of West Virginia. Mr. Speaker, the National Broadcasting Co. radio network carried an hour-long program on April 13 devoted to the problems of coal mine health and safety. Because of the great public interest in this question, and the pending legislation on the subject in the Congress, I am pleased to provide the full text of this radio broadcast for inclusion in the RECORD:

[Music]

Woman (singing):

"Shut up in the mines at Cold Creek
And I know I will have to die.
So tell my wife and children
That I'm prepared to die."

ANNOUNCER. This is NBC News, Second Sunday, "The Coal Miner—A Cry From the Depths."

Woman (singing):

"Shut up in the mines at Cold Creek
And I know I will have to die.
So tell my wife and children
That I'm prepared to die."

The birds . . .

RUSS WARD. But who is prepared to die? This is Russ Ward. Turn off Highway 250 in West Virginia, just outside the town of Mannington, and you pass a white, two-story, green-shuttered house where a man named Fred Rogers used to spend most of his time—his time above ground, his time when he was not working the overnight shift in the Pittsburgh Consolidation Coal Company's mine number nine. Five nights a week and sometimes six Fred Rogers would back his car off a slag ramp near his porch, turn on to the meager climbing road, and drive the few miles to Llewellyn Portal, to the mine shift that led him down to his work. And surely at some time in the years he drove that road, Fred Rogers must have noticed the signs stuck in the hillside by one of the valley churches. "Prepare to Meet Thy Maker." At 5:25 a.m. on November 20th, with just a few hours to go on the cateye shift, Consolidation Mine Number Nine blew up. '78 men lost their lives. Among those men, the husbands of Mary Rogers and of Nora Snyder—miners' wives, miners' widows. Once strangers, now friends, sharing the sudden inheritance of bewilderment, grief and shock.

MARY ROGERS. That night, I don't know, I seemed to sleep much better than I usually did. In fact, I didn't hear anything. And the next morning, I think it was around about 7:30, I heard a knock on my front door right here. And I came down. It was my neighbor. And she said, "Mary," she said, "there's been an explosion at the mine." And she said, "How bad, I don't know." She said, "My husband went up there." I said, "He hasn't

come back yet." And she said, "How bad is it? I don't know." Well, from then on, I couldn't tell you what happened. And I think it was around noon the phone rang and some man said to me, said, "Did your husband work last night?" And I said, "Yes." And that was the only word that I received from the mine. There was no one came to visit to tell me that my husband was in there, about the explosion, or nothin'. And still to this day they haven't. There's been no representative from the mine come to tell me what happened to my husband. To me he went to work and he hasn't come home. Oh, I never gave up hope, and I never gave up hope. Well, I still, really, I don't—even to this day, I still feel it. Think maybe somewhere he's still livin'.

NORA SNYDER. I've heard of things like this happening, but you don't realize what it's really like until you go through with it yourself, you know. When they do bring them out, we don't know if there will be ones—he'll be in his casket or not. But the general manager, he told me—I'm talking to him, and he says "You can rest assured that I'm going to make sure that part of your husband will be in that casket," you know. How do we know what'll be unless—if it's our husbands, if it's just a check number? We never got a check, I mean, you know, it might be somebody else's body that we were burying and what—when they bring them out, we won't know. You really won't know that. I don't know. A lot of people have said, "Well, our husbands are dead too. We've lost our husbands." But yet—but their husbands are out and they're buried, you know. That's different. This is a lot different, when they have to be left like this. Did something terrible to the three of them.

MAN. We won't know with precision what happened in that mine, but I think we can—we can develop several postulates, and they all arise from the combination of three factors. There was an ignition source—that is to say, there was methane in the mine. There was something to propagate the ignition once it got started. And that's possible in a mine either through coal dust or more methane, and there was a spark. So I think we can say with confidence that as yet we don't know what the cause was, but the cause was clearly some omission with regard to the safety in the mine.

WARD. The speaker, John O'Leary, Director of the U.S. Bureau of Mines. The subject, methane gas—odorless, invisible. Years ago, millions of years ago, this was the energy of the sun being absorbed by the floral growth, which, driven later into the earth, was to become coal. And that energy, locked in the coal, was to become methane. Methane which, freed, could join with coal dust and sparks to rip open the innards of its imprisoning earth and the men working in it. John O'Leary, then, on the question of technology and whether such an explosion could happen again.

JOHN O'LEARY. The truth of the matter is, we do not have at hand the technology to completely foresee and thereby safeguard against an unexpected liberation, massive liberation of methane. Until we get to the point where methane control is a part of the mining operation, we always have the hazard of another Mannington. I don't think there's any question about it.

WARD. December, Washington, D.C. The Mannington-Farmington mine has been sealed, its fire-spewing shaft choked with slate, and the Senate calls a hearing on mine safety. The shock of Manningtons passed and the possibility of Manningtons to come bring together Congressmen, Cabinet members, federal officials, and union leaders to discuss the death and accident rates in the nation's most hazardous occupation—coal mining—and the question, "Have we done enough in this area?" John O'Leary.

O'LEARY. Among the major industries for which systematic data are maintained, this is the most hazardous industry in the United States and the striking thing about this is that the overall safety record of the industry, from the standpoint of fatalities per million man-hours of employment has not really improved in more than two decades. This is one of the very few indexes that you can look upon as being static. Most things over the last twenty years have either gotten better or they've gotten worse. And happily, in coal mining, it hasn't gotten worse, but certainly it hasn't gotten better.

WARD. Surely no occupation is completely safe. The parttime seamstress, working at home, can run through her finger with a bureau drawer needle and die of blood poisoning. But in the case of the coal mine, the death and injury rate is astonishing. Each day in the six principal coal-producing states, some 142,000 men enter the mines. Of these, last year there were 309 deaths and more than eight thousand injuries. Indeed to qualify as a disaster, a mine accident must claim at least five lives. Anything less, presumably, can be taken in stride.

There is the mud, the water, the dark, the spinning cables, the high-voltage lines, the explosions, the rattling rail cars, the danger of collapsing walls, and, in fact, the worst killer of all, the overhead, which gives way to mangle men or bury them in tons of rocks. These are the accidents that strike them. There are others that take their slow and deadly time. Among these, perhaps the worst offender is a piece of equipment known as the continuous miner, the gigantic bit that rips through the earth to pull out coal at the rate of five or six tons an hour. The dust is unimaginable. Thin as talcum powder, able to clog a miner's respirator and where it is not watered down, the cause of pneumoconiosis—black lung.

The Appalachian Regional Hospital in Beckley, West Virginia. This is a miner with black lung. A tracheotomy should help. But these are the sounds of his unending battle just to breathe. (NOISES)

MAN. Been in the mines since 1919. My breathing got awful short on me about four or five years ago. It's been continuing to get worse all the time. For a time I breathe pretty good. There comes a time when your breath just completely leaves you and you can't hardly breathe at all. When my breath leaves me, it's like someone's throwing something over me, smothering me like this. It just leaves all at once. It's just the same as throwing something in your face.

MAN. Black lung is due to coal dust or carbon.

WARD. Dr. I. E. Buff, Charleston, West Virginia.

Dr. I. E. BUFF. Carbon or the black lung or the dust attacks the little arteries in the lungs. It causes a constriction in these arteries and eventually cuts the blood supply off to the lungs. Also, carbon is an irritant to the terminal part or the end of the lungs, what we call avicular spaces. Now, what they are in plain language are air spaces, and this is where the damage is done by coal dust. It makes them choke to death because they can get the air in but they can't get it out, and because of this they get an accumulation of carbon dioxide. Carbon dioxide is a killer. It will kill the brain, it will kill the liver, it will kill the kidneys, it will kill the bone marrow—as a matter of fact, there isn't any part of your body that will not be affected by a high carbon dioxide. The black lung is just a lung that looks like carbon. It looks like a lump of coal, actually. When you open the chest in a miner, you look like you got two lumps of coal instead of two lungs. They're that black, that shiny, and that glistening.

The ordinary lung is pink. The black lung looks like a piece of coal lying in the lung, in the area. They're hard and they're brittle.

This means that the lung has been dead for ten—partially for ten, fifteen years, and the patient has slowly died. I don't think it takes a pathologist very much time to tell a black lung, because he doesn't really have to make sections. He can tell it right easily.

So actually, what you are doing, besides choking these fellows to death, is giving them a picture of someone who has cancer because the blood supply is cut down on all the organs so that they eventually die. It is as if a string is tied around their neck and made tighter every day and eventually, of course, they die from asphyxia. And asphyxia, a medical term, means choking to death.

WARD. Curiously, though it's been estimated that eight out of every ten miners risk disease, West Virginia would not recognize black lung as an occupational illness and provide compensation for it. Buff lost whatever professional detachment he may have had and swung into open battle against the state legislature and the coal companies.

In this, Buff was joined by Dr. Hawey Wells of Morgantown, West Virginia, and the scholarly, bearded Donald Rasmussen of Beckley. Separately, together, the three doctors descended on coal towns, mining camps, union rallies, private gatherings, laying out the black lung problem, offering a solution, ripping into the coal companies along the way.

BUFF. Now, there is a genocide of a race of people, a genocide of a group of people, an occupational genocide that miners are being actually murdered by coal dust.

WARD. Going back to black lung, then, would it not be possible, as in the case of astronauts, to supply miners with a kind of fresh air system that they could carry with them, at least an oxygen mask?

BUFF. This is feasible. It would work. But the mask costs \$85 approximately. And the air costs three dollars a day. I have suggested this and met with very, very, very little success. Because I also suggested to the operators that they put in chemical toilets in the mines instead of spilling their debris on sites and walking around in an area that is full of human wastes. And there's also the problem of the human wastes drying and they breathe it in their lungs and get fungi infection and other types of infections which happen.

Now, the coal miner lives like a hog in there. The hog wouldn't even take that. I don't think he'd even stay. But the human being does. And I said, well, put in chemical toilets. You know the answer I got was this. Well, doctor, don't you know how much waste a person puts out a day? And I said, yes, two, and two and a half pounds. Suppose we had three hundred miners, then. Do you realize it would cost us a quarter a day to remove this waste? You think we can afford such a thing? How do you expect an industry that refuses to spend a quarter a day for sanitation to spend \$75 for a mask and three dollars a day for compressed air?

WARD. But as it turned out, the West Virginia miners cup of bitterness finally overflowed. Early this year, three to four thousand of them marched on the state legislature. For three weeks, the mines were shut, closed by a wildcat strike, and the fight to win recognition of and compensation for black lung. The miner had simply had enough. The battle was on.

MAN. Gentleman, the blame belongs on the shoulders of the state legislature. (Applause.)

The body, the elected body of the people who have deliberately sat on their hands in an effort to kill this legislation of humanity for our people in the state. (Applause.)

MAN. What we physicians want, basically, is to clean up the mines from dust. We don't want your children to be sacrificed for money. (Applause.)

SPEAKER OF THE HOUSE OF DELEGATES. The question is on the passage of the bill. All

those in favor of the bill will vote "Aye." Those opposed "No." (BELL) Has every member voted? Having voted in the affirmative, I declare the bill effective as of July 1, 1969. (Applause.)

MAN. The legislature has adjourned. There's no more weight that we can swing in Charleston. So I propose that we return to work tomorrow morning. (Shouts.)

WARD. So, perhaps because they were feeling their oats, the miners stayed out for still another day. But whatever, the West Virginia miner who went back to his job was not the same miner who three weeks before had walked off it.

MAN. The coal miner had been held down for a hundred years or more to nothing except just the barest level of recognition as human beings. And he has begun over up here to find it's somewhat like an evolution. He grows into becoming more civilized every year until he has come to a point of where he looks back over all of these atrocities that have held him down and till he has built to a position where he's in a state of revolt right now. He has listened to these politicians and the union leaders tell him that well, next year, next year, next year, next year until he's so tired of it that he's ready to actually pick up arms and fight if necessary.

WARD. But the victory over the state legislature did not leave all the battles won. Indeed, the circumstances of that victory have led some of the Charleston rebels into another battle. Curiously, with their own union.

ANNOUNCER. Second Sunday will continue after a ten-second pause for station identification. (Noise.)

ANNOUNCER. Again, "The Coal Miner—A Cry From the Depths." Here is Russ Ward.

WARD. Fairmont, West Virginia. The lift door opens. The bell rings all clear. And from three hundred feet down, the four to twelve shift is back above ground, on the way to check in their head lamps, shower off and go home. (Bell.)

There's a camaraderie here, a sense of experience shared and danger felt that has lent itself to a sly and irresponsible fiction—the fiction that come what may in the way of hardship, exploitation, pain, even death, the coal miner will somehow stay cheerful and stay cheerful because he's a fatalist. There was a time, perhaps, the miner himself contributed to this fiction but there is at least some evidence now that he is withdrawing his support. The march on Charleston occurred because the miners had passed the limit of their own considerable capacity to accept and endure. They felt their government had let them down, that their state had let them down and by some that their union had let them down, particularly in the matter of the march.

MAN. Now I can read you an article here out of the Mine Workers' Journal where it says—and I quote this verbatim now out of the United Mine Workers' Journal. It says, "The fact that the black lung bill passed at all was due to the legislative team appointed by United Mine Workers' president W. A. Boyle." Well, now, that's a lie. We had no support, no backing whatsoever from our international union. They wouldn't open their mouths. In fact, they told us before we ever struck, they told us we couldn't do that—that we'd start a violation of the law and a federal lawsuit, but we were within our rights because we have a health hazard clause in our contract. Well, if our union leaders had this clause in there, why didn't they know it? If a dumb, simple coal miner knew it, why didn't those educated people who are supposed to be our leaders know it? I'm talking about our leaders in the union now. Why didn't they know it? It was proven in court.

MAN. In September I said to the convention, I assured the convention, I guaranteed the convention that every coal mining district would get a copy of what we considered a model law to be introduced in each one

of the respective states where they mined coal.

WARD. The head of the United Mine Workers' Union, W. A. "Tony" Boyle.

W. A. "TONY" BOYLE. West Virginia, being one of the first states in session, we were there with our bill. We introduced it. And the bill was in there and, as a matter of fact, if you read the bill, the greatest proportion and preponderance of the law presently passed down there in Charleston is the Mine Workers'. Now, in Charleston, sure there's a certain group. There's always been a certain group—I said Charleston. I mean West Virginia. Certainly there's always been a certain group in West Virginia that's been opposed to the local arrangements in their respective areas or in most—in some instances opposed, we'll say, to John L. Lewis or the National Union. You find that in any organization. But the fact remains that the large majority of the coal miners in every one of these states knows that in their hearts that no one fought any harder for legislation for their protection than John L. Lewis and Tony Boyle have. I can go to sleep and that doesn't bother my conscience at night.

WARD. The question of how widespread is the opposition to Tony Boyle is a moot one, answerable only by how the West Virginia miner votes in the next UMW election. In the meantime, the so-called rebel miners have found a Congressional ally in Representative Ken Hechler, Democrat, West Virginia. In his criticism of Tony Boyle, Congressman Hechler is close to unsparing. He says the UMW is "in bed" with the industry. He wants a full-scale Congressional investigation of the UMW Welfare and Retirement Fund. And he charges that the UMW has not fought for safety in the coal mines. Congressman Hechler.

KEN HECHLER. Oh, the UMW leadership will talk very loud in public, you know, about what they're doing. They'll drag out the record of what they have said in the past, but when you come right down to it, they haven't really stood up to fight for and lead the parade for health and safety legislation that they should have. That's the great missing balance wheel in this whole sordid history of the treatment of the coal miner. The UMW top leadership has not stood up for the coal miners as they should have. They have supported high wages, but forgotten about health and safety.

WARD. Again, Boyle of the United Mine Workers.

BOYLE. The leadership of John Lewis, the leadership of Tony Boyle has been one recognized by the Congress of the United States in every administration, Republican and Democrat, as fighting for safety measures in coal mines ever since 1890. Those are the things that some of the membership that are distant and disgruntled because we haven't done enough on safety, know nothing about because they're out working in coal mines and no one has got the story over to them, I suppose.

WARD. Boyle on the question of safety, the coal mine operators, and whether in the mine production comes first.

BOYLE. I think that the coal operators of this country are—certainly I think they're dragging their feet. They've always been dragging their feet, and they've always opposed safety legislation in the past that would cause them to put profits, whether they say to the contrary notwithstanding, that they do not put profits ahead of safety; that may be true with an individual coal company here or there, that they're vitally concerned or vitally interested in safety and that they're thinking about safety before they are profits, but they're not kidding me. Because I believe that the coal operator is in a business to make money, and I think that they're making a profit, and they should be making a profit, but not at the expense of safety of coal miners.

WARD. John O'Leary, Director of the U.S. Bureau of Mines.

O'LEARY. The coal industry has used a good deal of ingenuity in the past twenty years to reduce the real cost of coal production in light of competition from other fuels and when you take a look at the industry the way it is today I think that experts are of the view that there are still substantial opportunities for cost reductions in the basic process. There are for example some pretty evident improvements in the machinery in a mine which would permit continuous miners to operate a higher percentage of the time. On average, on the basis of the sample that we have now, the large continuous miners operate about 28 percent of the total minutes in a shift. In other words, their capacity is substantially underutilized and if we could find low-cost techniques for connecting the continuous miner with the hauling system in a mine, there is an evident cost saving right there.

Now, those cost savings, it seems to me, are adequate to compensate or perhaps substantially more than compensate for the additional cost of safety. I don't want to mislead you on this now. Safety costs money. There's no two ways about it. On the other hand, it seems to me that the alternatives to that expenditure are simply not in the cards. The expenditure is going to have to be made and happily, we are in a circumstance here where we can actually make safety pay for itself to a degree by improvements in the overall system of extracting coal from a seam.

WARD. Pose the question of safety in the coal mine and you immediately draw the argument of who is or should be responsible for it. And even then, the argument is not confined to the upper levels of industry where government, company, and union leadership face each other across the polished conference tables of Washington. Indeed, it flourishes even in the dark and muddy passages of the mine itself. The safety issue as debated by a company foreman and a union miner.

MAN. I can't understand it when you try to enforce safety. They tell me you give the men a violation there, they want to strike.

MAN. No. The only way I have ever heard of a strike over safety is for it not to be corrected, is when they go to the safety committee and the company officials and ask them to correct it and if they don't, now this is something big, you know, something that's a hazard that they'll threaten a strike over. And if they go to squawkin' maybe too much, you know, applyin' too much pressure on 'em, then they put 'em doin' somethin' else. In other words, he'll put 'em doin' the dirtiest job there is.

MAN. Your supervisor, your foreman, like myself or any other foreman can turn his back and that's when a man breaks one of the safety rules. Then they get caught. One way or the other, they get caught by gettin' hurt. But a lot of people think that the foreman, they give him ten or fifteen or twenty men, and he's in charge of those men. Now, they think that you ought to go around and hold a hat over these guys' heads and keep this rock from fallin' on 'em. You can't do that. But when a man's got common horse sense, if he sees it's bad, he don't have to go out there. You can't make him go out there. The law provides that. If I make you go out in a bad place, you get killed, well, they can—well, they'll hang me.

MAN. I'd say that superintendent is definitely wrong, because all miners realize the hazards in going under the ground to start with. They know what their chances are of getting crippled up for life or even getting killed. They know how easy it is to get hurt in there. You can go to your safety man that the company has. Now, he has authority to fire a man if he catches him, you know, violating safety, which he won't. And you can ask him to correct it, and he still don't do nothing about it. That is, I'm not saying all of the mines are that way. But I have seen

this done and I have went to the section man myself over some of it. And go back the next day, and you see the very same thing practiced.

MAN. Every week, there's fifteen minutes of safety meetings on their own time now. The Eastern's paying for that. That costs them way up into thousands of dollars to have a fifteen-minute safety meeting. Every man employed has a meeting. Every Monday morning. You bring up those little things that happen. What can you do to prevent this or prevent that. That's brought up every Monday morning. Well, two or three days later, you come find they're back in the old swing, they're still doing the same thing. Safety meetings don't do no good. You're apt to see some guy over there eating a sandwich, two guys over here telling a joke, maybe the guy over here's half asleep, not paying attention. It's just time thrown away. So then they holler, well, of course, now, you can't say it's all the men and of course it's some of the supervisors just as bad. You can't have one unless you have the other.

MAN. Talking about safety, now I know up on the section I work at, well, we have a lot of water up on that section now. It's running now from the old works, you know, back down to where we're working at and the splices on the cables are smoking and you can cut your light off and you can see sparks flying from it. It's very weak, you know, coming through the splice of the tape. And now that's one thing that we hop on to 'em about.

MAN. He hollers about cable smoke in the mine. We do something about the cable smoke. The company provides stuff for the men to hang their cable up. They have nails for 'em to drive and to hang their cable up. Not to run over the cable. When you run over the cable, you're tearing it up. No, it takes too much time. It takes 'em about a minute. That's too much energy they waste, see. They don't want to do that. Just get off a shuttle car, walk around, hang it up. Get by the easy way.

MAN. But they won't give us time. They say, listen, go on to the face. I ain't told you to do this. You go on to the face and work or you get your bucket and go outside. Everything is in a mad rush. It's just like a rat race, in other words.

WARD. Ironically, Consol Mine, in the Mannington-Farmington area, was known as a clean mine, a safe mine, managed by a company whose safety practices had won the endorsement of government and union alike. So to the coal miners' charge that the owners in general want production first and safety after, this reply from the president of Pittsburgh Consolidation Coal, John Corcoran.

JOHN CORCORAN. Our safety record in 1967, and I use that year because it's the last full year for which we have national statistics, in 1967 the industry accident frequency record was 41. That's not very good. Our company record was 12. And the record for all manufacturing was 14. Now, this proves rather clearly that if a company does have a competent safety program, a coal company, it can develop a safety record that is even better than that of manufacturing generally. We spend a great deal of money in training and educating our men in safety practices. Last year alone, we spent about a million and a half dollars solely in training and educating our miners in safety methods and safety practices. Now, in addition to the programs on training and education, we spend a great deal of money in various safety procedures in the mine, thoroughly rock-dusting our mines, putting in all kinds of roof supports to try to insure against roof-fall accidents. Again, I could go through a list of, multitude of things that are done. I think the best demonstration of how thoroughly a job we try to do is the fact that we spend about fifty cents a ton on nothing more than trying to put in the kinds of equipment, the kinds of facilities, and the

procedures that will hopefully insure safe mining practices.

WARD. But in all candor, it must be said that not all members of the National Coal Association hunger and thirst for reform in the mines. Assuredly, there are mines that are safety-conscious, and assuredly there are mines that are not. So is it a question, then, not only of rules and standards but also one of enforcement? Again, Congressman Hechler.

KEN HECHLER. I think what you're going to have is a real will to safety on the part of both the coal operators and the United Mine Workers' top leadership, and an aggressive, cooperative effort on the part of everybody concerned. All too frequently, I think the coal operators sort of react like a person taking a high school examination when the inspectors come in. They get things all ready and cram for it, and then once the inspector has left, it's sort of like a person who has finished an examination. They say, okay, now we can forget that subject until the next exam or next inspection, you see. And as a result of this, there isn't a constant will to safety as being the most important single goal in the mines. The emphasis has been on production up to now. Production, production, production. The foreman holds his stop watch, the teams of miners are encouraged to compete to try to produce more, but nobody really comes down hard and says, are you thinking about safety today, and what have you done about it and how are you protecting the individual human beings?

WARD. Obviously, then, the coal mine has never been the consistent target of aggressive legislation, decent reform laws of the type that would have made unnecessary much of what we have heard tonight. Now, though, with Mannington-Farmington in mind and the coal fields astray, the proposed tougher legislation stands a chance—higher standards of safety, sterner enforcement, harsher penalties for the offender. John O'Leary.

O'LEARY. I think the whole safety consciousness of the mining community has been aroused, as witness the events in West Virginia that have just culminated in the passage by the West Virginia legislature of some pneumoconiosis legislation. But I think that there's a major change in the attitude of the individual workers in the mine that's a very, very necessary step to coming to grips with this problem. After all, their lives are on the line every day. It's easy for the instant expert in Washington to theorize on how it should be done, but the people are in there day in and day out, they live with the problem, and to the extent that they in effect permit management to get away with bad practices or contribute to those bad practices themselves, they're living with a hazard.

When they become alert to it, when they become aroused by it and above all, when they find there is something they can do about it, and I think they're finding that now, that attitude changes. That attitude of fatalism that's been one of the negative influences on the safety record of this industry show to him one way or the other that he has some options, that he is, to a degree at least, the master of his own fate and I think that that has been amply demonstrated here recently and the West Virginia situation is a very clear example of that. He is not fatalistic with regard to the condition of his lungs. He went out statewide for two weeks on strike because he didn't like the statutory setup. He didn't like the degree of protection that was accorded him. And I think that once the miner begins to feel he can influence the situation, that he will become about like the rest of us. Remember, the first rule for all of us is survival. The miner may be fatalistic, but above all he's a human being, and he wants to survive.

WARD. But there remains the problem of the human factor. Mr. Hechler.

KEN HECHLER. You've got to have a complete reorientation of the thinking on the part of both the coal operators and the top UMW leadership as well as the men themselves. There are many, many examples of this. One miner up in Morgantown who still has his arm in a sling as the result of a compound fracture, said, "I didn't mind so much being hurt, but when I was layin' there in a stretcher and the operator, company operator came along and he passed right by me, he didn't even say that he was sorry that this had happened to me." I think it's terrible what happened to some of the widows at Farmington, who said that the only way that they found out that their husbands were trapped down there in the mine was the company called later in the day, not to express any sympathy or to express hope of what they could or should do, but rather to simply ask the question, "Was your husband working last night on the cat-eye shift?" and hung up and made it a very, rather crude way to inform a potential widow of exactly what happened. The relationship here is not a very personal or human one. There doesn't seem to be a feeling of equality on the part of the coal miner and those at the company level. They're treated as cogs in a great production machine.

WARD. The president of the Bituminous Coal Operators Association, George Judy.

GEORGE JUDY. Oh, I think that all the coal companies have a real concern for their employees. After all, our employees, I think, are our greatest assets. And we have to take care of these employees, we have to look after their well-being and safety and I just don't see how anyone can say that the coal companies have little or no concern for the welfare of the men.

WARD. And John Corcoran, Pittsburgh Consolidation.

CORCORAN. I think one of the problems here is the fact that the coal industry is such a fragmented one. We have some 5100 companies operating 5900 coal mines. Now, I haven't any doubts that when you look at the industry as a whole, there are many of these miners who move from mine to mine and therefore are moving from company to company very quickly and very rapidly. And I can readily see that in those circumstances a man would not develop any great close feeling to the company for which he happened to be working temporarily. But I feel that in our own company and companies like ours, we do have a much better relation with our men.

I hasten to add that in this area we all have more to do, which is the same in many other areas today, and that is sometimes we just don't seem to be able to communicate as well as we'd like to. I'd like to think that we could develop a better relationship among our employees and certainly it's going to be one of my objectives to try to instill that same feeling into all of our people. They should be aware of the fact that we are trying to do everything we can in the area of safety, and we are spending a lot of money on research and we are trying to make these mines as safe as we know how to make them. And in this respect, certainly, our objectives and that of the men working in the mines are exactly the same. And therefore, we should have a feeling of closer relationship in achieving this objective.

(Music)

WOMAN (singing):
"The birds are gaily singing
Up on the mountain high.
So tell my dear old mother
I'll meet her up in the sky.
Shut up in the mines of Cold Creek,
And I know I'm about to die.
Go tell my mother's friends
I'll meet them up in the sky."

WARD. Significantly, this kind of music is acquiring in West Virginia today the quality of quaintness. It is no longer that close to the people, because, whatever the forces that have worked against it, the twentieth century is managing to fight its way into those distant coal fields. There is more radio, more television, more houses, and more supermarkets. There is less company housing, and even some company stores are being phased out. And although the accidents and the dangers and the deaths continue, there is a change, too, in the miner. He knows more, he wants more, and he hopes to get it by mining coal. And in this, he is right. Because coal is a growing industry. Production is up. Carloadings are up. Sales are up. And domestic and foreign markets are expanding. So we know the industry is not dying. It is only the miner who is doing that. Russ Ward, NBC News.

(Music)

WOMAN (singing):
"The birds are gaily singing
Up on the mountain high.
Go tell my dear old mother
I'll meet her up in the sky.
Shut up in the mines of Cold Creek
I know I'm about to die
So tell my mother's friends
I'll meet them up in the sky."

(Music)

ANNOUNCER. This has been Second Sunday, "The Coal Miner—A Cry from the Depths." Directed by Robert Sosman. Technical supervision, Raphael Weiss. Field correspondents, Peter Hackes in Washington; Merrill Pollis and George Hickey of Station WJAS in Pittsburgh. Your announcer has been Arthur Gary. This has been a production of NBC News.

THE PHONY WAR AGAINST INFLATION

The SPEAKER pro tempore (Mr. DORN). Under previous order of the House, the gentleman from Wisconsin (Mr. REUSS) is recognized for 60 minutes.

Mr. REUSS. Mr. Speaker, the administration has declared war on inflation. It is a just war, what with the 5-percent increase in the consumer price index in the last year, and the 3-percent increase in the wholesale price index.

I wish the war would succeed. But unfortunately, it is not being seriously fought, and I am afraid it will not succeed. Until it is effectively fought, we are going to continue to have inflation.

The ingredients in the administration's war against inflation are three:

First. Continuing the surtax after next June 30 for another year, to yield \$9 billion.

Second. Modest cuts in spending, apparently most of them on the nondefense side of the budget. This is so because Secretary of Defense Laird's budget cutting exercise has so far resulted in a cut of only \$1.1 billion out of the enormous \$80 billion defense budget. Significantly, virtually all of this cut is in the area of bombs and artillery shells for Vietnam, leaving the Pentagon free to come back next January for a supplemental appropriation if their optimistic projections about the level of fighting are not borne out. There has still been no cutback in the enormously expensive new weapons systems the Pentagon has waiting in the wings. From what we see portended, therefore, most of the cuts will come out of Health, Education, and

Welfare—\$1.2 billion—and Social Security—\$1 billion.

Third. Moderately tight money. The Fed so far this year has been creating money at approximately the rate of 2 percent a year—just about what the Joint Economic Committee has recommended. Though it recently raised bank reserve requirements, the potential restrictiveness of this move will be at least partially vitiated by a somewhat more expansive open market purchase of securities by the Fed. At least, I hope that the Fed will negate some of the effect of its increased reserve requirements by added open market purchases. Unless it does so—at a rate consistent with a slow and steady 2-percent increase in the money supply—it could well throw us into a recession.

I see little reason for believing that this combination—a continued surtax, modest expenditure cuts mostly elsewhere than in defense, and reasonably tight money—will work. We have had the surtax since last summer. It has not markedly chilled consumer expenditures, probably because consumers saw fit to spend a percentage point or so more of their after-tax income following the surtax. And Government expenditures, fueled by Pentagon spending, have shown no appreciable decline.

As I shall demonstrate, these largely meat-ax methods are not likely by themselves to come to grips with the inflation we are actually suffering. Indeed, not only are they not likely by themselves markedly to reduce inflation; they will produce—judging by the administration's own admissions before the Joint Economic Committee earlier this year—up to 500,000 new unemployed by the end of this year who would have had jobs but for the slowdown of growth which is the aim of the administration's program. The Council of Economic Advisers conceded a probable rise in unemployment this year from 3.3 percent at the beginning of the year to 3.9 percent at the end. Administration witnesses were not able to answer the Joint Economic Committee when we asserted that, if this is what was going to happen, it would result in 400,000 or 500,000 unemployed.

I should have thought that the wise way to fight demand inflation, Mr. Speaker, was to concentrate on reducing excess demand, and to avoid throwing men out of jobs by stepping up structural ghetto-oriented manpower programs. With our manufacturing establishment currently operating at only 84 percent of its plant capacity, it seems to me shortsighted economics to contemplate throwing away half a million jobs. Yet that is precisely what the administration seems bent on doing.

Thus the administration's program has a considerable potential for doing harm by causing unemployment.

But the tragic thing is that it is not going to do much about dampening inflation, either. Let us look at where the inflationary pressures in the economy actually are. If you look at the consumer price index and the wholesale price index, you come up with about five such major pressure spots:

First. Defense spending: This is the

greatest single inflationary factor—greatest not only in its enormous amount and in its unthinking disregard of bottlenecks, but in the fact that it produces no useful good which can be used to sop up the purchasing power created by the act of producing defense goods. Surely our swelling military hardware program is at the core of our inflation. To talk about penny-ante cuts in welfare programs is silly when the place where major cuts could be made without diminishing our real security lies in the military.

Second. Business equipment spending: Whereas the wholesale price index is up 9 percent in the last 10 years, the indexes which most closely reflect business capital equipment spending are up by a much greater amount. Metals are up by 13 percent, machinery and equipment by 17 percent. These two are at the top of the wholesale index list, primarily because of the Government-induced inflationary boom in capital equipment spending by business, as a result of the continued 7-percent investment tax credit. Business capital expenditures will reach a total of some \$73 billion this year, up a whopping 14 percent over last year's recordbreaking total. The administration with one breath announces that it must stop excessive business equipment investment by tightening money—which is then done with a vengeance. With the next breath, it deliberately creates an incentive for excessive business equipment investment by continuing the investment tax credit. How silly can you get?

Third. Home mortgage interest rates: The consumer price index has gone up overall by 23 percent since 1959. Expenses of homeownership, however, have gone up by 34 percent. And this is largely because of soaring interest rates, now at their highest level in a hundred years. Interest rates for homeownership, in turn, are as high as they are largely because of the extraordinary siphoning off of the Nation's credit resources to business investment which, as I have pointed out, is induced by our present tax policy largely through the 7-percent investment tax credit. The Federal Reserve, if it continues to create money at a modest rate of around 2 percent a year, cannot avoid contributing to the high interest rates which now make homeownership so expensive as to all but price it out of the market. Its task becomes almost impossible because of the 7-percent investment tax credit.

Fourth. Medical care: This is now 49 percent above what it cost 10 years ago. Here we are now reaping the whirlwind of a monopolistic situation in the health profession. But prolonging the surtax is not going to reduce medical costs. People are going to have to pay for medical care even if they are taxed more. What will break the medical care logjam is a long delayed Federal program of seeing that we have adequate schools for medical and other health professionals, so as to eliminate the present severe shortage on the supply side in the health field.

Fifth. Lumber: Prices of lumber and lumber products have skyrocketed, par-

ticularly in the last year. At the same time, profits in the lumber industry have increased, by almost 100 percent. Basically, this is the result of poor national planning in recent years. Our timber resources and cuts are simply not adequate for both present domestic and foreign consumption. Short-term remedies include increasing allowable cuts without jeopardizing sound forest practices, and temporarily reducing the level of our lumber exports. HUD Secretary Romney recently appealed to the lumber industry to exercise restraint in its price increases. The appeal was well intended, but is not likely to have much effect in the absence of wage-price guideposts.

A real war on inflation would involve the following steps:

First. The administration should adopt a goal of ending inflation, instead of just about giving up and accepting another 3.5 percent increase this year. As the Joint Economic Committee said in its annual report of April 2, 1969:

The rise in prices of 3½ percent, as projected and accepted by the Council, is both inconsistent with the Employment Act and intolerable, for it not only damages the retired and others on relatively fixed incomes but it robs millions of workers of the purchasing power of their wages, and everyone of the value of his savings.

Second. Achieve an adequate surplus. No war on inflation can succeed if the Government itself is so irresponsible as to permit the budget to go again into a substantial deficit at high employment levels. This, manifestly, would be very inflationary and would make the task of monetary and other policies virtually unmanageable. Actions on expenditure and taxes this year must be guided by the overriding necessity to achieve a significant budget surplus. As the joint Economic Committee said in its annual report:

The momentum of inflation and evidences of economic strength, despite monetary and fiscal actions of the past year, indicate the need for fiscal restraint in the year ahead—indeed, the budgetary surplus for fiscal year 1970 should be larger than the \$3.4 billion estimated in the January Budget.

Excessive demands for credit which have been driving interest to unparalleled heights, and the inflationary rate of expenditures for business investment, are evidences of an excessive tendency toward investment at the expense of savings. The Federal Government can make a distinct contribution toward quieting the speculative inflationary fever by increasing the national rate of savings via achievement of a significant budget surplus.

Third. Military expenditures should be substantially cut. But the administration's proposed budget cuts are lopsidedly in the nondefense area—almost \$3 billion as opposed to \$1.1 billion in defense. As the Joint Economic Committee said in its April 2, 1969, report:

The largest segment of the Federal budget is that devoted to national defense expenditures. These outlays should especially be subject to expenditure analysis and control. So far, at least, we are not realizing substantial reductions in national defense spending, though there continues, of course, to be the

hope that reduced outlays for Vietnam will be achieved as the year advances. To complicate the issue, costly military proposals are being made for improvements in our strategic forces, modernization of the tactical air force, other increased research and development efforts, and introduction of an ABM system. The potential adverse effect of adding to the non-Viet Nam outlays for defense is substantial. Thus the Administration and the Congress should search out and reduce defense programs and commitments of lower priority or those that have outlived their usefulness. This will not be easy but should be pursued vigorously.

Fourth. Wage-price guideposts should be restored. As the Joint Economic Committee said on April 2, 1969:

This committee, as it has for a number of years, strongly advocates the development of an effective, realistic, and definite set of wage-price guidelines. We also advocate the establishment of a special office at a high level in the administration to assemble and analyze information on a comprehensive and fair basis in order to apply these guidelines to important industries.

Fifth. Those tax loopholes which cause inflation should be repealed forthwith. Foremost among them is the 7-percent investment tax credit, which contributes both to the inflation in the capital equipment industry and to the inflationary overdemand on scarce credit supplies. As the Joint Economic Committee said on April 2, 1969:

First priority in tax reform should be given to repeal of the 7 percent investment tax credit as a significant step toward reducing inflation.

Other loopholes which are directly inflationary and should be promptly plugged are the hobby farms loophole, which bids up the price of farmland, and the accelerated depreciation provision, which causes speculative price rises in urban real estate. Other loopholes whose inflationary impact is less direct—the oil depletion allowance, the abuse of the capital gains provision, tax-exempt local securities, for example—should likewise be closed, if only to serve as an answer to the taxpayer's revolt.

Despite much talk of a tax reform message by the administration any day now, if press hints of what it may contain are to be believed, it will be more of a mouse than a lion. Major loopholes—the oil depletion allowance, the investment tax credit, capital gains at death, tax-exempt bonds—will be largely untouched. Instead, affluent loophole-enjoyers will be charged a small hunting or license or users fee for enjoying the loophole. New loopholes, known as tax incentives for businesses will be introduced, thus removing further areas from congressional annual budgetary control. New revenue raising for the fiscal year starting June 30 will be close to zero.

Sixth. Interest rates should be brought down. As the Joint Economic Committee said in its annual report of April 2, 1969:

Should inflationary pressures worsen, we advocate strongly that purchasing power be siphoned off through increased taxes and the resulting surplus applied to reduction of the national debt. We oppose any further increase in our already excessive interest rates and urge their reduction to a level that is less dislocative and harmful to our economy."

This is an admonition, let me make it clear, not that the Federal Reserve System bring interest rates down by creating new money at an excessive rate, but instead that we lower interest rates generally by removing from the demand side of the credit equation the swollen demand for business equipment spending engendered by the 7 percent investment tax credit.

Lower interest rates will help three elements of the economy that need help—the homebuilding industry, State and local government, and small business. If repeal of the investment tax credit does not by itself product sufficiently lower overall interest rates, consideration should be given to direct controls over credit. The Nation used this power over consumer credit by raising the down payment and shortening the payoff period on purchases of certain consumer durable goods, in the early 1950's, during the Korean inflationary period, with considerable success. We should be ready to employ consumer credit controls again rather than see interest rates rise out of sight.

When you look at the kind of program needed to win the war against inflation, you come to the reluctant conclusion that the administration's choice of anti-inflationary weapons is just not going to do the job. Indeed, a war that begins by postulating a 3.5 percent rate of inflation this year concedes defeat before it starts.

Perhaps the saddest aspect of the phony war on inflation is that the administration committed itself before election against doing anything very meaningful about inflation. This was clearly shown in just one day of Mr. Nixon's campaign last fall. On November 1, Mr. Nixon campaigned through Texas. Under the heading "Nixon Pledges Support to Top Texas Ventures," the Los Angeles Times described the day's activities:

Richard M. Nixon jet hopped Friday across President Johnson's home state promising to support ventures dear to Texas ears. Trying hard to win the 25 Texas electoral votes, Nixon promised in stops at Ft. Worth, Lubbock and San Antonio that he would:

Retain the F-111, the controversial swing-wing fighter conceived under the Kennedy Administration, which is produced in its Air Force version at the General Dynamics Corp. plant in Ft. Worth.

See to it that a "fair shake" is given U.S. farmers and textile producers in secret trade negotiations with foreign countries.

Recognize that government, rather than private enterprise, is better qualified to handle great projects like the \$1 billion Trinity River Project that could open Ft. Worth to oceangoing ships. The project has been authorized by Congress, but funds have not been appropriated.

Stand firm by his commitment to support the 27½ percent oil depletion allowance that is built into the Internal Revenue Code as an inducement for oil production but that is a constant target for tax reformers.

Here, in one swoop, Mr. Nixon promised to continue one of the military's most expensive and wasteful aircraft ventures; to see that U.S. food and textile producers are protected against foreign competition that might lower their domestic prices; to back the \$1 billion

Trinity River project by the Corps of Engineers—a project that some say would be less costly if Fort Worth were made an ocean port by moving it bodily down to the sea; and to avoid tampering with the present oil depletion allowance, thus passing up a leading opportunity of increasing Federal revenues and balancing the budget.

November 1 was a day the Nation will long remember. And there were, unfortunately, many like it.

The administration has made clear that it is not meaningfully going to cut military and military-related expenditures; that it rejects wage-price guideposts; that it has no intention of repealing the system of tax loopholes, ranging from the investment tax credit to the oil depletion allowance. The administration has thus unilaterally disarmed itself before the war against inflation has begun.

My complaint is nonpartisan. But it is no answer to the absence of a real war on inflation today that it was the Democrats who allowed the wage-price guideposts to atrophy, who enacted the investment tax credit, who have let the tax loopholes go unplugged for years, who have enormously increased military spending.

Nothing could please me more than to help President Nixon turn the phony war against inflation into a real war. There are enough of us on the Democratic side who feel as I do, to give him a clear majority if he should decide that we are really going to wage a war against inflation.

MORTON ATTACKS APATHY IN CHESAPEAKE BAY DEVELOPMENT

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Maryland (Mr. MORTON) is recognized for 30 minutes.

Mr. MORTON. Mr. Speaker, before us today is another bill, which I support, aimed at controlling pollution of our water resources. The measure authorizes new weapons—in the form of funds, demonstration projects, and educational programs—to be used in our fight against this encroachment on our environment.

We can see the vital need for acts of this nature when we consider the impact of pollution on a specific body of water. For this reason, Mr. Speaker, I would like to speak at this time on a matter of grave economic and environmental importance to this Nation. This is the rapidly accelerating deterioration of Chesapeake Bay, the largest, possibly the most magnificent, and certainly the most productive estuarine area in the United States.

Mr. Speaker, let me hasten to say I am indebted to many people who are dedicated to the proposition of conserving our environment, and particularly to saving this magnificent bay and its system of watersheds.

We have been guilty of an almost criminal neglect in allowing urban and technological pressures to stalk virtually unchecked through the estuarine environment. Pollution is steadily, silently winning its fight against society. Its arsenal

consists of ignorance, temporizing, and apathy—simple weapons which man effectively uses against himself.

If the Chesapeake Bay water resource planning and concomitant action are to be more than a frantic race to catch up with the present, immediate action must be forthcoming. A study of wide scope is urgently needed to develop a comprehensive plan to set forth an effective and rational program of management for the Chesapeake Bay. The Corps of Engineers has been authorized to make this study; the problem has been that the funds have not been appropriated.

The Chesapeake Bay, situated as it is in a rapidly expanding industrial and urban complex, is as vulnerable to the adverse effects of the works of man as any other estuarine system in the world. In order to save it, we must institute a sound program based on a firm foundation of an expanding estuarine and watershed management technology.

The problems that are emerging today forecast the magnitude and complexity of problems expected in the future. In 1960, the 64,000-square-mile drainage basin was the recipient of the waste products of an estimated 11 million people.

This population will grow to approximately 17 million by 1990 and is projected at 30 million in 2020.

The increasing nutrient and chemical loads in the bay system is a problem of great concern. One appalling source of this is the District of Columbia sewerage system. After final treatment, it discharges some 8 million pounds of phosphorus and 25 million pounds of nitrates into the Potomac River annually. Unless tertiary treatment facilities are provided, the above numbers can be expected to double within the next 25 years. An excess of chemical nutrients frequently leads to explosive blooms of algae and to increased growth of noxious aquatic weeds which triggers other problems. These noxious weeds tend to trap silt, potentially causing a shoaling problem. Small boats are inoperable in areas heavily infested by weeds. Further, weeds affect the recreational and esthetic uses of the waterways. If nutrient discharges are excluded from a flowing nontidal river, the river in time will revert to its natural state. But, the damage done to the estuary by excess nutrients is virtually irreversible because of the continuous recycling of the nutrients.

It is generally believed that the present trend toward more intensive urban development in the United States, and in nearly all other nations, will persist at least through the end of this century. Problems associated with water resources management in urban areas have become both acute and complex. As this development moves along the tributaries of the bay system, we shall see radical changes as more and more agricultural and forest lands are replaced by streets and roofs.

Urban construction skins the earth's surface and can increase sediment yield a thousandfold. These sediments enter the bay and smother bottom-dwelling organisms and create esthetically objectionable conditions. Over the centuries,

shore and bank erosion have removed much fine agricultural land, in fact a number of islands in the bay have completely disappeared.

Urban development tends to increase runoff, which, in turn, lowers the groundwater table. Depending on the extent of development, this can cause a measurable decrease in base flows during drought periods, which can have a significant effect on salinity values in the tributaries.

Growth in impervious areas increases both the magnitude and frequency of flooding, which can have a decided effect on water quality in the estuarine environment.

Rapidly expanding electrical power requirements and the resulting demand for larger powerplants are requiring use of large volumes of estuarine water for cooling purposes. One proposed plant on Chesapeake Bay will use about 1 million gallons of water per minute for cooling, with a rise of 10 to 12 degrees Fahrenheit in water temperatures. The exact effects of heat on many estuarine species is not well known, but this problem is being studied by a number of scientific and educational institutions.

The States of Maryland and Virginia have no technically reliable system to evaluate the effect of thermal loads on specific bay areas. On the other hand, some public utility companies have spent considerable sums on the construction of hydraulic models in an effort to estimate the effects of thermal electric plants on aquatic environments.

The protection of aquatic life from adverse water quality factors is much more complicated in the estuary because of its diversity of life and the fragile nature of its ecological interrelationships. The subtly shifting estuarine equilibrium can easily move toward ecological disaster through neglect or mismanagement. A grave example of our lack of understanding of ecological balance occurred in Virginia in 1966, when the oyster crop was virtually destroyed by *Michinia nelsoni*—MSX. A better knowledge of the basin system might have minimized the spread of this oyster-killing fungus.

Accelerated urban development, an increasing amount of leisure time, and a generally expanding level of personal income have created a great demand for water-based recreation in the bay area. Conversely, and ironically, the industrial and economic base of the prosperity that generated the demand also threatens to destroy the existing recreation potential by its deleterious effect on the water quality upon which water-based recreation depends.

There are other significant threats to the Chesapeake Bay environment. These include both inter- and intra-basin diversions of fresh water inflows. Current examples are first, the deepening of the Chesapeake and Delaware Canal, which will increase the net amount of water flowing from the head of Chesapeake Bay into Delaware Bay from about 900 cubic feet per second to about 3,000 cubic feet per second; and second, the Baltimore water supply tunnel, which taps the Susquehanna River above Conowingo Dam. Fresh water diversions can alter the salinity regime of the headwaters of the

bay, affecting the spawning of many species of fish.

Many estuarine areas have been subject to the gradual destruction of wetlands through filling for urban development. The once productive San Francisco Bay has been reduced by approximately one-third through land reclamation operations. Wetlands, now recognized as "powerful biological engines," produce many of the organic nutrients so necessary for the maintenance of the estuarine ecological system. The extensive, well-established Chesapeake Bay wetlands must be protected, now, from shortsighted land-use patterns.

The great size of Chesapeake Bay, its little understood physical, chemical, and biological parameters, and the effect which rapidly increasing population and urban-industrial development have on the estuary make necessary for the preservation of the rare body of water, a specialized study. Realizing this, the Congress directed, in section 312 of the River and Harbor Act of 1965, that a complete study of Chesapeake Bay be made by the Corps of Engineers, and that, as a part of this study, a hydraulic model of Chesapeake Bay be constructed in the State of Maryland.

The Corps of Engineers, with the advice and support of many Federal agencies, the States concerned with Chesapeake Bay, and a number of educational institutions of outstanding competence in bay-oriented research, has prepared preliminary plans for this authorized study of Chesapeake Bay.

These plans take cognizance of the extreme complexity and reaction potential within the bay to the man-environment, and well note that no single political or social entity can have the requisite personnel, equipment, and technical know-how to accomplish the many specialized studies needed for such a comprehensive investigation.

Fortunately, the required expertise does exist among the many agencies which historically have been responsible for certain features of water resource development.

The proposed Chesapeake Bay study is a comprehensive estuarine study. It is multidisciplinary in scope, encompassing the engineering as well as the physical, biological, and social sciences. The study is being managed by the district engineer, Baltimore, Md., whose staff is experienced in managing resource development studies of a size comparable to the magnitude of the Chesapeake Bay study. Comprehensive planning experience in many disciplines has been developed and strengthened over time by intense involvement in diverse studies.

But on the whole, this effort is not moving forward to the degree it should, because of lack of funds. This indicates to me that the importance and survival of this great estuary as a biological, productive entity has not been considered in its relative urgency.

The specific objectives of this study are to:

First. Make a complete investigation and study of water utilization of the Chesapeake Bay Basin.

Second. Formulate a long term sound water-land management plan for the development and use of the bay area's resources, with special attention to improving the economic and social well-being of the people of the Chesapeake Bay area.

Third. Define an early action program, setting forth those elements which require prompt execution in order to: first, prevent deterioration of the bay's resources and environment, and second, meet present needs.

Fourth. Make recommendations for carrying out the plans and programs, including institutional arrangements, cost sharing, and management of the bay's resources.

It is intended, further, that the study develop a mechanism by which the plan recommended for optimum development of the area can be subject to review and revision as changing conditions require.

A major difficulty confronting the formulation of a rational plan of management is a serious lack of quantitative data. Never has an adequate inventory of the bay resource been attempted. Little quantitative data are available concerning the physical, chemical, and biological characteristics of the bay and the capacity of the bay to support its own natural functions as well as the diverse and often destructive activities of man. This serious lack of perspective of the bay environment in its present uneasy relationship with a rapidly expanding urbanized environment is probably the most dangerous existing threat to the bay system.

A logical plan of study directed toward development of a comprehensive plan must include many parameters because, for whatever purpose the bay is used, such use affects all other purposes. There is a need for a coordinated management approach to developing and preserving the resources of the system. Although the States of the bay area support a number of progressive agencies which have regulatory and management functions in Chesapeake Bay, there is no single agency that is actively engaged in an overall multistate planning effort directed toward the maintenance, enhancement, and rational utilization of the bay resources.

This complete study of water utilization and control, involving the largest estuary in the Nation and its spectrum of complex problems, is expected to yield significant knowledge of many important physical, chemical, biological, and social phenomena of importance not only to Chesapeake Bay, but to other estuarine areas. This study undoubtedly will improve the environmentalist's ability to estimate the effect of man's works on estuarine ecology, based on the development of a methodology to determine realistically the carrying capacity of these important resources.

As a part of the Chesapeake Bay resource study, a hydraulic model of Chesapeake Bay, together with a technical center for bay studies, is planned for construction at Matapeake, Md.

Thus far, the research activities which have been completed and those in progress, have established the Chesapeake

Bay region as a world center for estuarine research. However, as work has progressed, it has become readily apparent that a jump in basic and applied engineering research capability is necessary.

Currently available investigative and analytical techniques have provided much valuable assistance in determining the gross physical operating characteristics of the bay system. However, the time is past when unilateral problem solutions based on judgment, available but inadequate technology, and reconnaissance type data are of use to the Chesapeake Bay community.

The hydraulic model of Chesapeake Bay will provide the necessary steps to the scientific and engineering problem solutions so urgently required now.

Most of the problems confronting the Chesapeake Bay are not and cannot be subject to rigorous mathematical analysis. The hydraulic model is an absolute necessity for continuing the economic, scientific and engineering study for the preservation of the bay.

Some of the important uses of the model are:

First. Determination of the salinity distribution in the bay system, and how it is affected by both natural events and the works of man.

Second. Determination of the mechanics of estuary flushing, the characteristics of waste dispersion, and the potential waste assimilation capacity of the bay.

Third. Location and evaluation of erosion and sedimentation problems.

Fourth. By analogy, the effects of certain processes, both of nature and of man, on some biological characteristics of the bay.

Fifth. Determination of least hazardous site location for underwater outfalls, thermal power station, and so forth.

At the request of the House Appropriations Committee a reanalysis of the study was completed during fiscal year 1969. The revised cost estimate for the Chesapeake Bay resource study is approximately \$15 million.

A conservative estimate of the combined yearly value of both the commercial and the sport fishery of Chesapeake Bay is \$100 million. If we were to capitalize the fishing industry at \$100 million a year at 4½-percent interest for 50 years, we would arrive at the astronomical sum of \$18.6 billion. The total cost of the proposed Chesapeake Bay resource study is less than one-tenth of 1 percent of \$18.6 billion.

It must be remembered that the fishery resource of Chesapeake Bay represents only a small portion of the total value of the bay.

Process, procedure, and habit have been developed and applied for so long without thought to actual or potential impact on our environment, that many areas have already been reduced to an intolerable pollutional morass. This is doubly tragic as the technology to study and abate has been readily available. We cannot allow ourselves to be reduced to a state of self-pity, and possibly self-destruction. We must use our technical and scientific resources.

It is imperative that lead time on Ches-

apeake Bay be generated before we are forced into agreement and action by catastrophe. We simply must assume the responsibility to make this important study, develop rational management schemes, establish a viable management mechanism, and bring to a halt the steadily increasing deterioration of the bay resource.

It is impossible to overemphasize the fact that, as the quality of the environment deteriorates, so does the quality of life. We must stop fouling our nest, for at the very least, it will soon become uninhabitable, and at the very most, non-existent.

Recognizing the problems, and lip service to them, is no longer enough. Action is the only answer.

DISPOSAL OF RIGHTS IN INDIAN TRIBAL LANDS WITHOUT TRIBAL CONSENT

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

Mr. MOSS. Mr. Speaker, I am today introducing a bill to protect Indian tribes from involuntary alienations of interests in their lands by the Secretary of the Interior or other Federal officers.

This late in the 20th century, it probably surprises many Members of this House, as well as the public, that the Secretary of the Interior may still have power to grant away Indian property without the Indians' consent.

The Indian Reorganization Act of 1934 empowers tribes organized under its provisions "to prevent the sale, disposition, lease, or encumbrance of tribal lands, interests in lands, or other tribal assets without the consent of the tribe." Similar provisions are contained in the Oklahoma Indian Welfare Act of 1936. Hence, tribes organized under these acts have a guarantee from Congress that rights-of-way will not be granted, or other interests in their lands alienated, without their own consent. Tribes which did not organize under either of those acts have no such statutory guarantee.

The Indian Reorganization Act allowed the tribes 2 years within which to choose whether or not to come under its provisions. Because of various restrictions imposed by the act, many tribes voted to stay out. Today the tribes which did not organize under either that act or the Oklahoma Indian Welfare Act, have more members than those who did, and own more land.

Whether the tribe came in or stayed out of the Reorganization Act has nothing to do with the current effectiveness of its organization or its present-day ability to manage its own property. For example, some of the Pueblos of New Mexico have highly organized village governments, maintained on traditional lines since long before the Indian Reorganization Act was even proposed. Some other tribes adopted constitutions under the act, but developed little or no organization except on paper. The largest American Indian tribe, the Navajo, with more land, more citizens, and a more elaborate government than several of

the territories, operates entirely outside the Reorganization Act.

Despite the fact that only tribes under the Indian Reorganization Act or Oklahoma Indian Welfare Act have a statutory guarantee against such action, the Department of the Interior has not, in fact, granted a right-of-way over any Indian tribe's lands without its consent for many years. And since 1951 a departmental regulation has required consent from all land-owning tribes alike, whether or not they are organized under one of the acts. The Department by its long continued practice has acknowledged the obvious fact that the tribes outside the acts are just as progressive and just as well able to look after their own interests as those under them.

On April 4, 1967, the Interior Department published a proposed new regulation which would have abolished the consent requirement wherever it is not commanded by statute. That is, it would have taken away the right of the tribes not organized under the Indian Reorganization Act or the Oklahoma Indian Welfare Act to veto unwanted rights-of-way across their lands.

The Secretary of the Interior admitted that this radical and retrograde proposal was drafted with the situation of the Navajo Tribe in mind, because that tribe, a few years ago, was unwilling to consent promptly to rights-of-way for a certain power project on its lands. Eventually the disagreement was settled amicably, and the consent given. Nevertheless, to prevent recurrence of similar disputes, not rare in the business world, the Department proposed to strip all non-IRA tribes of their power to keep unwanted rights-of-way off their lands. The consent requirement was to be abolished not because the Navajos had proved themselves incapable of guarding their own interests, but because they guarded them too well.

The House Committee on Government Operations recently published a report of this study of the Department's proposal, House Report 91-78, 91st Congress, March 13, 1969, entitled "Disposal of Rights in Indian Tribal Lands Without Tribal Consent." As a result of this study the Department of the Interior returned to reason and withdrew its proposal to abolish the consent requirement. The committee recommended, however, that consideration be given to amending the Indian Right-of-Way Act to require tribal consent to all right-of-way grants of tribal land, so as to afford the Indians adequate protection from possible spoliation of their property by the overbearing paternalism of Federal officers.

The bill which I am today introducing would do precisely this; namely, extend to tribes outside the Indian Reorganization Act, the same statutory protection against unconsented rights-of-way over their land as is enjoyed by the tribes organized thereunder.

Most people think of rights-of-way as long narrow strips used for communication or transportation facilities. Some of these, like limited-access highways can take in a lot of land and effectively split communities in two. But the Interior Department's interpretation of the term "right-of-way" goes even

further; it includes reservoir sites among other things. In one case, the Department granted a right-of-way of Indian land for a 53,000 acre reservoir. The law places no limit on the term of years of an Indian right-of-way.

Make no mistake about this: the power to grant rights-of-way over Indian tribal land is the power to grant away permanently whole Indian reservations.

The area of Indian tribal land in the lower 48 States has shrunk to approximately 39 million acres. This seems like a lot of land, but it is not good land. The most productive areas were taken away from the Indians a century or more ago. What they have left is generally only what the white immigrants did not want. It is largely desert, suitable only for grazing one cow per 40 acres. Despite widespread belief to the contrary, only a small part of it produces oil or other minerals. Very little of it produces crops the Indians can live on, and even less crops they can sell for cash. Thirty-nine million acres of such land is an irreducible minimum Indian landholding. To this land 387,000 Indian citizens look, in part at least, for their livelihood. We already have enough "problems of the cities" caused by unskilled black and white poor people forced off the land. None of us wants to add a "city Indian" problem. Indian Tribes should be able to preserve every acre of Indian land for tribal purposes, if they so desire.

The Department of the Interior was not able to give a single valid reason why the power to prevent unwanted grants of their lands should be stripped away from a majority of our tribal Indian citizens. In fact, the Secretary of the Interior admitted to the Government Operations Committee:

Generally, those requiring rights-of-way over tribal lands have encountered no particular problems in obtaining Indian consent.

He did not even suggest a reason why such problems might arise more frequently with tribes outside the Indian Reorganization Act, so as to be remediable by amendment of the regulation, than with tribes under the act, where only Congress could authorize grants over tribal veto. Furthermore, neither the Secretary of the Interior nor any other reasonable person can assert that an Indian tribe is always wrong when it refuses consent to a particular proposed right-of-way. The State highway department, the local power company, the natural gas pipeline company, and even the Corps of Engineers are not always right when they want to oust citizens from their land for a right-of-way.

The bill I am introducing today, which is based on the recommendation in the report of the House Government Operations Committee, would simply amend the Indian Right-of-Way Act of 1948 to plug up the loophole that made possible the Interior Department's vindictive proposal to abolish the consent requirement. That act, which requires tribal consent only in the case of tribes organized under the Indian Reorganization Act or the Oklahoma Indian Welfare Act, does not repeal any previous right-

of-way act, of which there are about a dozen, some adopted as long ago as the Indian wars. None of them expressly requires tribal consent to right-of-way grants. My bill would require consent of the proper tribal officials to all rights-of-way over tribal land, whether granted under the 1948 act or any other act, and whether or not the tribe involved is organized under the Reorganization Act or any act. In case of tribes not organized at all—of which there are very few—the amendment would require consent by a majority of the adult members of the tribe. This consent could be obtained in a referendum called by the Secretary of the Interior, or if the tribe was small enough to make such procedure practicable, by collecting signatures on a petition.

The principle that Indian tribes should not be deprived of their property without their consent is one of the oldest in the jurisprudence of the Western Hemisphere. It was first stated in 1532. It was adopted by the United States in the Northwest Ordinance of 1787, even before adoption of the Constitution. Today, when Indian property holdings have long since been cut down to the irreducible minimum, it is more valid than ever.

In the 19th and early 20th centuries, Congress riddled the principle with loopholes. Since 1934 we have been closing them. Today's bill will plug one of the worst remaining.

In recent years many Indian tribes, like the Navajo, have begun to take care of themselves in the modern world. Occasional disagreement in business dealings with them only prove the success of our 35-year-old reversal of Indian policy from tearing down to building up the tribes' responsibility to manage their own property.

The bill I introduce today will protect the Indians' hard won self-reliance against attempts, whether ill or well-intended, of any future Secretary of the Interior to reinstate the debilitating paternalism of the period immediately following the Indian wars. I have confidence, Mr. Speaker, that this bill will commend itself to all fair minded and realistic Members of Congress. I present the bill to be printed at this point in the RECORD:

H.R. 10093

A bill to require tribal consent to all grants of right-of-way over Indian tribal land.

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 2 of the Act of February 5, 1948 (Chapter 45, 62 Stat. 17, 18, 25 U.S.C. 324), is hereby amended to read as follows:

"No grant of a right-of-way over and across any lands belonging to any tribe shall be made pursuant to this or any other act of Congress without the consent of the proper tribal officials or, if the Secretary of the Interior certifies that the tribe has no tribal officials, the approval of a majority of the adult members of such tribe."

WHY DON'T TAXPAYERS PURCHASE LOCKHEED CORPORATION INSTEAD OF THE C-5A TRANSPORT?

(Mr. PODELL asked and was given permission to extend his remarks at this

point in the RECORD and to include extraneous matter.)

Mr. PODELL. Mr. Speaker, once again evidence mounts indicating that the Pentagon and a major military contractor have combined to allow costs on a project to mount far beyond original estimates. In this case, it is the C-5A Air Force military transport, which is supposed to be the major freight and troop carrier for the military in upcoming years.

The estimate when the contract was let in October 1965 was \$2,880,400,000 for 120 of these craft. A new, unpublished Pentagon figure of this week's vintage reveals a figure of \$5,202,400,000 for the same 120 planes. The increase in cost alone is almost as much as the original estimate.

In fact, this very latest price figure is an actual price increase of \$77.2 million over cost estimates of just 3 months ago. A thought-provoking equation, to say the least.

Nor does any guarantee exist that we are anywhere near an end to the spiral on this particular project. Costs for the C-5A are climbing more than \$25 million monthly and \$300 million annually. One last straw is that the plane is behind schedule—and our people are footing the bill.

An Air Force spokesman attributed price escalation to an increase in prices of spare parts and inclusion of previously omitted costs for docks and hangar facilities. So nice of them to discover a rise in prices of spare parts. Most thoughtful of them to locate figures for facility costs they somehow previously mislaid. If this excuse is true, then so is Sancho Panza's ass Pegasus in disguise.

We are told the dollar history of this craft is "probably the best cost history we have ever had on any program." Behold a classic case of foot-in-the-mouth disease. Has there ever been a bolder, more venturesome misstatement of the opposite of truth by a military defender of a contractor? Verily, I am speechless with admiration at such intellectual calisthenics.

Weak Air Force supervision, poor corporate management, and a contract which rewards inefficiency emerge. Mr. A. Ernest Fitzgerald, Air Force Deputy for Management Systems, is to be commended as a veritable taxpayer's hero for allowing us to realize how badly this project has run amuck dollarwise.

Let us also note that Lockheed is perpetrator of the Cheyenne helicopter—a royal botch which was a gunship to end all gunships. After completing a model in May 1967, Lockheed had succeeded in completing a massive armada of nine more since then, bringing forth a warning of cancellation from the Army.

Rather than topple over the brink of apoplexy, litigation, and tears over the Pentagon and military-industrial complex, I prefer to grope for solutions, since technical salvation for the present seems out of reach. I therefore propose that the Government purchase Lockheed Corp., rather than obtain their C-5A plane. It would be cheaper for the Nation, and we would thereby come into

possession of huge assets Lockheed has already realized by swallowing so much Government cash.

Mr. Speaker, there is a most meaningful comparison to be drawn between accomplishments and behavior of cave men and what our "Cannon Kings" produce after obtaining billions of dollars worth of military contracts.

Cave men were simplistic but effective thinkers. So are the "Cannon Kings." Cave men were brutishly shrewd. So are the "Cannon Kings." Cave men preyed upon their neighbors. So do the "Cannon Kings." There, however, all comparison ceases abruptly. Why?

Because the cave man constructed clubs, knives, slings, and other deadly weapons which worked.

CHEMICALS AND PESTICIDES—OUR FRIENDLY, SILENT ASSASSINS

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

Mr. PODELL. Mr. Speaker, it is becoming increasingly obvious that chemicals, in form of insecticides and pesticides, are being used and abused in many endeavors with callous disregard for consequences. Added to food to preserve it—color it—utilized for medical and pharmaceutical purposes—defoliation and destruction of food supplies in Vietnam—they are increasingly altering our environment, wreaking silent damage we shall all have to pay for.

We are only now beginning to realize what long-range effects use of these chemicals will have on the ecology of our world. This is in addition to air, water, oil, thermal, and noise pollution, all of which create environmental imbalance. More evidence surfaces weekly, brought out of too-long unexplored corners by scientists who are not being listened to.

Now we have some evidence pointing to a connection between cancer and chemical pollution. Perhaps up to 80 percent of cancer victims are stricken because of chemical pollutants they eat, breathe or otherwise live with. As of now, this is not a proven theory. Yet it seems that only yesterday scientists drawing parallels between smoking and lung cancer were ridiculed. If Dr. Samuel Epstein's comments to an American Cancer Society seminar are fully proven out, many cancers could be prevented by control of chemical pollution.

He commented that suspect chemicals include pollutants in air and water, fuel combustion products, smoking, chemicals added to foods, some drugs, and pesticides.

Tiny amounts of extracts from solid particles taken from polluted city air produced a high incidence of tumors in livers, lymph glands, and lungs of laboratory animals. According to Dr. Epstein, such amounts would be inhaled in about 3 to 4 months by people living in cities with polluted air.

Under his test procedures, a weed-killer, maleic hydrazide, caused liver tumors. People eat enough of this from potatoes alone in 20 years to get the same dose he gave to newborn mice.

This scientist should be highly com-

mended and encouraged in his work, which is aimed at creating a series of simple, sensitive and practical tests to answer questions about man's exposure to an increasing number of chemicals.

It must become the policy of our country, in actual practice, to limit use of chemicals we know to be deadly. Accordingly, I am introducing a bill today to establish an American Commission on Chemicals. Composed of 11 members, it would study, investigate, and finally make recommendations on use of chemicals for civilian and military purposes.

My measure gives the American Commission on Chemicals subpoena powers to carry out objectives of the bill. A report would be submitted to the President and Congress by July 1, 1970.

Mr. Speaker, technology daily outdistances man's morality and capacity to understand the fruits of his mind. Even now we can look around and see what chemicals have done and are doing.

Sheep killed in Utah. Defoliation in Vietnam. DDT poisoning food fish in our Great Lakes so they are inedible and must be impounded. Above all, alteration of the ecology of the earth. We must act with responsibility now, lest we pay a horrible price tomorrow. Nature will suffer such abuse only so long. Then she will strike at all of us with terrible fury.

Insensitivity to this must end. Waters grow more polluted daily. Industry and municipalities offer feeble excuses. Our air grows worse daily. Our auto industry shrugs. Off our coasts, the oil crowd merrily pollutes away. Chemicals pour out everywhere, silently building up their residues in all of us.

I know, however, that the chemical industry will posture and loudly claim that questioning chemical pollution is almost an insult to the flag. Their reaction is as predictable as the fact that Coho salmon fingerlings cannot be introduced into Lake Michigan this spring because of the DDT level.

TWO CORRECT MOVES ON SST AND OLDER AMERICANS' BENEFITS

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

Mr. PODELL. Mr. Speaker, I must confess my pleasure at two acts of the Nixon administration today. The first was an omission from the budget of new funds to start construction of an SST prototype. Leftover funds are to be made available for continuation of research and development, which is all well and good.

Mr. Nixon, by not now requesting any of the additional \$212 million needed to begin construction of an operational prototype, has shown some understanding of the problem. He now may utilize the \$212 million which would have been made available for the SST, to restore cuts made in funds to fight water pollution—cuts made in Federal aid to education and slashes in Job Corps. By all means, let the President slice this saved \$212 million and divide it as he sees fit among these three categories of essential social needs. Our whole country would applaud him for it. Allow me to say that I have

fought the SST not only because it is a significant contributor to noise pollution, but also because of the imbalance its support by the Government adds to our present reversal of social priorities. Progress is all important, of course. But humanity and the upgrading of human life in our troubled times must take priority.

I further note Mr. Nixon's intention to propose a 7-percent boost in cash payments for all of the Nation's 24.5 million social security beneficiaries. He also has stated his intention of requesting an increase in the amount of income social security recipients may earn without losing their benefits. Both actions are utterly essential, particularly when one examines the plight many millions of older Americans find themselves in daily.

Skimping on food, housing, clothing and drugs—all of which are essential to their well being, these older Americans have little cash and are allowed to earn meager incomes. Government holds the threat of withholding social security benefits from them if they dare earn too much money.

When we look around and see what leeway is allowed other segments of American society, we cannot help but wonder about our older citizens. I shall support any restoration of aid the President chooses to make to education, clean water, and the Job Corps. I intend to support any increase in cash benefits for social security recipients. I shall do the same for an increase in the amount of income they may earn without losing their social security benefits.

PRESIDENT OF UNITED SHOE WORKERS OF AMERICA SUBMITS REPORT ON TARIFF COMMISSION'S REPORT ON THE FOOTWEAR INDUSTRY

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

Mr. BURKE of Massachusetts. Mr. Speaker, may I take this opportunity to call to the attention of the Members of the House of Representatives the report issued by Mr. George O. Fecteau, general president of the United Shoe Workers of America, on the Tariff Commission's report on the footwear industry submitted to the President on January 17, 1969. I am particularly impressed with the depth of Mr. Fecteau's analysis of the devastating effect of the import situation on the footwear industry.

Mr. Fecteau's remarks are as follows:

We have reviewed the United States Tariff Commission's report on the footwear industry requested by the President on April 29, 1968, and finally released on January 17, 1969. We find it completely unsatisfactory to workers in the footwear industry. The President had asked the Commission to report on all factors relating to the economic condition of non-rubber footwear producers including production, sales, investment, employment, prices, profits, exports, imports, tariff treatment, participation in international trade, and the effect of imports upon the industry.

COMMISSION'S REPORT SKIMS THE SURFACE

Unfortunately, the Commission's report merely skims the surface. It could have been

turned out by the leather experts in the Commerce Department except for the profit study and the survey of importer price lines which added little to known facts on the industry. An intensive investigation should have been made of why imports are increasing, what the basic causes are, and what this implies for the future. The Commission could have assembled its own samples of work shoes from Poland, Czechoslovakia, and Rumania if it was not satisfied with the exhibits and testimony provided by the shoe unions and the industry. It could have assembled dress shoes from Italy and Spain and vinyls from Japan—shoes in the various price categories. It could have set up an advisory group of experts to investigate the comparability of domestic and foreign footwear as to quality, labor cost, production, and workmanship. Worthwhile answers to the above questions might then have been given, as well as to the trend of future footwear imports.

At least 80 percent of the material in the Commission's report had already been presented several times by representatives of labor and the industry to the Executive branch, administrative agencies, and the Congress, or was readily available. What light the new material shed on the economic conditions of the industry added little to our understanding of the impact of imports on employment and output.

In certain cases, such as the discussion of industry technology, growth trends, the competitive nature of imports, and rising footwear costs, the Commission's analysis was inadequate and misleading. Finally, its careless observation that even 335 million pairs of imported footwear in 1975 would have little effect on employment opportunities and production in the industry can only be regarded as showing little interest in the continued export of jobs in the domestic footwear industry.

COMMISSION OMITTED ANY DISCUSSION OF FOREIGN WAGE RATES, THE CAUSE OF MOST IMPORTS

A glaring deficiency in the Commission's report was its failure to point out the basic cause of imports—low wages—and to compare labor costs here and abroad. This is the most vital point in any study of the footwear import situation. To omit this information was inexcusable, especially in view of the fact that ample data on wages, production, and numbers of workers was presented to the Commission by representatives of labor and industry.

The fact that imports are greatest from countries where wages are lowest is clear from figures that were available to the Commission.

Japan: Imports up from the 1954-56 base of 2,528,400 pairs to 65,146,100 pairs in 1968. The prevailing hourly wage, including fringe benefits, is approximately 57.2 cents.

Italy: Imports up from the 1954-56 base of 1,009,400 pairs to 58,996,400 pairs in 1968. The prevailing hourly wage, including fringe benefits, is approximately \$1.04.

Spain: Imports up from the 1954-56 base of 23,100 pairs to 14,249,100 pairs in 1968. The prevailing hourly wage, including fringe benefits, is approximately 55 cents.

Taiwan: Imports up from the 1954-56 base of no pairs to 15,316,400 pairs in 1968. The prevailing hourly wage for men, including fringe benefits, is approximately 14.4 cents; for women, it is 7.9 cents.

United States: The prevailing hourly wage, including fringe benefits, is \$2.62.

It was pointed out to the Commission that the same machinery is used in these countries to produce footwear that is used in the United States. In spite of the fact that the productivity of American workers is greater than in any of these countries, this is far from sufficient to offset the low wages abroad. Child labor, long hours, and low wages make it possible to ship footwear to the United States at prices several dollars below what American manufacturers can meet, and yet

no discussion of these basic facts appeared in the Commission's report.

JOBS LOST TO IMPORTS

Both labor and management submitted testimony at the public hearings on the potential jobs absorbed by imports. The Commission gave this no consideration in its report and apparently is not disturbed by the continuing export of potential jobs in the footwear industry.

Based on current employment in footwear, the Commission has been shown that the industry would have hired another 56,000 employees to produce the footwear sold in 1968 if there were no imports. This is a fact that should have been brought to the attention of the President and Congress. And these workers would have been recruited from the labor groups that have the highest unemployment today.

Even the Emergency Council for the Advancement of Trade (ECAT), a group advocating free trade, in its study of the effect of imports on employment among certain industries found that footwear manufacturing had been the only one among nine industries that could lay claim to reduced employment due to imports.

MORE AUTOMATION IS NOT THE ANSWER

In its conclusion the Commission falls back on the typical answer to the import problem: that automation will overcome the competitive wage advantage abroad.

While the Commission recognizes that considerable progress has been made in recent years in the use of semi-automatic machines, conveyors, and the like, it fails to mention the fact that the same level of technological improvement has taken place in Italy and Japan, as well as in other countries exporting footwear to the United States, and it will take place as fast abroad in the future as here. Innovations made here will be used abroad tomorrow, and vice versa. There is no such thing as this country's catching up and moving far ahead in technology to offset the wide margin in wages paid here and abroad. And the Commission fails to recognize, too, that automation in the industry even at its slower pace means simply the displacement of labor, and that is important to workers.

DOMESTIC FOOTWEAR DIRECTLY COMPETITIVE WITH IMPORTED FOOTWEAR

The implication in several places in the report is that imports are chiefly low priced footwear that are not produced in the United States. This is misleading as most imports are directly competitive with domestic production, right down to packables, and this was shown at the hearings. For instance, the Commission was shown Japanese vinyl imports landed in the United States at a cost of \$1.25 a pair which were exact replicas of shoes produced in Pennsylvania at a factory cost of \$2.35 per pair. While these imports make up at least a third of total imports coming into the United States similar comparisons could have been made in dress shoes, work shoes, and packables retailing up to \$15.00 per pair. Footwear in all price categories were displayed and loaned to the Commission so that it might check the comparability and see the competitive price advantage of imports.

Labor and the industry indicated at the hearing that they were not so much concerned with imports retailing above \$20.00 a pair as they were with footwear in the lower-end area whether it was sandals, vinyls or medium low priced dress and work shoes. Nowhere, however, did the Commission's report point out the direct competitive nature of this type of footwear against similar domestic-produced footwear. Throughout the Commission's report it is implied that because the greatest volume of imported footwear is the medium and low price brackets U.S. shoe workers and manufacturers have not been harmed.

COMMISSION PASSES LIGHTLY OVER CRITICAL FACTOR OF RETAIL MARKUP ON IMPORTS

The Commission did recognize that the retail markup on imported footwear was higher than on comparable domestic footwear, but then it proceeded to de-emphasize this point so important in encouraging retailers to buy imports and push them on to the consumer by mentioning the practice of one large retail outfit which seemed to follow a uniform markup on imported and domestic products. Why did the Commission find it necessary to point out the practice of one of thousands of retail outlets while over and over again during the hearings it was brought out that lower priced imports provided retail groups with greater markups and therefore greater profits? Obviously this powerful incentive for greater profits to the retailer is reason enough to expect imports to grow and just as obviously this point warranted far more consideration than was given it by the Commission.

NO COMMENT ON RESTRICTIONS ON AMERICAN EXPORTS OR SUBSIDIES ABROAD

While the Commission mentioned the shrinking export market for American footwear, it failed to point out that major footwear exporting countries to the United States maintain barriers against footwear imports from other countries including the United States. Japan maintains quotas that prohibit any important quantities of footwear. Italy and Spain maintain border taxes and hidden custom restrictions. These should have been outlined in detail.

The Commission should also have investigated the subsidies given to encourage local and U.S. manufacturers to expand the shoe industry in these countries.

Both the non-tariff barriers and special government policies and practices (some in Communist countries) which in effect subsidize the manufacture and export of footwear in such a way that they avoid U.S. anti-dumping and tariff laws contribute even more to the unfair competition already suffered by the U.S. footwear industry and should have been given more attention by the Commission.

IMPORTS OF FOOTWEAR GREATER THAN STEEL OR TEXTILES

The Commission, after establishing the fact that import penetration of footwear amounted to 22% of the market (and the equivalent of 27% of domestic production which the Commission failed to mention) should have compared this with textiles and steel—other industries seeking relief. It is particularly important to show that an industry with less penetration has received help. The Tariff Commission study on textiles and apparel, submitted to the President showed the following share of consumption attributable to imports in 1965. In that year cotton apparel imports were 5.8% of U.S. consumption; wool apparel, 9.1%; and man-made fiber apparel, 2.6%. The Commission could have pointed out that in 1965 imports of footwear were 13% of consumption and had risen to 22% in 1968. While imports of textiles have certainly increased since 1965, they are still substantially lower than imports of footwear in terms of market absorption. And imports of steel are reported to be 18% of domestic market. Do we have one policy for industries with greater potential power and another for smaller industries?

FORECAST OF 468 MILLION PAIRS OF IMPORTS IN 1975 UNCHALLENGED

At the hearings the manufacturers forecast that imports in 1975 would reach over 468 million pairs or 48% of a 985-million-pair market for nonrubber footwear and 90% of domestic production of 517 million pairs. This would mean a loss of 168,000 potential jobs—jobs that would be there if there were no imports. No one in the opposi-

tion including the retailers and importers who are bringing in the footwear criticized this pairage projection as unrealistic.

Only the Commission suggests that imports might amount to only 335 million pairs in 1975 and that domestic production might be 650 million pairs. Only the Commission appears to be undisturbed at the industry losing 35% of its market with imports equal to 52% of production. And only the Commission seems unconcerned about the continuous loss of potential shoe jobs and the loss of all growth to the industry from 1968 to 1975.

The Commission's low estimate of 335 million pairs of imports by 1975 is unrealistically low because imports in 1966 increased 10% over 1965; in 1967 increased 34% over 1966; and in 1968 increased 36% over 1967. If the rate of increase were to fall by 5% a year until 1975 when there would be virtually no increase over the previous year, the total pairs imported in 1975 would be 483 million pairs instead of the 335 million pairs suggested by the Commission. Is it likely in the light of what has happened that the rate of increase will suddenly decline to these levels?

The Commission's conclusions that the "Growth rate of imports will no doubt eventually decline from recent levels but when and how much is problematic," is not very helpful or reassuring to the industry and its workers and is not of much assistance to the President and the Congress.

In conclusion, the American shoe workers for whom I speak reject any assumption that the shoe or any other American industry is expendable and should be allowed to expire rather than risk antagonizing foreign countries into boycotting goods produced in America. We believe that foreign countries buy from us because they need the goods we produce at the price and quality we produce them for, and they are not about to deviate from such sound and economic practices simply because America takes reasonable and necessary precautions to protect its industries and the jobs of its workers.

FACTS ABOUT TAXES

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

Mr. BOW. Mr. Speaker, on this income-tax-deadline day when millions of Americans reluctantly part with Uncle Sam's share of their earnings, the Nixon administration has sounded a ray of hope for the future.

The \$4 billion budget cuts proposed by the President today and the promise of a \$6 billion surplus a year hence offer the first real break in the long period of rising expenditures, rising debt, and rising taxes. If Congress and the American people will support the administration's economy program, regardless of whatever temporary sacrifice it may mean for some of our favorite programs, we can offer Americans the hope and promise of an end to inflation and a reduction in taxes in the months ahead.

As most of us know, April 15 this year has something new about it. This year Americans are not merely groaning under the heavy burden of taxation. The groan has become an outraged roar. Millions of Americans have concluded that we are being taxed too heavily, taxed unfairly, and taxed for purposes we do not approve.

This is a great awakening that can have great value. If we are sufficiently aroused about taxes to learn the facts

about Government finance, we may save this country from fiscal suicide.

The basic fact is that the vast majority of Americans must pay for anything this Government does for them or to them. The poor cannot pay. The rich are too few to bear the burden. It is the great middle class that pays. I have letter after letter complaining that the heaviest burden of taxation falls on the middle- and low-income taxpayer. The complaints are correct. Moreover, there is no way to escape that fact.

In 1966 there were 68 million taxpayers with incomes under \$20,000 and the sum of their adjusted gross income was \$405.3 billion. There were slightly under 2 million taxpayers with incomes above \$20,000 and the sum of their adjusted gross income was \$63 billion. Of that amount \$46 billion was the income of people in the \$20,000-to-\$50,000 range. It should be plain that confiscating the income of all people above that range would run this Government only a few days or weeks. The main burden falls upon the middle-class taxpayers because there are so many of them and they have most of the money.

Since this is the case, it behooves the middle-income individual to take great interest in the spending programs of this Government. He should take great interest in the spending attitudes of the people he elects to public office. He should realize that every new function, every new program, every inefficient practice is going to cost him, personally, because there really is no one else to pay.

If this can be demonstrated now to tens of millions of Americans who should be prosperous, who have good incomes, but who cannot make ends meet, we will have accomplished a great deal.

I hope that the realization will be strong enough to win overwhelming public support for President Nixon's economy cuts and additional cuts that the Congress may be able to make.

In bringing this lesson home, we have to be frank about tax reform. Tax reform is needed. Part of the fury of our fellow citizens is based upon the belief that some are escaping a fair share of the tax burden. We must make absolutely certain that this is not the case; that the tax laws are equitable and evenly enforced so that each pays his proper share. But we will be sadly mistaken if we submit to the delusion that tax reform will open great new sources of revenue and lift the general tax burden. It cannot do so.

The nature of the so-called tax loopholes and the income that escapes taxation because of them have been greatly exaggerated. For example, we are outraged that some millionaires escape taxes by investing in tax-free municipal bonds. Assume this loophole is closed and we encounter new questions. Obviously, State and local governments must sell bonds to create improvements. Should they compete with others in the market, thus increasing the local tax burden? Should the Federal Government subsidize the interest rate for them, thus adding another burden to the Federal taxpayer? Search as you may and I doubt you will find another method of financing local

government improvements that is less a burden on taxpayers generally than the present system. Most alternatives would increase the general tax burden.

Similar considerations can be offered with regard to the many other special provisions of the tax law. The fact is that taxing income not presently taxed would only shift the burden slightly from one tax bill to another. Mr. Average American would continue to bear the load.

There is no question but that the load is too heavy, particularly since the State and local tax burdens have also increased dramatically in recent years.

The solution lies in determining the level of Government spending that is acceptable. We need a list of priorities. Every citizen should give thought to the Government services he requires or desires, and relate that requirement or desire to his own ability and willingness to pay.

Some of my constituents are disappointed that the tax surcharge probably will be extended. So am I, but if we wish to repeal the surcharge we have an obligation to find ways of trimming Federal spending by \$9 billion.

Other constituents suggest that the personal exemption should be doubled, to \$1,200. Experts tell me that action would reduce Federal revenue by \$17.3 billion. If that is the kind of tax relief we wish, let us find ways to reduce spending \$17.3 billion and double the exemption.

These suggested tax cuts, like tax reform, are subjects for consideration and recommendation by the experts on the Ways and Means Committee. Our colleagues on that committee are working hard on tax reform at this time, and I support their efforts. I do not claim expertise in their field.

I do claim to be an expert on appropriations and spending, however, and in this field I accept the challenge of the tax revolt. The taxpayers have challenged us to cut Federal spending so that they may have relief from the tax burden. That I propose to do.

Let me add that this obligation will extend, insofar as I am concerned, into the period following the cessation of war in Vietnam. The advocates of greatly expanded social programs already have made their plans for spending in the years ahead every dollar that will be saved when war expenses diminish. The people will demand that a major portion of such savings be applied to tax relief, and I, for one, will fight to make certain that is done.

THE UNITED STATES IS DRAGGING ITS FEET ON ELIMINATION OF INTERNATIONAL RACIAL DISCRIMINATION

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

Mr. COHELAN. Mr. Speaker, by the the Constitution of the United States this country is committed to absolute racial equality under law. And it has been stated to be the official policy of this country that in international, as well as national matters, absolute racial equality under the law is our goal. In

fact, on September 28, 1966, the American Ambassador to the United Nations, former Supreme Court Justice Arthur Goldberg, cast the vote of the United States in favor of the Convention on the Elimination of All Forms of Racial Discrimination. And in so doing, the Ambassador warmly praised the endeavor and noted that it was entirely consistent with the American Constitution.

And yet, despite the Constitution and the public policy commitment, the past and the present administrations have failed to submit this treaty to the Senate for ratification.

At the end of 1968, 28 countries had ratified this treaty and had begun on the work of the Committee on the Elimination of Racial Discrimination. Since the United States has not ratified the treaty, it cannot contribute to the work of this committee. And since the most powerful nation on earth has not endorsed the treaty, it seems inevitable that the work of the committee will be impaired. It seems too, considering the disapprobation which surrounds American policies in nonwhite third world countries, that wise and prudent foreign policy would require American ratification of this treaty. And if practicalities were not enough, then as a matter of morality it seems to me that the United States with its strong libertarian and egalitarian heritage should be a leader in the implementation of this international treaty to eliminate racial discrimination.

Prof. Frank C. Newman, of the faculty of Boalt School of Law at the University of California at Berkeley has recently written a concise and persuasive exposition on the convention and the failings of the United States in not ratifying this convention. This is a matter of large importance and I strongly recommend to my colleagues and to the administration that they pay heed to the urgings of Professor Newman.

I include Professor Newman's article in the RECORD at this point:

THE NEW INTERNATIONAL TRIBUNAL ON RACIAL DISCRIMINATION

(EDITORIAL NOTE.—It is particularly appropriate in this "International Year for Human Rights" to publish the results of a joint student-faculty project concerning the new International Committee on the Elimination of Racial Discrimination. A proposed draft of the Committee's procedural rules is introduced by Professor Frank Newman's discussion of the tribunal's organization and purposes, and followed by an appendix containing the text of the Convention establishing the Committee. The latter document has already been published elsewhere, but is reproduced here for the convenience of our readers.)

(By Frank C. Newman)*

Some months hence, nearly all lawyers will be surprised when they learn that an International Committee on the Elimination of Racial Discrimination has been elected. Its election will mark a great step forward in implementing Article 1 of the United Nations Charter, which declares that "The Purposes of the United Nations are . . . [inter alia] to achieve international cooperation . . . in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race. . . ."

Footnotes at end of article.

Progress based on those words began 20 years ago when the U.N. General Assembly, in the Universal Declaration of Human Rights, proclaimed that, "[E]veryone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race. . . ." That declaration, however, like the French Declaration of the Rights of Man proclaimed 160 years earlier,¹ said nothing about the enforcement of its commands.² Many observers believe that we will soon witness a new era of international enforcement of human rights, notably inaugurated by this Committee on the Elimination of Racial Discrimination.³

The Committee is the creation of a treaty (the Convention on the Elimination of All Forms of Racial Discrimination) unanimously adopted by the General Assembly in December 1965.⁴ In his statement commending the Assembly, Secretary-General U Thant noted:

"Not only does it [the treaty] call for an end to racial discrimination in all its forms; it goes on to the next, and very necessary, step of establishing the international machinery which is essential to achieve that aim. . . . [T]he adoption of this Convention, with its measures of implementation set out in Part II, represents a most significant step towards the realization of one of the Organization's long-term goals. . . ."

The "measures of implementation" that he stressed involve primarily the work of the new Committee. Its members will be "eighteen experts of high moral standing and acknowledged impartiality . . . who shall serve in their personal capacity."⁵ How are they chosen? Each nation that ratifies the treaty may nominate one of its citizens, and "at a meeting of State Parties convened by the United Nations . . . the persons elected to the Committee shall be those nominees who obtain the largest number of votes and an absolute majority of the votes of the representatives of State Parties present and voting."⁶ As of this writing the nations that have ratified were: ¹⁰ Ghana, Iran, Libya, Kuwait, Niger, Nigeria, Pakistan, India, Sierre Leone, Tunisia, United Arab Republic, Bulgaria, Cyprus, Soviet Union, Czechoslovakia, Hungary, Poland, Iceland, Spain, Yugoslavia, Brazil, Argentina, Costa Rica, Ecuador, Panama, Philippines, Uruguay, Venezuela.

The reader will note that the United States and most Western European nations have not ratified. Moslem, East European, and Latin American blocs seem well represented. Among the present members of the U.N. Security Council the only parties to this treaty are Hungary, Pakistan, and Spain.

A. WHAT RACIST ACTS MAY CONCERN THE COMMITTEE?

The racial discrimination treaty is similar to what the American Law Institute might have produced as a partial restatement of 14th amendment equal protection law. Article 5 provides:

"State Parties undertake to prohibit and to eliminate racial discrimination in all its forms and to guarantee the right of everyone, without distinction as to race, colour, or national or ethnic origin, to equality before the law, notably in the enjoyment of the following rights:

"(a) The right to equal treatment before the tribunals and all other organs administering justice;

"(b) The right to security of person and protection by the State against violence or bodily harm, whether inflicted by Government officials or by any individual, group or institution;

"(c) Political rights, in particular the rights to participate in elections, to vote and to stand for election—on the basis of universal and equal suffrage, to take part in the Government as well as in the conduct of public affairs at any level and to have equal access to public service;

"(d) Other civil rights . . . [e.g., the right to choice of spouse, to own property, to freedom of association, etc.];

"(e) Economic, social and cultural rights . . . [e.g., to equal pay for equal work, housing, education, etc.];

"(f) The right of access to any place or service intended for use by the general public, such as transport, hotels, restaurants, cafes, theatres, parks."

The Committee proceeds when "a State Party considers that another State Party is not giving effect to the provisions of this Convention" (Art. 11), or when individuals claim they are "victims of a violation by . . . [a] State Party of any of the rights set forth in the Convention" (Art. 14). The sweep of governmental conduct proscribed and prescribed is gigantic.¹¹

B. WHAT ARE THE COMMITTEE'S POWERS?

By no means will this be the first international body to concern itself with racism. Race and related problems that involve apartheid, South West Africa, Rhodesia, Angola, etc. have been on the United Nations' agenda since the first meetings of the General Assembly.¹² The new Committee will, however, have unique powers.¹³ The treaty authorizes action on: (1) Nation vs. nation disputes, (2) citizen vs. nation disputes, and (3) reports to the General Assembly.

1. Nation versus nation disputes

Each party that thinks another party is violating this treaty may so advise the Committee. The nation complained against then has a duty to "submit to the Committee written explanations or statements clarifying the matter and the remedy, if any, that may have been taken."¹⁴ Thus, a government's treatment of its racial minorities or racial majorities becomes a proper subject of international concern almost automatically. As to racial discrimination, this treaty once and for all eliminates the doubts and quarrels regarding domestic jurisdiction that have plagued so many international lawyers for so long.¹⁵

What happens if "the matter is not adjusted to the satisfaction of both parties?" Either nation may refer it back to the Committee which then, after obtaining "all the information it thinks necessary", may set in motion a procedure for an ad hoc conciliation commission "appointed with the unanimous consent of the parties to the dispute." If they disagree "on all or part of the composition of the Commission, the members of the Commission not agreed upon . . . shall be elected by secret ballot by a two-thirds majority vote of the Committee from its own members." The procedure thus is more than hortatory.¹⁶

2. Citizens versus nation disputes

The most provocative clauses of the racial discrimination treaty read as follows:

"A State Party may at any time declare that it recognizes the competence of the Committee to receive and consider communications from individuals or groups of individuals within its jurisdiction claiming to be victims of a violation by that State Party of any of the rights set forth in this Convention. . . .

"The Committee shall confidentially bring any communication referred to it to the attention of the State Party alleged to be violating. . . .

"Within three months, the receiving State shall submit to the Committee written explanations or statements clarifying the matter and the remedy, if any, that may have been taken by that State.

"The Committee shall consider communications in the light of all information made available to it by the State Party concerned and by the petitioner. . . . [and] shall forward its suggestions and recom-

mendations, if any, to the State Party concerned and to the petitioner.

"The Committee shall include in its annual report a summary of such communications and, where appropriate, a summary of the explanations and statements of the States Parties concerned and of its own suggestions and recommendations."¹⁷

What does all that mean? It means that by accepting those clauses a nation allows an international tribunal to take action on the complaints of individuals who are within the nation's jurisdiction. In effect, this treaty creates ombudsmen for racial discrimination, ex officio experts who have the power to investigate and to criticize what governments do about racial discrimination that the people who are governed find objectionable.¹⁸

How important is that power? Some may argue that it amounts to not much and that we need courts, sheriffs, and armies if truly we intend to ensure equal protection of the law internationally.¹⁹ Yet there are reasons for believing that these international ombudsmen could be potent and could, for instance, meet the tests Walter Gellhorn has prescribed for ombudsmen generally: "readily accessible, professionally qualified, wholly detached critics to inquire objectively into asserted administrative shortcomings . . . advisors, not commanders . . . [who] rely on recommendation, not on compulsion."²⁰ If the Committee on the Elimination of Racial Discrimination is bold and resourceful, if its 18 members insulate themselves from petty compulsions of global politics and display dedication and integrity and courage, then the impact could indeed be significant. They could mightily affect many of the struggles that reflect unlawful racial discrimination in this sadly torn world.

The most persuasive international analogies originate in the work of the European Commission on Human Rights.²¹ For interstate disputes 16 nations have accepted its jurisdiction; 11 nations have authorized it to act also on individuals' complaints. Three interstate cases have been decided; four more (all involving Greece) are pending. Nearly 4,000 complaints have been filed by individuals, and the following are illustrative results: The Norwegian Constitution, the Belgian Penal Code, and Austrian criminal procedure statutes have been amended;²² a complainant named Boeckmans was awarded 65,000 francs because of prejudicial remarks made by an appellate judge;²³ external forays into internal affairs have been allowed as follows:

"[C]ertain States have accepted the presence of the Commission or of some of its members to carry out investigations in their territory and have given full co-operation for this delicate task. In 1958, members of a Sub-Commission in the first Cyprus case carried out an investigation on the spot for three weeks and, in 1967, the whole Sub-Commission visited a prison and heard evidence in West Berlin in regard to a case (No. 2686/65) where ill-treatment was alleged. In 1966 and 1967, delegated members of two Sub-Commissions heard evidence in Austria and the Commission's Secretary, at the suggestion of the Federal German Government and with the Commission's approval, visited in prison the applicant X. . . ."²⁴

3. Reporting to the General Assembly

The Committee's non-adjudicative duties are set forth as follows in Article 9 of the racial discrimination treaty:

"1. The States Parties undertake to submit to the Secretary-General for consideration by the Committee a report on the legislative, judicial, administrative, or other measures that they have adopted and that give effect to the provisions of this Convention: (a) within one year after the entry into force of the Convention for the State concerned; and (b) thereafter every two

years and whenever the Committee so requests. The Committee may request further information from the States Parties.

"2. The Committee shall report annually through the Secretary-General to the General Assembly on its activities and may make suggestions and general recommendations based on the examination of the reports and information received from the States Parties. Such suggestions and general recommendations shall be reported to the General Assembly together with comments, if any, from States Parties."

Other agencies that report to the U.N. General Assembly have had great influence (comparing favorably, say, with the proved influence of the U.S. Commission on Civil Rights).²⁵ The Article 9(2) directive is of no mean significance.

C. RULES OF THE COMMITTEE

Article 10 of the treaty provides, "The Committee shall adopt its own rules of procedure", and other clauses affect the content of the rules. Our chief aim here is (1) to present draft rules that implement those clauses, and (2) to array types of procedural issues that are likely to confront the Committee.

The draft itself is a project of the 1968 Boalt Hall Summer Seminar in International Legal Studies. The authors were participants in that Seminar and were aided greatly by Dr. Egon Schwelb²⁶ and Professor Thomas Buergenthal.²⁷ The documents used as guides included:

Rules of Procedure of the European Commission on Human Rights.²⁸

Statute of the International Court of Justice, and that court's rules.²⁹

U.N. Covenant on Civil and Political Rights, and its Protocol.³⁰

Rules of Procedure of the U.N. General Assembly and of its Economic and Social Council.³¹

Provisions of miscellaneous treaties concerning education, investment disputes, etc.³²

Those documents and several others are pertinent. Yet we warn our readers that there is but a meager jurisprudence which aids officials who must finally promulgate rules like these. The administrative law of international, supranational, and transnational bodies is neither comprehensive nor mature. It begs for analysis and critique.³³

D. WILL THE UNITED STATES PARTICIPATE?

This treaty was signed and highly praised by Ambassador Arthur Goldberg on September 28, 1966.³⁴ It has not been forwarded from the White House to the Senate for advice and consent.³⁵ That fact may puzzle some observers who praised the Johnson administration for its aggressive sponsorship of civil rights reform.³⁶ Yet a letter from the White House dated January 4, 1968³⁷ reads in part as follows:

"It is our intention to seek ratification of appropriate human rights conventions and to send them forward when conditions appear favorable.

"I have noted with interest your view that our inability to participate in the administration of the International Convention on the Elimination of All Forms of Racial Discrimination would jeopardize our national interest. Until such time as the Committee to be elected under this Convention has been formed and has had sufficient time to begin work, we cannot actually determine whether or not United States abstention would significantly affect its work. Nothing presently indicates, however, that our interests would be jeopardized."

Should not American jurists carefully consider this question: Given the data that show the effect on foreign affairs of racial discrimination in the United States,³⁸ and given the range of powers and the procedural thrusts of this remarkable new Committee, can it really be argued that "United States abstention" will not drastically affect the

Footnotes at end of article.

Committee's work? Readers are urged once again to examine the list of nations that appears in the opening paragraphs of this discussion. Those nations, as ratifiers of the treaty, will nominate and then elect the new committeemen and massively influence the formative years. Can the United States possibly justify its role as abstainer?

FOOTNOTES

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¹ 18th REPORT OF THE COMM'N TO STUDY THE ORGANIZATION OF PEACE, THE UNITED NATIONS AND HUMAN RIGHTS 43 (1968).

² *Id.* at 194.

³ See H. LAUTERPACHT, *INTERNATIONAL LAW AND HUMAN RIGHTS* 126 (1950) (discusses "Lord Acton's judgment that the single confused page of the Declaration of 1789 outweighs libraries and is stronger than all the armies of Napoleon").

⁴ Cf. *Measures Taken Within the United Nations in the Field of Human Rights*, U.N. Doc. A/CONF. 32/5 (June 20, 1967), and Add. 1 thereto (Jan. 23, 1968) paras. 357 to 507; *Methods Used by the United Nations in the Field of Human Rights*, U.N. Doc. A/CONF. 32/6 (June 20, 1967), and Add. 1 thereto (Jan. 23, 1968).

⁵ See Newman, *Ombudsmen and Human Rights: The New U.N. Treaty Proposals*, 34 U. CHI. L. REV. 951 (1967); cf. Carey, *U.N. Response to Government Oppression*, 3 INT'L LAW 102 (1968); MacDonald, *The United Nations High Commissioner for Human Rights*, 1967 CAN. Y.B. INT'L L. 84.

⁶ U.N. Doc. A/RES/2106 (XX) (1966), reprinted in 60 AM. J. INT'L L. 650 (1966); see Schwelb, *The International Convention on the Elimination of All Forms of Racial Discrimination*, 15 INT'L & COMP. L.Q. 996 (1966).

⁷ Quoted in 3 U.N. MONTHLY CHRON., Jan. 1965, at 103. Part II of the treaty appears in the Appendix to this Article. For comment on the International Bill of Human Rights, which in December 1966 was approved unanimously by the General Assembly, see Schwelb, *Some Aspects of the International Covenants on Human Rights of December 1966 in INTERNATIONAL PROTECTION OF HUMAN RIGHTS* 103 (A. Elde & A. Schou eds. 1968); cf. Newman, *Natural Justice, Due Process and the New International Covenants on Human Rights: Prospectus*, 1967 PUBLIC L. 274.

⁸ Art. 8(1) of the treaty.

⁹ Art. 8(4).

¹⁰ U.N. Press Release HR/211, L/T/367, Dec. 5, 1968.

¹¹ See Art. 1 to 7 of the treaty.

¹² See RACE, PEACE, LAW AND SOUTHERN AFRICA (Carey ed. 1968); COMMISSION ON HUMAN RIGHTS, REPORT ON THE 22d SESSION, E/4184, at 83 (1966) (Measures for the Speedy Implementation of the Declaration on the Elimination of All Forms of Racial Discrimination); U.N. Press Release HR/190, Sept. 10, 1968 ("New Delhi Seminar on Elimination of Racial Discrimination Ends with Adoption of Report"); cf. comments on International Day for the Elimination of Racial Discrimination, 5 U.N. MONTHLY CHRON., April 1968, at 52-55. Apparently that International Day was hardly recognized in the United States. See however Dash, *Police Balk Embassy March*, Wash., Post, Mar. 22, 1968, § B, at 1; Watson, "Superior Race" Panned on "Discrimination Day," *Id.* Mar. 23, 1968, § A, at 13; cf. U.N. Press Release WS/339, Mar. 29, 1968 (U.S. pledges \$25,000 on 40% matching basis to Trust Fund for South Africa) See also 5 U.N. MONTHLY CHRON., Mar. 1968, at 72 (WHO amendment authorizes World Health Assembly to exclude from WHO any nation that ignores its constitution's objectives by "deliberately practising a policy of racial discrimination").

¹³ See Schwelb, *supra* note 6, at 1058; Korey, *The Key to Human Rights—Implementation*, INT'L CONCL. 50 (Nov. 1968).

¹⁴ Art. 11(1) of the treaty.

¹⁵ See Acheson, *The Arrogance of Interna-*

tional Lawyers, 2 INT'L LAW. 591 (1968); McDougal, *Reply to Dean Acheson*, *id.* at 729; cf. McDougal & Reisman, *Rhodesia and the United Nations: The Lawfulness of International Concern*, 62 AM. J. INT'L L. 1 (1968); RACE, PEACE, LAW AND SOUTHERN AFRICA, *supra* note 12.

¹⁶ See Art. 12 of the treaty.

¹⁷ Art. 14 of the treaty, the last paragraph of which reads: "The Committee shall be competent to exercise the functions provided for in this article only when at least ten States Parties to this Convention are bound by the declarations in accordance with paragraph 1 of this article."

¹⁸ See Newman, *supra* note 5, at 957; Schwelb, *supra* note 6, at 1041; cf. *id.* at 1045 ("The Role of the Committee . . . in Regard to Petitions from Dependent Territories").

¹⁹ Cf. Panel: *Implementation and Enforcement of International Decisions*, 1968 PROC. AM. SOC'Y INT'L L. 1-35. Article 22 of the racial discrimination treaty reads, "Any dispute between two or more States Parties over the interpretation or application of this Convention, which is not settled by negotiation or by the procedures expressly provided for in this Convention, shall at the request of any of the parties to the dispute be referred to the International Court of Justice for decision, unless the disputants agree to another mode of settlement."

²⁰ W. GELLHORN, *OMBUDSMEN AND OTHERS: CITIZENS' PROTECTORS IN NINE COUNTRIES* 422, 436 (1966).

²¹ See COUNCIL OF EUROPE REPORT TO INT'L CONF. ON HUMAN RIGHTS, 1968, 35-45 (1967); C. MORRISON, *THE DEVELOPING EUROPEAN LAW OF HUMAN RIGHTS* (1967); cf. K. VASAK, *LA COMMISSION INTERAMERICAINE DES DROITS DE L'HOMME* (1968).

²² A. ROBERTSON, *EUROPEAN INSTITUTIONS* 49-50 (1966).

²³ A. B. McNulty, *The Establishing of Procedures and Institutions for the International Protection of Human Rights: The European Approach* 8 (mimeo 1968).

²⁴ *Id.* at 11.

²⁵ See J. CAREY, *INTERNATIONAL PROTECTION OF HUMAN RIGHTS* 12 (1968); Bernhard, *Role of the United States Commission on Civil Rights*, 23 L. IN TRANS. 107 (1963); Parson, *The Individual Right of Petition: A Study of Methods Used by International Organizations to Utilize the Individual as a Source of Information on the Violation of Human Rights*, 13 WAYNE L. REV. 678 (1968).

²⁶ The excellent articles by Dr. Schwelb that are cited in notes 6 and 7 *supra* were especially helpful. See also his *Some Aspects of the Measures of Implementation of the International Covenant on Economic, Social and Cultural Rights*, 1 HUMAN RIGHTS J. 363 (1968), and *Notes on the Early Legislative History of the Measures of Implementation of the Human Rights Covenants in MELANGES OFFERTS A POLYS MODINOS* 270 (1968).

²⁷ Illustratively see his *The United Nations and the Development of Rules Relating to Human Rights*, 59 PROC. AM. SOC. INT'L L. 132 (1965); *The Domestic Status of the European Convention on Human Rights: A Second Look*, 7 J. INT'L COMM'N JURISTS 55 (1966).

²⁸ COUNCIL OF EUROPE, *EUROPEAN COMM'N ON HUMAN RIGHTS, RULES OF PROCEDURE OF THE COMM'N* (January, 1965).

²⁹ I.C.J. STAT., annexed to U.N. CHARTER, June 26, 1946, entered into force October 24, 1947. RULES OF COURT, ADOPTED by the I.C.J., May 6, 1946, I.C.J. ser. D, No. 154-83 (2d ed., 1947), [1950-1951] I.C.J.Y.B. 235-62.

³⁰ International Covenant on Civil and Political Rights, adopted and opened for signature, ratification and accession by G.A. Res. 2200A, 21 U.N. GAOR, Supp. 16, at 52-58, U.N. Doc. A/6316 (1966); text is also reproduced in U.N. Doc. A/CONF. 32/4 at 8.

³¹ Optional Protocol to the International Covenant on Civil and Political Rights, adopted and opened for signature, ratifica-

tion and accession by G.A. Res. 2200A, 11 U.N. GAOR, Supp. 16 at 59-60, U.N. Doc. A/6316 (1966); text is also reproduced in U.N. Doc. A/CONF. 32/4 at 16-18.

³² RULES OF PROCEDURE OF THE GENERAL ASSEMBLY, U.N. Doc. A/520/Rev. 7 (1964); RULES OF PROCEDURE OF THE ECONOMIC AND SOCIAL COUNCIL, U.N. Doc. E/3063/Rev. 1 (1967).

³³ Convention against Discrimination in Education, adopted and opened for ratification, acceptance and accession by the General Conference of the U.N.E.S.C.O., December 14, 1960, 429 U.N.T.S. 93; text is reproduced in U.N. Doc. A/CONF. 32/4 at 30-33.

³⁴ Protocol Instituting a Conciliation and Good Offices Commission to be responsible for seeking a settlement of any disputes which may arise between States Parties to the Convention against Discrimination in Education. Adopted by the General Conference of the U.N.E.S.C.O. December 10, 1962; text is reproduced in U.N. Doc. A/CONF. 32/4 at 33-36.

³⁵ Convention on the Settlement of Investment Disputes between States and Nationals of Other States, opened for signature, ratification, acceptance or approval March 18, 1965, 575 U.N.T.S. 159; text is reproduced in 4 INT'L LEGAL MATERIALS 532-44.

³⁶ See Newman, *supra* note 7, at 312 n. 18.

³⁷ See Dept. of State Press Release 6/49A-1066 BT, noting that the U.S. signature was accompanied by this statement: "The Constitution of the United States contains provisions for the protection of individual rights, such as the right of free speech, and nothing in the Convention shall be deemed to require or to authorize legislation or other action by the United States of America incompatible with the provisions of the Constitution of the United States of America." Cf. Statement by Mr. Goldberg, Committee III, December 14, 1965, 54 DEPT. STATE BULL. 212 (1966); Statement by Miss Willis, Plenary Session, December 21, *id.* at 216.

³⁸ See Senator Proxmire, *President's Commission for Human Rights Again Calls for Ratification of Convention*, CONGRESSIONAL RECORD, vol. 114, pt. 20, pp. 25788-25789; cf. CONGRESSIONAL RECORD, vol. 114, pt. 23, p. 29608.

³⁹ "Gov. Harriman attended the September 17 meeting [of the President's Commission for the Observance of Human Rights Year] and cited President Johnson as achieving more progress in human rights than any of his predecessors." NEWS OF THE COM'N, No. 2 (Oct. 1968) at 1.

⁴⁰ Letter to F. C. Newman from E. E. Goldstein, Special Assistant to the President (on file with the California Law Review); cf. Schwelb, *supra* note 6, at 1058.

⁴¹ "... Secretary of State Dean Acheson . . . said, in 1952, that 'the continuance of racial discrimination in the United States remains a source of constant embarrassment to this Government in the day-to-day conduct of its foreign relations; and it jeopardizes the effective maintenance of our moral leadership of the free and democratic nations of the world.'" Quoted in Deutsch, *Views from Many Bridges on School Segregation and Integration*, 51 A.B.A.J. 233, 236 (1965); cf. U.S. Race Problems No Longer a Domestic Affair—Wilkins, Oakland Post, May 8, 1968, at 1.

DEFENSE SPENDING MUST BE REVIEWED

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

MR. COHELAN. Mr. Speaker, I have on a number of occasions cautioned the Members of this body that the defense budget can no longer be considered a sacred cow. The enormous sums we are now devoting to defense claim the lion's

share of the resources of the Federal Treasury. Vietnam now costs more each year than we are spending at the Federal, State, and local level on public education. And non-Vietnam defense expenditures claim \$5 out of every \$8 paid by individuals in income taxes this year. In total, defense expenditures claim nearly 100 percent of all personal income taxes paid.

In my view, we can preserve the security of the United States with many billions less than we are now spending—even on the non-Vietnam defense expenditures. Several items recently in the news have disclosed substantial waste in defense spending—ABM, Spanish bases, battle tanks, are only a few of them. In the coming months the Congress will have to come to grips with this staggering misallocation of national tax revenues.

The press has begun to notice this need. In particular, the New York Times of Sunday, April 6, 1969, carrying the column of James Reston, notes the growing battle which looms over maintenance of the present enormous defense appropriations. I commend this column to the readers of the RECORD, and include it at this point:

THE \$25 BILLION QUESTION
(By James Reston)

WASHINGTON, April 5.—The strategy of the Nixon Administration is now beginning to come clear. The indications are that the President has decided to reduce the level of violence at once in Vietnam, begin withdrawing substantial forces from that conflict by the end of 1969, and negotiate a cease-fire, a compromise settlement and a complete withdrawal of American troops from that country by the end of 1970.

There are, of course, many variables in this strategy. President Nixon's principal advisers, for example, are divided now over just how many men can be pulled out this year—the figures at issue are from 50,000 to 100,000—and they are also divided over continuing or reducing the present level of search and destroy missions in Vietnam, but the general direction of policy has apparently been set. It is toward de-escalation and disengagement and this has already started a quiet struggle over the post-Vietnam defense budget.

The debate over the anti-ballistic-missile system is only the beginning of it. The scope and scale of the battle over the defense budget has not yet emerged in public, but in private here it is developing into a major effort, not merely to cut the armed services back by a few billions, but to challenge many of the basic assumptions of the Pentagon and swing it back from around \$80 billion a year to \$50- or \$55-billion.

This is the really big political confrontation that is over the horizon in America, and it dwarfs all the other confrontations over the cities and the races, and the universities, and poverty and the health services, for it is a \$25-billion question that influences not only defense policy but the whole field of social and political reconstruction.

NIXON AND LAIRD

This is not the kind of fundamental question President Nixon likes. His way is to modify existing policies and to give the impression of change without changing things very much. But he is faced with radical and even dangerous problems which cautious adjustments will not remove. After all the polite talk and Sunday supplement articles about the military-industrial complex, there are now powerful men and forces in this

country which are finally determined to take this issue by the throat and force a major reallocation of national resources away from military defense and toward reconstruction on the home front.

The Pentagon, the lobbyists for the aerospace industries and the powerful Congressmen whose districts benefit from the big defense contracts have recognized this coming defense budget battle quicker than the politicians, preachers, publicists and students who are writing and demonstrating for social reconstruction in this country.

They are already arguing that after the end of the Vietnam war it will be essential to develop the new weapons systems that have been postponed because of the war in Vietnam. They are not very original but they are very determined. They are warning on Capitol Hill at precisely the right points of power about a new "missile gap." They are talking about "new intelligence" that "proves" the Soviets have an intercontinental first-strike missile that can destroy our defenses and place our security in jeopardy.

Therefore, while they admit that we have to cut the defense budget some after Vietnam to make more money available for the problems at home, they are arguing with considerable skill that we must be "realistic" and keep the cuts to a very few billion.

This appeal to national pride and fear of the Soviet may not be very original, but it is directed very accurately at the key men in Congress whose power and political interests rest on a continuation of vast military budgets.

LAIRD'S POWER

Also, the new Secretary of Defense, Melvin Laird of Wisconsin, is the only man in the Nixon Cabinet who has a powerful political constituency of his own. He has great influence with the political leaders of the Republican party. His personal view of how to defend the country coincides very closely to the views of the Joint Chiefs of Staff and the views of Chairmen Russell and Stennis and the other military-oriented elders of the Congress, and this is a formidable coalition not only of political but of military, industrial, and one must now add labor union forces that would like to keep the military budget about where it is, even after Vietnam.

This is not a political conspiracy. These are not cynical men. They honestly think that the best way to defend the country from its external enemies, keep the national economy booming along, and minimize unemployment is to maintain a defense budget of from \$75 to \$80 billion.

The issue is really philosophical. How best to defend the nation? What threatens it most—its external enemies or its internal divisions and chaos? And specifically, whether to take \$20 to \$25 billion out of the military budget for the home front, or go on assuming that the external threat is greater than anything else.

These issues will come up even if the Administration's deescalation and disengagement policies in Vietnam do not work. The country has gone through these same arguments about how much money had to be voted for the Pentagon in the Truman Administration—only then the hawks were saying we would be destroyed if we didn't vote \$15 billion for military defense, and the doves were saying the budget had to be kept to \$10 or \$12 billion.

The difference now is that the military has prevailed for over a generation, and even with over \$75 billion for military defense, the external problems remain and the internal problems have become much more serious. So we are now approaching a defense budget debate of major proportions, for only by deep cuts in this budget will it be possible to pay for the reconstruction programs on the homefront.

POST OFFICE DEPARTMENT AND PARTISAN POLITICS

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

Mr. FULTON of Tennessee. Mr. Speaker, early in his administration, President Nixon stated that the Post Office Department would be taken out of partisan politics and the patronage system.

This decision had my enthusiastic support, and my congratulations on the decision were made to the White House.

In more recent correspondence with Mr. Nixon, I pointed out that my experience regarding the Post Office and political patronage has indicated that this practice has, unfortunately, not ended.

Not only have I learned that 15 individuals, all representatives of big business, have been named as acting regional directors, referred to in Post Office press releases as "expert consultants," but I have discovered that Post Office personnel in the regional post offices can no longer talk to a Member of Congress.

This situation came to light when I made a routine inquiry of the regional post office at Memphis. It has been my practice, on many occasions, to simply pick up the telephone and call the regional director when I had an inquiry or a problem from a constituent relating to a post office matter. But now, I am told, that an inquiry, even of a routine nature, must be made to an Assistant to the Postmaster General in Washington, who then must contact the regional office. Then a reply is given the Assistant, who passes the reply on the congressional Member. Thus, we add to the expense of Government operations, multiply the maze of Government bureaucracy, delay action on an inquiry, and suffer from a marked inability to provide prompt service to constituents.

In my correspondence with the President, I pointed out that Mr. Ted Ripa, of Chicago, an aide in Mr. Nixon's presidential campaign, had resigned his position as an executive with Martha Washington Kitchens of Chicago, and has now become the acting regional director with the regional post office at Memphis, Tenn. I have asked the President to inform me in what way Mr. Ripa's experience as an executive with Martha Washington Kitchens qualifies him to serve as a \$100-a-day expert consultant as acting regional director with the Post Office Department.

Perhaps Martha Washington Kitchens is another fast food service organization and Mr. Ripa is going to incorporate the techniques of the convenience food industry into our postal system.

Actually, these "expert consultants" are receiving \$98 a day for their services as acting regional directors. This fee sounds like a bargain basement special at a merchandise sale, but it appears that it will be at the expense of the taxpayer. In fact, we could expect a request for a postal rate increase to pay the consultant fees.

In my correspondence with the White House I have asked if it could be made

public how many of the acting regional directors are members of the Republican Party, and what role, if any, they played in the presidential campaign. In addition, I have asked how long these individuals have been serving as "expert consultants" at the 15 regional post offices, how long they will remain in these positions, how they were selected, and what were the qualification requirements for the positions.

In addition, I would like to know, and I believe my fellow Members of Congress would like to know, if these expert consultants were, in fact, being trained to take over the posts of regional directors.

If they are being trained to become regional directors, perhaps this should come under the Department of Labor and its on-the-job training program.

For the benefit of my colleagues, the 15 acting regional directors are—

Dallas region: James Upfield, former vice president, Bayfield Industries Division, Automatic Sprinkler Corp.

Denver region: Robert Balbasin, of Denver, former vice president of development, May Department Store Co.

Minneapolis region: Joe D. Austin, of Minneapolis, senior vice president and member of the board of directors, Minnesota National Life Insurance Co.

Seattle region: Frank Cleary, former vice president, Pacific Northwest Bell Telephone Co.

San Francisco region: Gere T. West, vice president of traffic, Consolidated Freightways.

St. Louis region: Albert P. Viragh, former vice president, Hussmann Refrigerator Division, Pet, Inc.

Washington, D.C., region: Herman Intemann, of Arlington, Va., former vice president, Union Carbide Corp.

Atlanta region: William Haile, of Mooresville, N.C., former executive vice president, Union Carbide Corp.

Austin region: E. L. Mears, of Lexington, Mass., vice president, Industrial Chemical Group, W. P. Grace & Co.

Chicago region: John L. Fike, of Chicago, former general superintendent, Swift & Co.

Cincinnati region: Kroger Pettengill, of Cincinnati, former president, First National Bank of Cincinnati.

New York region: Harold Larson, of White Plains, N.Y., former vice president, American Can Co.

Philadelphia region: Raymond F. Winch of Swathmore, Pa., manager, marketing planning, Sun Oil Co.

Wichita region: Russ James, of Wichita, currently an administrator for the Kansas division of the Boeing Co.

Memphis region: Ted Ripa, of Chicago, former vice president in charge of marketing, Martha Washington Kitchens.

If we are, in reality, to remove the Post Office Department from political patronage, these are questions which must be answered and explained. I feel all of us want to create a truly efficient and fiscally sound postal operation, staffed with a professional corps of postal employees and executives.

PRESIDENTIAL POSITION ON EFFORTS TO EXEMPT EDUCATIONAL PROGRAMS FROM TITLE VI OF THE CIVIL RIGHTS ACT OF 1964

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

Mr. BINGHAM. Mr. Speaker, the apparent inconsistencies and equivocations in the policies of the new administration in the area of civil rights have properly caused increasing concern in the press and among interested citizens. An excellent commentary by John P. MacKenzie appeared in the April 14 issue of the Washington Post entitled "Nixon Civil Rights Policy Appears Mired in Confusion," the text of which follows these remarks.

Several Members of the House have indicated their desire to see the legislation extending and improving the Elementary and Secondary Education Act contain a provision exempting programs under the act from title VI of the Civil Rights Act of 1964. Title VI, as many Members of this body are well aware, requires nondiscrimination in federally funded programs.

The House Members who supported such an exemption in committee are now weighing the possibility of offering it as an amendment on the House floor.

Here is an opportunity, it seems to me, for the President clearly and simply to clarify his views and policies on civil rights—by announcing immediately his opposition to any such amendment, and by using his influence to prevent this amendment from being offered on the floor and to oppose it with the full weight of his office if it is offered.

The issue here, Mr. Speaker, is quite clear. Either schools and school boards will be required to comply with title VI as interpreted in detail by the relevant executive agencies, or they will not. For the President to take action here will not require extensive effort on his part, or on the part of his already overworked staff. It would, however, put the new administration on record on the question of civil rights in the schools, and I urge the President to advise the Congress of his position on this matter.

The article referred to follows:

NIXON CIVIL RIGHTS POLICY APPEARS Mired IN CONFUSION

(By John P. MacKenzie)

Less than three months after taking office, the Nixon Administration appears to have as many civil rights policies as there are agencies with civil rights duties.

So far, it's been a record of activism and equivocation, of creative effort and indifference, of talk and conduct that both excites and worries Negro leaders. The only central themes have been lack of coordination and a tendency to react and improvise rather than initiate action.

On the same day that the Justice Department's civil rights chief announces a bold new move to protect Negroes from real estate "blockbusting", the Secretary of Transportation is roasted on Capitol Hill for easing up on equal employment demands for highway builders.

On the same day that the Justice Department sues a textile mill for job and company housing bias, the NAACP Legal Defense Fund is taking the Pentagon to court for letting three prime textile contractors off the hook over their hiring, promoting and company housing practices.

In one 24-hour span, President Nixon vows publicly that the executive branch shall "lead the way as an equal opportunity employer"—and his press secretary states that the Chairman of the Equal Employment Opportunities Commission, freshly rebuked by Senate Republican leader Everett Dirksen for "harassing" employers, will be replaced.

Beneath these appearances of confusion and lack of direction, there is real confusion and lack of direction—although the young Administration's failure to attempt high-level, across-the-board civil rights enforcement may not be entirely an accident.

Assistant Attorney General Jerris Leonard for example, did not know in advance that the Defense Department was accepting verbal equal employment assurances from the textile firms rather than the written promises required by a 1965 executive order.

Such a snafu probably would not have happened under President Johnson who, besides making his stand on civil rights very clear, designated Attorney General Ramsey Clark as his man, Government-wide, to ensure enforcement of Federal law barring financial aid to areas plagued by discrimination.

Nobody has stepped forward to claim the laurels of Mr. Civil Rights for the Nixon Administration, partly perhaps because Attorney General John N. Mitchell has indicated he wants to make the line between Justice and, say, the Department of Health, Education and Welfare, firmer rather than fuzzier where they have over lapping jurisdiction such as in school desegregation.

The total effect each department going its own way, is not one of neutrality toward civil rights. The Pentagon's failure to submit its contracting policy to scrutiny elsewhere in Government amounts to a decision to avoid the kind of review that almost certainly would build pressures for a tough Defense Department policy.

Besides making it easier to temporize, such lack of necessary embarrassment. The Pentagon made its textile announcement within hours of President Nixon's promise to NAACP Executive Secretary Roy N. Wilkins to investigate complaints on the subject—a bureaucratic goof that no cynic could have stage-managed.

Leonard, 39-year-old former Wisconsin state legislator, has overcome an initial setback about his membership in a segregated Milwaukee club to earn a reputation among many civil rights workers for a sincere desire to enforce Federal law vigorously.

He stepped in quickly to argue in the Supreme Court on the side of Negroes who tried to desegregate a recreation area near Little Rock, Ark. When he filed a friend-of-the-court brief in a Chicago "blockbusting" case, lawyers for Negroes there credited him with a creative legal argument and they were grateful to have the prestige of the United States Government thrown in as well.

Leonard is regarded by some subordinates as easily educated in the intricacies of civil rights enforcement, but he is being watched to see whether he can capture the appropriations needed to unfreeze the current travel restrictions that keep many bias fighters chairborne.

At HEW, Secretary Robert H. Finch weathered an initial period of unpreparedness and uncertainty to begin a pattern of toughness over school desegregation-Federal aid guidelines.

But Finch's appointment of Robert C.

Mardian, who has urged a quiet cutback in Federal fund cutoffs, as general counsel, counterbalanced his naming of Leon A. Panetta, a liberal, to do the actual enforcing, has created a new mix of emotions and expectations. So have Finch's own conflicting public statements on civil rights issues.

No civil rights legislative program has emerged, but it will be surprising if the White House backs a Johnson Administration proposal for enforcement powers for the Employment Commission, since Dirksen has upbraided former chairman Clifford A. Alexander Jr. for his use of its existing powers.

The Administration's failure to coordinate with Dirksen plus an ill-timed White House statement the next day saying Alexander would be replaced as chairman combined for the maximum Administration embarrassment. Knowing that Alexander, a Democrat, could become difficult to handle politically, the Administration nonetheless managed to let Alexander resign as chairman (while remaining on the commission) in a righteous huff rather than quietly.

The signs are scant that segregationist Sen. Strom Thurmond (R-S.C.) wields great influence on civil rights matters. But signs are plentiful that the Nixon Administration will continue for some time to move in several directions at once on civil rights.

COMMUNIST AIR AGGRESSION

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

Mr. RARICK. Mr. Speaker, the news that the Communist regime of North Korea has shot down a U.S. reconnaissance plane resulting in the apparent murder of 31 U.S. boys has shocked the conscience of the peace-seeking world.

Compare, for example, the barbaric act of the Government of North Korea toward our U.S. aircraft with the reports of Soviet bombers regularly flying along the U.S. coast. Compare also this action with the piracy at high seas in the capture of the U.S.S. *Pueblo* and the subsequent imprisonment and torture of the American crew.

How can any informed American believe that we can negotiate peace from a position of weakness through supposed assistance from the Soviet Union, when it is the Soviets and their arms escalation and military equipment that underwrites these atrocities?

The American people must awaken our leaders that there can be no peace until we go after the peace—not by pacifist verbiage—but by a policy of retaliation and announced efforts that we are going to win our goals—including an announced all-out effort for peace through victory and the unequivocal backing of our boys wherever they serve.

I include several news articles following my remarks:

[From the Washington (D.C.) Evening Star, Apr. 15, 1969]

NORTH KOREA SAYS U.S. PLANE DOWNED—NAVY SPY CRAFT WITH 31 MISSING IN SEA OF JAPAN—COMBAT PATROL COVER PROVIDED FOR AIR SEARCH

Tokyo.—North Korea, which captured the U.S. intelligence ship *Pueblo*, reported today its air force shot down a large American reconnaissance plane.

In Washington, the Defense Department

said a Navy reconnaissance plane with 31 aboard was missing in the Sea of Japan.

North Korea's official Central News Agency said "a large-sized modernly equipped reconnaissance plane" intruded deep into North Korean air space and was shot down. The time given for the downing of the plane was 1:50 p.m. or 11:50 p.m. EST yesterday.

The broadcast gave no information on the fate of those aboard.

It said only that the North Korean air force shot the plane down at a high altitude "by showering fire of revenge upon it."

ROUTINE RECONNAISSANCE

In Washington, the Defense Department said the Navy EC121 plane, based at Atsugi, Japan, was flying "a routine reconnaissance track" which kept it at least 50 nautical miles from the North Korean coastline.

The Pentagon did not immediately confirm that the North Koreans shot down the huge electronics-packed aircraft but said only that a broad search was launched for the plane and its crew of 30 Navy men and one Marine.

At the Capitol, however, Vice Adm. J. B. Colwell, deputy chief of naval operations, talked as though hostile action was involved.

He called the incident "a clear case of international piracy and a breach of international law." He talked briefly with newsmen before going into a closed session of the House Armed Services Committee. He declined to give further details in public.

PRESIDENT AWAKENED

At the White House, press secretary Ronald L. Ziegler said President Nixon was awakened "early this morning" to be told about the missing plane.

Ziegler declined to say just when Nixon was awakened, but said the information was relayed to the President by telephone from Dr. Henry A. Kissinger, his special assistant for national security affairs.

A Defense Department spokesman said the aircraft commander was under orders to approach no closer than 50 miles to the coast of North Korea.

The EC121 carried two 20-man life-rafts. The Defense Department said combat patrol cover was being provided for two search planes, an HC130 Hercules and a KC135 tanker.

The destroyers Tucker and Dale, which have been based at Sashebo, Japan, were ordered to head toward the search area.

The EC121 is heavily-loaded with electronic gear, as was the U.S. intelligence ship *Pueblo*, which was captured off the North Korean coast on Jan. 23, 1968. The U.S. claimed at the time the ship was in international waters about 25 miles off the North Korean coast.

Search operations today apparently were centered within 200 miles of where the *Pueblo* and its 83 crewmen were captured. The crew was released late last year. The Pentagon said the air search today is centered about 95 miles southeast of Chongjin, North Korea.

The U.S. Embassy in Moscow today asked Soviet assistance in searching for survivors of the plane. A spokesman said the embassy had informed the Ministry of Foreign Affairs of the plane's disappearance and sought help from any Russian ships that might be in the area. Japanese fishing boats already have joined the search.

At the Pentagon, Daniel Z. Henkin, the Defense Department's chief spokesman, dodged all questions on what may have happened but said "the aircraft was in communication with its base during its mission."

"We have no information at this time which confirms the sighting of any survivors," Henkin said.

Pentagon records indicated this would be the first U.S.-North Korean air clash in 10 years.

In June 1959 a Navy P4 patrol plane was attacked by a MIG jet in the Sea of Japan about 85 miles east of Wonsan, North Korea. A tail gunner was seriously wounded in that incident but the damaged plane returned safely to a base in Japan.

The missing airplane is a converted Lockheed Super Constellation. It has a big hump in the top of the fuselage to carry radar and other monitoring devices.

"It is a large-crew airplane," the spokesman said, confirming that 31 men would not be an unusual number to be aboard. The monitoring equipment requires a number of operators.

The North Korean agency said the "U.S. imperialist aggressor army which has been rapidly intensifying the war provocation maneuvers against (North Korea) of late perpetrated on the morning of the 15th the grave provocation of infiltrating deep into the territorial air of the republic a large size modernly equipped reconnaissance plane to conduct reconnaissance, while perpetrating grave provocations along the military demarcation line."

It said the North Korean air force "instantly spotted" the plane and "scored the brilliant battle success" of shooting it down.

"The U.S. imperialist aggressors must bear in mind that the stern warning of the Korean People's Army is not empty talk and the Korean People's Army counters any provocation of the U.S. imperialist aggressors instantly with a hundred-fold, thousand-fold retaliatory blow," the broadcast said.

About the time of the announcement in Washington, the U.S. Navy in Saigon abruptly cancelled an awards ceremony tomorrow aboard the aircraft carrier *Ranger* off Vietnam.

A Navy Spokesman in Saigon said he did not know if the cancellation was directly connected with the plane incident.

South Vietnam's defense minister and other officials had been scheduled to go aboard the *Ranger* to present medals to about 50 U.S. Navy men.

[From the Baton Rouge (La.) State-Times, Apr. 8, 1969]

SOVIET BOMBERS ARE FLYING REGULARLY TO WITHIN MILES OF U.S. COAST

(By Bob Horton)

WASHINGTON.—Soviet bomber flights to the fringe of North America have become so routine in recent months that U.S. fighters aren't always sent to intercept them, according to Pentagon sources.

Over the last 15 months, these sources say, there have been about three dozen incidents of Soviet planes flying near continental North America, usually Alaska or Canada.

However, the Soviets have been careful to turn back before actually flying over U.S. or Canadian territory, the sources said.

While continental defense officials occasionally may decide not to scramble interceptors, the Soviet bombers are always monitored on radar from the time they get within a few hundred miles of the North American coastline until they leave.

Only two or three of the Soviet missions have been disclosed officially by the Pentagon, which indicates the low key attitude the U.S. government is taking.

The most recent Soviet flight, sources report, occurred April 1 when eight to 10 TU16 Badgers came within 65 miles of Northwest Alaska.

The Alaskan Air Command scrambled F102 interceptors, but no nose-to-nose confrontation was necessary.

The Badger is a twin turbo jet aircraft roughly comparable to the old American B47 and capable of speeds up to 580 mph.

Seven other Soviet flights near U.S. territory this year are recorded on a list now stamped secret in the Pentagon.

In addition, there were more than 25 other similar incidents in 1968 not only off Alaska but near Newfoundland, Labrador, Iceland, and around the Aleutian Island chain in the Pacific.

GROUP OF SEVEN

Usually the Soviet planes show up in groups of two or three, but on one mission this past January, seven TU95 Bear reconnaissance bombers came within 30 nautical miles of Northwest Alaska. The Bear is a 500 mph turbo prop capable of flying 7,800 miles without refueling.

Six to eight Bears were intercepted by U.S. fighters last summer, again off Northwestern Alaska, in another major flight which went unpunished.

Pentagon sources say the Soviets have been careful to halt their approaches within 30 to 150 miles of North American territory during the 15-month period.

In 1963 the United States protested strongly to the Soviet Union that two reconnaissance bombers had flown 30 miles inland across the southwestern tip of Alaska. The Soviets denied any incursion.

Pentagon sources are frank to admit the United States has no real basis for complaint so long as the Soviet planes remain outside NATO territory.

Furthermore, the United States could hardly protest that the flights are provocative. Strategic Air Command training missions send nuclear-capable B52s quite regularly into Arctic regions near Soviet territory.

PROBABLE REASONS

Sources believe the Soviets have three reasons for conducting what appears to be a regular program of flights toward the United States:

They want to keep a constant check on how long it takes U.S. radar to detect incoming planes and scramble fighters to intercept them.

The flights provide Soviet air crews with training made highly realistic when U.S. fighters meet them.

The Soviets collect various intelligence information from the missions. Even without flying over U.S. territory, they can take long range photographs, test radar detection systems and maintain data on American radio frequencies.

The decision whether to send U.S. jets to meet Soviet planes entering the air defense zone usually depends on the speed and angle of approach of the incoming flight.

Interceptors are designed mainly to assure the Soviets that their presence has been detected.

[From U.S. News & World Report, Mar. 24, 1969]

New types of Soviet weapons are showing up in the Vietnam war. U.S. Marines have captured Soviet D-74 field guns that can fire 55-pound high-explosive shells more than 13 miles and penetrate 7 inches of armor plate. The Marines also have sighted the first self-propelled guns known to be used by the enemy. They are believed to be the Russian-made JSU-122 assault guns.

[From Human Events, Apr. 19, 1969]

MILITARY REPOSITIONED AROUND GLOBE—BEHIND THE SOVIETS' "FORWARD STRATEGY"

(By Paul Scott)

The dramatic movement of powerful Soviet naval units from the Arctic to the Pacific Ocean is an integral part of the Kremlin's strategy of repositioning its military forces in strategic areas of the world.

Although U.S. intelligence authorities are split over the immediate impact on the West of this Russian naval build-up in the Pacific, the majority agree the transfer of ships gives the Kremlin a powerful new military lever to influence future events on the Korean peninsula, in Asia, and other areas of the world.

Strikingly illustrative of this expanding "forward strategy" are the following Soviet military movements during the past year:

(1) the positioning of 80,000 Russian troops in Czechoslovakia near the West German border; (2) movement of 20,000 additional troops into East Germany and Poland; (3) shifting a large number of Russian ships to the Mediterranean; and (4) basing of Soviet long-range bombers in the United Arab Republic; (5) increasing of military supplies to Arab nations; (6) supplying of arms to Nigeria to internationalize the war there; (7) increasing the flow of arms to North Viet Nam; and (8) shifting of Arctic Ocean naval units to the Pacific.

Significantly, the transferring Soviet navy units have aboard an unusually large number of bilingual communication officers who speak either Korean or Japanese in addition to their native tongue.

Presence of these officers, detected before the Soviet naval units left Murmansk, greatly puzzled American naval intelligence officers until the final destination of the Red naval units was uncovered by the British.

While Russian diplomats are dropping hints all over the world that the Soviet naval movement is designed to meet "the growing Chinese Communist border threat" in the Far East, U.S. intelligence authorities believe there is much more to the Soviet strategic power build-up in the Pacific.

For instance, South Korean intelligence officials have warned the U.S. that the naval transfer is part of Moscow's preparations to support a 1970 invasion of their country by the North Koreans.

This latter threat is considered so real that Speaker John McCormack (D-Mass.) recently arranged for a congressional delegation headed by House Majority Leader Carl Albert (D-Okla.) to fly to South Korea to indicate U.S. backing for that government. The lawmakers agreed to work for a step-up of American military aid as a move to deter the Communists.

According to the South Koreans, Kim Il Sung, tempestuous North Korean dictator, is merely waiting to strike until American forces become so mired down in Viet Nam that they cannot defend Korea.

As of today, the priorities of the Viet Nam war have left South Korea woefully unprepared to resist another invasion. More than 50,000 of South Korea's best troops have been drawn out of the line to fight in Viet Nam.

The 50,000 Americans who hold 18 miles of the 151-mile Korean front are ill-equipped to face North Korea's modern 400,000-man army and air force without additional air and ground support from other U.S. bases.

The frantic war preparations in North Korea, plus the unpreparedness in the south, could make Korea a future Pearl Harbor for American forces there if Moscow decides the time is ripe to have Soviet-trained Kim Il Sung open a second Asian front.

It is known here that Moscow's agents in Japan have instructions to ferment a new round of strikes and protests designed to force the present Japanese government to block use of U.S. bases there in any new Korean war. These protests will be centered around opposition to proposed renewal of U.S.-Japanese defense agreements.

These are the little-aided developments in the Far East that President Nixon is being urged by his intelligence advisers to consider in his assessment of the movement of Soviet naval units to the Pacific.

The blow-up of Sino-Soviet border clashes by Moscow is considered highly significant by Nixon's intelligence advisers, but they caution that far too little is known about the incidents to determine whether they were connected with the naval movement or are being used as a cover for more sinister Russian intentions.

One of the most interesting articles on current Soviet foreign policy and strategy being studied at the highest level of the Nixon Administration was written by Joseph Schie-

bel, director of the Russian area studies program and professor of history of Georgetown University.

Titled "Convergence or Confrontation?", the Schiebel article gives a bleak prospect of a less militant Russia, stating:

"A whole array of military and particularly naval developments and the imminent succession by the Soviet Union to strategic bases (especially those which would permit the Soviet Union almost total domination over the Near and Middle East) . . . point to a preoccupation with techniques of empire by strategic control . . ."

"The emergence of the Soviet Union as a substantive provider of development aid (with strategic strings attached to much of it), as a marketer of major competitive goods (oil, advanced aircraft, etc.) and as a factor in the international money market indicate a growing capacity in this medium of political control . . ."

Schiebel's forecast that the Kremlin's effort to undermine relations between West Germany and the U.S., the national liberation strategy, and the strategy of isolating the U.S. as a world power will dominate operational aspects of Soviet foreign policy in the foreseeable future.

"The Soviet leaders are not omnipotent supermen," he concludes. "They owe their successes to the fact that they were able to so organize and arrange their advances that there would be no enemies."

The article appears in the 1968-69 Winter Issue of the *Intercollegiate Review*.

[From the Washington Post, Apr. 11, 1969]
AMERICAN ERA OF UNEQUALLED MIGHT SEEN AT END

(By Alfred Friendly)

LONDON, April 10.—A 20-year period in which American policy alone largely shaped the pattern of international politics probably ended last year, a group of defense experts believes. The Soviet Union, they say, "must now be treated as a full equal in terms both of strategic power and of her ability to control conflict in the developing world."

The judgment is that of the annual survey of Britain's highly esteemed Institute for Strategic Studies, made public today.

The survey said that for various reasons 1968 marked "the end of the American desire and ability to be the universal and dominant power."

U.S.S.R. EQUALS UNITED STATES

At the same time, the Soviet Union, having equalled the United States in intercontinental ballistic missile strength, has increased and diversified its other military capabilities to the point where it can intervene more actively in local conflicts and wars distant from its borders—even as the United States can, and has done.

There was no clear evidence during the year, the survey declared, to indicate whether the increase in the power and diversity of Russian military capability meant that "an active intervention strategy was in the making" or whether it was merely to give the Soviet Union "the panoply of a superpower" and the same range of options the United States enjoys for prestige and bargaining.

But, the survey authors continued, support for the first interpretation came from the Soviet Union's proclamation of the so-called Brezhnev doctrine—the right of intervention in the "socialist commonwealth." That concept could mean intervention not just in an Eastern European country like Rumania or even Yugoslavia; "it could mean Syria or other left-wing Arab states; it could mean China," the survey said.

THREAT TO BLOC

Reviewing the Soviet invasion of Czechoslovakia, the survey said there was little evidence that developments within the country before August were seen as an immediate security threat to the Soviet Union or its system, but much evidence that they were

regarded as threats to the ability of other nations in the Eastern Bloc "to contain their own internal changes."

The invasion served to delay U.S.-Soviet arms control discussions—although the United States was held back more by "a sense of propriety than a reduced appetite for detente,"—but it did not affect the discussions in principle, the report said. Moreover, the invasion did not change the fact that the NATO nations had no alternative to trying to continue to reach a detente with the Soviet Union.

But the major consequence of the invasion, the survey asserted, was in Eastern Europe itself, where the Soviet action fundamentally changed the status quo.

In terms favorable to Russia, it reestablished the credibility of its military power as the prime instrument of its control in Eastern Europe; it seems to have snuffed out the Czechoslovak reformist movement; it left a larger Soviet military presence deployed on NATO's doorstep, and it served warning on West Germany of the dangers of continuing its wooing of the Eastern Bloc.

On the debit side, the survey said, the invasion shattered the image of a mellowing Soviet Union; frightened NATO into some fresh vibrations; menaced the unity of the Communist movement outside the Eastern Bloc, and "prompted the United States to begin mending her relations with her European allies."

The survey's gloomiest forecasts were focussed on the Arab-Israel conflict, where it found that "the materials from which a settlement" could be built are still inadequate.

Worse, it continued, the Palestine liberation movements have risen to such power that the largest, Al Fatah, now acts almost as a nation, but without a nation's formal structure. Thus, there is "a serious question whether any Arab regime could survive a settlement" in the face of the Fedayeen groups' opposition.

If the Arab governments delay in resolving their own relations, redefining their objectives and reasserting their own domestic authority, the survey warned, Israel's own considerations about "defense and deterrence" may lead it to invoking the nuclear option which she has almost certainly acquired."

SEXATION IN THE CLASSROOM

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

Mr. RARICK. Mr. Speaker, as parents across the Nation become more aware of the inherent dangers of sex education in the schools, opposition to it begins to stiffen and become more organized.

The material for sex education is spread and pushed by an outfit calling itself the Sex Education and Information Council of the United States—SIECUS.

Scores of school boards in the United States have cited a lack of opposition to the teaching of this explosive material on sex as justification of its introduction into the school curriculum.

However, the answer to this is obvious—parents have previously had very limited access to the sensational material produced by SIECUS. As they do become aware—and more are becoming aware everyday—opposition to this lurid material stiffens.

The March 1969, edition of the journal of the Sarasota, Fla., County Medical Society contains two interesting and timely articles on sex in the schools and

an informative and enlightening article on this subject appeared in the April 12, 1969, edition of the Prince Georges Sentinel published in neighboring Prince Georges County, Md. Also, a letter to the editor of the County News of Prince Georges from a concerned parent should be of equal interest to my colleagues.

I present these to follow my remarks:

THE JET SEX

(By William Campbell Douglass, M.D.)

When I was growing up, there were two sexes—the male sex and the female sex. My medical school anatomy course confirmed this. But recently something new has evolved from our schools—the Jet Sex. This is the generation of "sexually free" children, who are taught from kindergarten how to do it, how babies are made and how they are avoided. The Jet Sex is taught that the issue isn't morality, but fornication without fear. Religion is out of our schools, but coition is rapidly becoming the biggest thing since the new math. The children are assaulted with detailed texts, "study guides," visual aids, clay for modeling the human phallus, and everything conceivable short of copulation rooms—and even this has been suggested. In one school, for instance, the teacher, (who can only be described as sick, sick, sick), herded her little charges into a darkened room and had them feel each other.

One film now in vogue for Kindergarten shows dogs copulating followed by a human couple in bed under sheets. A recorded voice explains: "Mummy and Daddy are doing the same thing the dogs do." Now really, isn't that a bit much—even for the Jet Sex?

I mentioned sex education in the schools to a friend and he immediately replied, "Well, it's about time!" The implication was that finally someone was doing something and we would at last "understand" and "be natural" with sex—thereby bringing on the millennium and a non-neurotic world. But aren't there some things that are better off not understood during the formative years? Perhaps I am antediluvian in my thinking (I have been accused of such) but what happens to beauty and art when everything is reduced to a mathematical certainty? Our 20th century explorers have already taken the moon out of poetry and song by informing us that it is a "forbidding and foreboding place." Must we not deromanticize sex with clinical discussions in mixed company in the classroom? As the brilliant Alan Stang, writing in The Review of the News of February 5, 1969, put it: "—observe that what is happening . . . isn't just that sex is being given the most repulsive treatment possible—which it is—but that man's greatest, private pleasure is being made commercial; being made a public spectacle enjoyed by a crowd."

Certainly there is nothing wrong with giving anatomical courses to senior high school students (which is being done by the medical profession here). Most of the kids at this age already understand the reproductive process and perhaps these courses in the mechanism of conception clear up points of confusion. But let's leave the little ones to their hopscotch and softball. Psychiatrist Melvin Anshell puts it bluntly: "It catapults the child into advance sexual information; it perverts the child—if you turn into an obstetrician at eight years of age, you have developed a fixation—I think it is creating more pervers than were ever created before."

This is a delicate subject. But it deserves our serious consideration for it is being taught to our children with increasing boldness and diminishing restraint. What goes on in the depths of the mind of a 6 year old boy when he is shown pictures or models of the adult male phallus? Has it occurred to the sexperts that they may be engendering a strong inferiority complex that could well carry through to adult life? Mightn't the

child "act out," as the psychiatrists say, this inferiority complex with promiscuity in a never ending attempt to prove his maleness, to prove his sexual equality with other males?

What of the 6 year old girl, who knows very well what her anatomy is, who is exposed to the adult male, or even the immature male, through pictures or models and is told that she will, in a few years, submit to having that put in there. In a class at the Carter Riverside school in Fort Worth, Texas, the girls were told, "If you don't want all this blood and pain on your wedding, you should . . ." At this point, one little girl fainted.

How stupid can educators get? I just showed you.

Everyone seems preoccupied with sex these days. That is nothing new. And, of course, the pronoun "everyone" may be little too all embracing. But when the students on an American college campus riot because the faculty refused to let them erect statues of men and women performing perverted sexual acts, one wonders what Freud, sex education and John Dewey hath wrought.

Sex education is the "in thing" in America's schools, starting at the kindergarten level. Without it, the promoters of "sexology" warn us, your child will be warped, inhibited and, heaven forbid, moralistic. One wonders how ten generations of Americans managed to build a great and stable nation without formal sex training. We even managed to procreate without liberal busybodies telling us how. At the turn of the century, sex was considered a private matter. Some parents discussed it with their children and some did not. Everyone seems to agree that there was less mental illness then than now. But now the sexperts tell us, "If the parents won't teach their children about sex, then we must."

Why?

They tried it in a big way in Sweden, and now that formerly placid and stable land is ridden with neurosis, suicides and venereal disease. One hundred and forty Swedish doctors signed a petition to the government which stated that Sweden's young people are obsessed with sex and, panting from one partner to another, some have as many as two hundred different sex partners!

Mary Calderone, M.D., high priestess of sex education (who has no psychiatric credentials), promotes premarital intercourse among the kids, tacitly endorses abortion and speaks oh so gently and permissively about homosexuality. And, it is interesting to note, Ortho Pharmaceutical Corporation promotes Calderone with fancy brochures to the nation's physicians. The brochures tell America's doctors to stop moralizing and get with it! After all, Ortho has a lot of birth control pills to sell and 14 year olds know how to swallow pills, don't they? To coin a phrase: There's gold in them thar pills.

Dr. Rhoda L. Lorand, a highly qualified child analyst, has very cogently described the self-appointed sex experts. She said: "I have found that talking to these new sex education zealots about the findings of child analysts over the past forty years, is like talking to an audience of turkeys about Thanksgiving. In order to avoid the realization that their programs belong on the chopping block, they pretend that the evidence proving them in error does not exist and hope that by ignoring it, it will disappear—a most commendable scientific attitude. Don't worry, it won't disappear and more and more people who are unafraid to think are beginning to have doubts about these programs and the caliber of the groups they are attracting."

Dr. Max Levin, psychiatrist and neurologist, reviewed in current Medical Digest a book that was edited by two of our nation's "sex experts," Doctors Isadore Rubin and Lester Kirkendall. The following excerpt from

that review strikes at the heart of their twisted logic:

Rubin says, "The core of the ethical problem is not whether a boy or girl remains or does not remain a virgin, but whether sex is used exploitatively and self-centeredly, or in a meaningful and dignified way."

Kirkendall says, "When it comes to sex in a relationship, the girl has several pressing questions: If I have intercourse, will it make my relationship with the boy stronger? What will he think of me? Will I please him or will I lose his respect?"

All this sounds so reasonable that it has a seductive appeal. Pattenkofer (in the Family and the Sexual Revolution, ed. E. M. Schur, Indiana U. Press), tells us of the satisfaction it gave to a perplexed high school teacher. Like other high school (and college) teachers, she hadn't found it easy to field the questions of her students in the area of premarital behavior.

Pattenkofer writes that he was "much concerned" when the teacher told him "that Kirkendall's ideas had been such a help to her." She said, "Now I have an answer: I just tell the girls and boys that they have to consider both sides of the question: Will sexual intercourse strengthen or weaken their relationship?"

This, mind you, was not a college teacher; it was a high school teacher. One can imagine the turmoil in the mind of a high school girl; in the afternoon, she heard from her teacher that the question has two sides, and now in the evening she is being propositioned by her boyfriend who assures her that intercourse will strengthen their relationship.

The criteria proposed by Rubin and Kirkendall are unsound, indeed naive, for they presuppose a power to foretell the future. A girl contemplating intercourse, says Kirkendall, must ask herself, "Will it make my relationship with the boy stronger?" Even if she possessed the wisdom of Solomon, she would be unable to foretell the answer. Rubin and Kirkendall don't tell us what the girl should do if her forecast of a strengthened relationship backfires. You can make a hit with youngsters if you tell them they're entirely on their own, but few are mature enough to assess the pros and cons of sex freedom.

Ortho Pharmaceutical echoes the sociological garbage from Rubin and Kirkendall in their news release to physicians dated November 13, 1968: "In counseling college students facing stresses arising from changing sexual attitudes and practices, the physician, rather than espousing a 'thou shalt not' philosophy, must help the student face the basic questions—'Will this behavior hurt you or those you love? Will it be good for you?' You see, Mary Jane, Ortho isn't like those other cold blooded corporations. Ortho has heart!"

The results obtained from sex education in the lower grades are exactly opposite from what the sexologists claim. We are sexually deprived and sick, they say, and the SIECUS crowd considers itself ordained to straighten us out. But Communists, you know, always claim to be doing the opposite of what they are actually trying to accomplish.

There I go blaming the Communists again. Your Editor has been accused of seeing a Communist under every bed and now I am seeing them in the beds as well.

What is the evidence?

SIECUS (Sex Information and Education Council of the United States) is the Big Id in all matters sexual (and homosexual) these days. One of the founders and the treasurer of this smut ring is one Isadore Rubin. Rubin was identified on May 3, 1955 in sworn testimony before the House Committee on Un-American Activities as a member of the Communist Party. Rubin is also Editor of a dirty little magazine called Sexology. (How do these titles grab your libido: "My desire for Both Sexes," "An Incest-haunted Mar-

riage," "Women Who Have Many Climaxes," and "Fifteen Ways to Get More Out of Sex") This pornographer's trash is now being revised so it can be used in our nation's schools.

Another smutologist of some renown is Reverend William Genne' who is a founder, board member and secretary of the SIECUS perversion plant. Genne' has been associated with numerous Communist fronts. Also, not surprisingly, he is a big wheel in the National Council of Churches.

Reverend Joseph F. Fletcher, Professor of Ethics (of all things) at Cambridge Episcopal Theological School, works closely with the "feeling pictures" crowd at SIECUS. He has been a member of 13 Communist fronts and Herbert Philbrick, former FBI undercover agent, testified: "Joe Fletcher worked with us on Communist Party projects and an enormous number of tasks."

The above is just a sampling . . . perhaps you are not convinced, so allow me to present some more evidence.

When General William F. Dean was released from a Communist prison camp, the Chinese psychologist who had been trying to brainwash him said: "General don't feel bad about leaving us . . . we will soon be with you. We are going to destroy the moral character of a generation of your young Americans, and when we have finished, you will have nothing with which to really defend yourselves against us."

Still not convinced? Consider this from reporter Jack Mabley writing in the Fort Worth Star Telegram:

"A town in Western Poland was the scene of a grotesque gathering in the late spring of 1954. Communist agents had gone through prisons throughout Russia and Poland, rounding up hundreds of sex criminals, perverts and prostitutes. All were transported to this Polish town."

Simultaneously the Communists took into the town scores of Red movie and still photographers and thousands of feet of film. The criminals were turned loose in the town, and for 10 days, there was an incredible orgy. The photographers recorded everything. These prints were taken to a port in Turkey. They were put on a ship which several weeks later put in at Mobile. There the pictures were unloaded. American intelligence agents, who later traced these pictures to their origin, were unable to follow their course from Mobile.

However, it is established that they fanned out through the United States, and were put into the hands of youngsters through pornography dealers. Today these pictures, and the literally millions of reproductions that were made from them, are poisoning the minds of countless young Americans. This was the aim of the Communist agents."

"The story sounds fantastic and yet I personally cannot question the source. Rational people just aren't ready to believe that the pornography racket is part of a Red plot to undermine American morals . . . Yet the evidence is too solid to be shrugged off."

So Isadore Rubin, a Communist, is promoting "sex education" in our schools. That doesn't make sex education and all the raunchy movies and plays a Communist plot, now does it? An official publication of the Italian Communist Party, called Journal Cinema, would disagree:

"The film and theater production of today are really typical bourgeois phenomena. The bourgeois have now reached the final state in their advance toward decadence and show up their inherent rottenness as they surrender all claims to standard bearers of responsibility. We are not in the least bit interested in stopping do (sic) this. Why place any obstacles in their path? We are interested in encouraging this type of play. We want to encourage this sort of production. As a technical policy our aim is to defend an enterprise that is pornographic and entirely free

of the restrictions of ordinary moral rules. We must be resolute in pursuing this course, even more so in plays being shown that attempt to condone homosexuality."

Where does the National Education Association, the cultivators of the minds of our children, and the American Medical Association, the organized voice of American medicine, stand in regard to this obscene invasion of our schools, this rape of innocent young minds? This may stretch your credulity, but they have taken their stand bravely and firmly with the smutologists of SIECUS!

Naturally, most of these bumble heads in the NCC, the NEA and the AMA who have aligned themselves with Ellis, ("Religion seriously sabotages mental health," "Religion is neurosis," etc.); Fletcher ("For me there is no religion at all"); Kirkendall ("A tremendous feeling of natural unity . . . is immoral"), and the rest of these sick, homosexual-condoning egomaniacs, think they are doing something to combat the very things these neurotics are promoting: premarital sex, illegitimacy and venereal disease. Even Comrade Isadore Rubin, Treasurer of SIECUS admitted this was futile when he said: "For the Community to ask the sex director to take on the responsibility of cutting down on illegitimacy or on venereal disease, is to ask him to undertake a task that is foredoomed to failure."

Sex education, in one form or another, and whether we like it or not, is probably here to stay. So what is to be done? First, throw out SIECUS and SIECUS material, Sexology Magazine, and all the phonies associated with both. Second, read the well-reasoned article in this issue by Dr. James Parsons. Dr. Parsons deserves your rapt attention. His keen mind has penetrated to the core of the problem.

"Who so ever shall offend one of these little ones which believe in me, it were better for him that a millstone were hanged about his neck, and that he was drowned in the depth of the sea."—Matthew 18, verse 6.

THE GATHERING STORM: SEX EDUCATION VERSUS THE "NO-NO" MORALISTS

(By James M. Parsons, M.D.)

(NOTE.—Dr. Parsons is a graduate of the University of Florida and the University of Tennessee College of Medicine. He took his residency in Psychiatry at the University of Miami School of Medicine. He is Consultant Psychiatrist to Patrick Air Force Base, United States Air Force, and Consultant Psychiatrist to Pan American World Airways.)

Mary Calderone, M.D., M.P.H., has a problem.

As Executive Director of the Sex Information and Education Council of the U.S., she is running into community opposition to her organization's programs around the country. Though her organization is notably well heeled, and nonprofit, Mary is finding communities so xenophobic that they will accept sex education, if at all, only at the level of the fifth grade. Of course, sex education in the U.S. has had a great many good receptions too, and except for the opposition, it could be confidently expected that 70%+ of American schools would have a comprehensive sex education program by the year 1970. Mary notes the operation with bitter reflectiveness, however, and has been quoted in complaint: "For too long we have listened to the vociferous minority." (SATEVEPOST, 6/29/68, "Sex Invades the Schoolhouse," John Kobler, P. 64.)

Yes, Mary does have the "No-No" Moralists to consider. Let us define terms. A "No-No" is something, usually behavior, expressly prohibited by a figure who has assumed authority. And a Moralist is one who prohibits, because the Moralist has (by self appointment) pre-empted all privilege of judgment

in matters (self labeled) as "right" and "wrong."

We would expect this plot to thicken. The legions of those promoting sex education will certainly press on in their massive assault. Meanwhile, the "No-No" Moralists are stiffening defenses, aligning all ranks four square into a veritable vista of "Solid Antis."

And let the reader make no mistake: a great storm is quietly gathering; and it will ultimately involve just about every physician in the U.S., willing or not.

In the shadow of such controversy, the psychiatrist suddenly blinks away that vacant eyed preoccupation more suitable for the Freudian couch, and asks: "What is meant by sex education? Who is behind this movement which is everywhere in evidence in the mass media? What are their credentials and their motives?"

The search for the answers to these questions led this writer as far from the state of Florida as Idaho, via long distance telephone calls, in order to verify verbal and printed information from various sources. What follows is an analysis of what the promoters of sex education have been doing, what they intend to do in the future, and a commentary on some persons within this movement which has become so controversial. Perhaps of most significance is the inclusion of an estimate of the results to be achieved, from the psychiatric point of view, within young people receiving this new form of sex education.

One cannot discuss the subject without discussing Dr. Calderone's SIECUS (Sex Information and Education Council of the U.S.), so we may as well affirm now that SIECUS is, far and away, the foremost organization in the field of sex education. Moreover, this group has been able to create the aura around itself that SIECUS is, literally speaking, a selfless group of professionals who offer a not for profit consultation service to communities which have become sufficiently enlightened to desire expert assistance in setting up school programs for "sex education."

There are many who would hotly dispute that the preceding statement is true of SIECUS. However, regardless of one's opinion of the organization, most unemotional observers will usually admit the SIECUS does enjoy that reputation, rightly or not, at least at the present time.

Further, their choice of a name which, when abbreviated, turns into such an acronymic and phonetic triumph has undoubtedly given SIECUS a great boost: pronounced, the acronym becomes "seek us," at once an invitation and a command, suggesting not only that local communities lack expertise in the matter of sex education, but that SIECUS stands ready to help, provided they are sought. True, it is a small point literally; but from the point of view of subliminal psychological techniques, the choice of the name Sex Information and Education Council of the U.S. seems a pure stroke of genius.

Their name is not all they have going for them either. "It is largely to Dr. Calderone's charm and dynamism that SIECUS owes its formidable influence. A sweet-faced, silvery haired grandmother, with the evangelical fervor of Joan of Arc, she is a great persuader. Frequently listeners who start by being hostile to the idea of public sex education end up as her confirmed disciples. To encourage candor, she avoids sexual euphemisms and has even been known, in all her matriarchal dignity, to use four-letter words." (SATEVEPOST, op. cit., p. 27.)

Dr. Mary Steichen Calderone has been a familiar fixture for years, as medical director of the Planned Parenthood organization. Now as SIECUS' executive director, she has an organization which, at last report, could boast of the affiliation of 52 professional types from such diverse fields as sociology,

the bar, the clergy, the press, and—of course—medical doctors, including the specialty of psychiatry.

What are the mechanics of operation of the SIECUS Combine? From what can be gathered, there are 3 main steps. Step 1: SIECUS representatives set up community organizations to promote "sex education" in the schools. Step 2: After sufficient organization promises the adoption of the SIECUS program, certain textbooks, audio visual aids, pamphlets and related literature are recommended by SIECUS representatives, or designates. Step 3: The stage is now set for the possible appearance of "Joan of Arc"—sweet faced and silvery haired enough to make the sale... we hope... or else we hope not.

A wide divergence of opinion is to be expected among medical doctors, especially psychiatrists, but the rule among psychiatrists, discussing a differing approach toward a problem within the discipline, is normally that of restraint and caution. A tiny minority of psychiatrists contacted were hospitable to SIECUS; this minority was either untrained or unsympathetic to the analytic orientation; also, this minority favored the conditioning therapies. Among the analytically oriented colleagues contacted regarding "sex education" those familiar with SIECUS had little good to say for their approach.

What is the approach of SIECUS? "To establish man's sexuality as a health entity: to identify the special characteristics that distinguish it from, yet relate it to, human reproduction; to dignify it by openness of approach, study and scientific research design to lead toward its understanding and its freedom from exploitation; to give leadership to professionals and to society, to the end that human beings may be aided toward responsible use of the sexual faculty and toward assimilation of sex into their individual life patterns as a creative and recreative force."

It would be redundant to point out that the above quotation from the SIECUS charter sounds fine. Now. What does it mean? Certainly one must be struck by the fact that among all those high sounding abstractions arranged into syntactical structure, nothing emerges factual or concrete.

The answer to the "approach" of SIECUS? It is found only in the actual printed materials offered by this non profit group, and in the public statements of SIECUS officials. Interest has focused on their "approach" to the extent that:

"Classroom sex has fired a whole new industry of such vast and bluechip possibilities that the Wall Street Journal was prompted recently to issue a full report on it. Leading publishing houses and companies, such as International Business Machines (IBM), are pouring literally millions of dollars into texts and teaching aids for the sexual enlightenment of the young." (McCall's, January, 1968, "Sex Education," by Marjorie F. Iseman, p. 37.)

Critics of SIECUS assert that Somebody, Someway, Somehow, is getting "all that money." They also state that SIECUS officials usually write the books and other materials which The Board of "non profit" SIECUS subsequently endorses and recommends for use in classrooms throughout the nation.

Further, critics point out that Dr. Isadore Rubin (a Ph. D. on SIECUS' Board) has long evidenced interest in "profit" as related to exploitation of natural as well as unusual sexual curiosities, since he has for years edited the magazine *Sexology*, in which sample titles are "Group Sex Orgies," "My Wife Knows I'm Homosexual," "Mail Order Sex Parties," etc. Here, of course, that critic has ventured too far. He has become one of the "No-No" Moralists, unfairly criticizing an entire organization via guilt by association techniques.

To date, SIECUS has been loftily above all its critics. Perhaps it is because SIECUS,

tax exempt, receives private contributions and grants from groups such as the Ford Foundation; and therefore, its officials feel that they breathe rarefied air.

On the other hand, some of SIECUS' critics are aware of the above information, plus the fact that, along with IBM, the 3-M Company, McGraw-Hill, Harcourt Brace and World Corporation, as well as others, are banking millions on the success of SIECUS and its program. It's said that money talks, but the critics of SIECUS are talking too, and getting noisier. Why?

The reason lies in the "approach" of SIECUS to sex education. Their program would start a child on "sex education" in the nursery, and follow through in every grade, with both boys and girls in the same classroom viewing everything from graphic illustrations, to plastic replicas of human sexual organs, to animals copulating in classrooms for the edification of the young.

For example, slides have been used in a Westchester County elementary school which show the copulation of dogs, this followed by a human couple under sheets, while a recorded voice explains: "Mummy and Daddy are doing the same things the dogs do." (SATEVEPOST, op. cit., p. 66.)

Dr. Rhoda L. Lorand, child analyst of New York and author of the well received *Love, Sex and the Teenager*, made the comment that such an approach to sexual education produces an "emotional split" in children in that it stimulates sexual excitement right in the very environment (the classroom) where it must be immediately suppressed.

However, Dr. Calderone carries forth the SIECUS banner bravely. The child of 3 must be started on the path toward illumination: "The penis of the father is made to carry the sperm into the mother through the vagina." Any 3-year-old ought to know that. And as the weeks, months and years pass, more and more sex information must be imparted.

The promised benefits of such a program of sex education are many: a more enlightened attitude toward sex by all, decrease or elimination of sexual problems thereby, with an accompanying decrease in pregnancies out of wedlock, venereal diseases, etc. Accordingly, we would expect a higher rate of successful and happy marriages.

Provided the goals of "sex education" could be reached, or even if matters could be shepherded along in that general direction by following SIECUS' program, it seems ridiculous that anyone would seriously object to buying the package. Therefore, let us leave out all consideration of possible economic motives and of the personalities of the SIECUS people, and think—instead—of the children.

While one may not subscribe to all of Sigmund Freud, it is a fact that his work stimulated tremendous interest in child development. In the last 30 odd years, child analysis has emerged as a highly respected discipline in its own right, and often able to document and reproduce its findings concerning children much better than any of the individual schools of adult psychiatry. Some say child analysts have the advantage, since adults are older and more complex. However that may be, there remain pertinent principles which have been firmly established regarding children, and we shall examine them here.

(1) Children learn via their senses, in the state of development existing at their particular age, and individually so. Their brains will mature anatomically later in life, so they learn by example, by rote, but are most impressed by their sensations. One only need be a parent, not even a psychiatrist, to be aware that children pass through a stage when they put everything into their mouths (the oral stage), followed by a stage when the process of elimination assumes their primary attention (the anal stage).

(2) It has been found that often when a parent, or another, tries to inculcate simple explanations of adult sexual function to a child, it is immediately translated into data meaningful to the child at his particular stage of development: e.g., a child in the anal stage, upon learning that his mother has given birth to a new baby which she had let him feel move within her abdomen, may say, "I know how it got out. Through her bottom." Lest any wag interpose here that that kid wasn't too far wrong, it should be added that upon questioning, one will learn that the child means anal birth.

(3) The child's undeveloped brain cannot assimilate (or "learn") information relating to bodily functions which are years in advance of his own physical development. Stated quite simply, a 3-year-old boy or girl does not possess the necessary physical or cerebral development to understand any such abstraction as, "The penis of the father is made to carry the sperm into the mother through the vagina." Probably a good percentage of children could be induced to repeat the statement by rote memory, but what they understood would be something else. Let us suppose that a child in the oral stage gets such an explanation of impregnation. It will, predictably, be fed into the undeveloped computer and come out as: swallowing the sperm.

It has long been recognized that what we call sexual perversions seems rooted in the infantile fantasies of violence, mutilation and death associated with ideas of oral impregnation and anal birth. The mature pervert is usually not the product of any lack of "sex education," or of sexual stimulation, during his formative years. Quite the contrary, the mature pervert often has a history of stimulation of sexual fantasies before his body and brain had matured sufficiently to cope with ideas that overwhelmed his reality testing faculties, turning his development back onto itself into a welter of fantasies of violence, death, mutilation, oral impregnation and anal birth. The morbidly fascinating *troika* of rape-murder-mutilation transfixes the attention of the civilized person too often; the psychological mechanisms triggering such psychopathic behavior lie precisely in disturbances of the infantile fantasies.

Two brief case reports are pertinent here, both from the author's files.

The first is a young man who, since age 17, has been continuously in trouble for exhibitionism: he masturbates in the presence of young girls as an almost obsessional, though intermittent, form of sexual outlet, even though he has been married for several years now. His obsession dates back to pre school days when he found some "dirty" pictures in the basement, where there also happened to be the laundry hampers. He recognized his mother's underthings (or reasonable facsimiles thereof) in the pictures of women in the sexual act and in various stages of undress. A powerful fantasy life developed thereafter. When puberty was reached the boy went to the laundry to hold female underclothing against himself until he was stimulated to orgasm. His mother came upon this scene, interestingly enough; but she pretended not to notice. Since that time, he has still been trying to "get her attention"—albeit vicariously.

The second case is an 18-year-old, recently married, and recently in trouble for shoplifting items of female intimate wear from department stores. He dates his problem to books on sex which were introduced into the public school curricula in his elementary school in a Northeastern state. "I wasn't thinking about sex at all until I read those books, and then it seemed like I couldn't think of anything else." He became preoccupied with feminine underthings too, and went through a similar experience to the patient mentioned above, though he man-

aged to "control" it. His "control" method was homosexual experimentation, however. He became ashamed of himself, and bitter toward all females because they seemed to remind him of his lack of masculinity. After finally deciding to date girls in order to prove himself, he ended by marrying the second one he dated because she became pregnant. After marriage, "The Problem" suddenly emerged again in full bloom, first with use of his wife's underclothing, and next with a compelling desire to steal fresh, new items, masturbate into them and then throw the articles away. Often he would wear the items himself for varying lengths of time before doing this. The patient, incidentally, was unaware of any hostility toward females and had an elaborate rationalization regarding his behavior: "Why should society say it's wrong when they mean it's different? Suppose I bought the underwear? Then I wouldn't even be stealing. But they make it out as criminal. Who's to say what's right and wrong?" However, when asked would he derive pleasure from buying the items instead of stealing them, he replied that he would not. In fact, he was secretly hoping he would be caught because, in his words, "It worried me that this type of release was becoming more exciting and more satisfying than intercourse with my wife." This patient was apprised that the files of criminologists often show that those convicted of exhibitionism and/or transvestism, if not stopped, go next to child molestation, then to rape, and to rape-murder-mutilation. Here, this patient suddenly demonstrated a flash of brilliant insight: "If I masturbate into new underwear that I've stolen, then it's like I've spoiled a young girl, who's new and clean. And if I carry it far enough, the symbol won't be enough. I'll have to enter the real world. If somebody came upon a dead girl who had been raped and mutilated, it would be like coming upon"—here the patient was practically choked with tears—"the panties!" He referred to his practice of leaving new female underwear he had soiled along routes to elementary schools, so that others might see the soiled articles. The last item was a pair of girl's panties, which he had carefully arranged in the middle of a sidewalk.

The tragedy of psychopathic behavior is that so often the patient desperately wants his impulses channeled into mature adjustments, while at the same time he has had to develop a system of rationalizations to explain his behavior which sound broadminded to others, so that he fools even himself. Fortunately for this patient, he decided that his facile rationalizations, while suggesting breadth of mentation were, in fact, quite constricted as regards information.

With the preceding case histories as background, we may now consider two final points regarding normal child development, and "sex education."

(4) The infantile sexual fantasies become dormant, unless stimulated, during what is called the "latent period"—between ages 6 and 10 years, roughly. During this time, the child learns physical coordination unself-consciously, and sublimates most of the sexual drive into learning academic subjects in a structured environment. What is called "sex education" would, if injected into school curricula during this period, predictably reawaken the infantile fantasies and cause great mischief—perhaps chaos—in the educational process. Females, as would be expected, have the most to lose. For a little girl to be told by a little boy, "I'll bet you have freckles on your vagina," may seem amusing to an adult (especially if, for unconscious reasons, there exists an irrational hostility toward females), but it may cause lasting damage to the girl who is the victim of such "good natured fun." The reader is to be assured that incidents similar to that depicted above, and worse, have already hap-

pened on the playgrounds of those schools where "sex education" has been implemented. Among thoughtful people there is an awareness that the female intimate functions must have a certain respect from the male if the girl who is more vulnerable and feels it, is to be able in later years to achieve that trust of her husband which is a prerequisite for her complete sexual responsiveness in marriage.

(5) Perhaps the most surprising of the findings of the child analysts relates to the effect upon the developing child of *indulging in masturbation*. To quote Dr. Anna Freud, in her recently published book, *Normality and Pathology in Childhood*, "It was equally unexpected that the disappearance of the masturbation conflict would have—besides its beneficial consequences—some unwanted side effects on character formation by eliminating struggles which, in spite of their pathogenic aspects, had served also as a moral training ground." Dr. Anna Freud is telling us that, while the Victorian attitudes toward masturbation (the work of the devil, it will drive you insane, etc.) were harmful to the child, we still have not achieved the proper attitudes to impart to children, since the child who is given the "permissive" routine about masturbation does not, later, show the strength of character seen in those children who have struggled to stop, or control, their masturbatory tendencies.

Contrast the above, however, with the March, 1969, issue of *Today's Health*, pp. 4-5: "There is no medical evidence that masturbation in either sex is harmful. You may wish to write for a very well written booklet on this subject published by SIECUS (Sex Information and Educational Council), 1855 Broadway (61st Street), New York, New York 10023. The price is 35 cents a copy." Perhaps the most fitting comment that could be made is that *Today's Health* describes the SIECUS booklet as "well written" instead of "authoritative."

It is exceedingly interesting that those who represent themselves as the *avant garde* of sex education for children are, to all intents and purposes, ignorant of the important basic principles demonstrably elucidated in many in depth studies by child analysts years ago. One could compare these SIECUS officials with "poachers" who go busily about, staking their claims, blissfully unaware that they are having to climb over the fences of families who have already cleared the land, fenced it, and cultivated it intensively—for at least a generation. These "poachers" conceivably could become civilized, provided they would read some books.

One has to assume that the SIECUS officials are simply unfamiliar with the work of the child analysts, for the following reasons. If they were familiar with the findings of the child analysts, they would not advocate their own programs. Or alternatively, they would continue to advocate their programs, while presenting proof that the child analysts' work of the preceding 30 years and more, is invalid. The SIECUS officials behave, instead, as though unaware that their expressed dogmatism is not only unsubstantiated, but directly in opposition to a great body of evidence already adduced.

Leaving aside the question of whether the SIECUS "experts" have ever learned anything about the development of the children whom they presume to "educate," we turn next to the question of whether or not they have displayed any awareness of the experience of other countries which have implemented similar programs of "sex education" to that which SIECUS advocates.

One thinks immediately of Sweden, where a program remarkably similar to that which SIECUS advocates for the U.S., has been tried for many years. One can find the results quite conveniently in the book *Sex and Society in Sweden*, by Birgitta Linner, (The Pantheon Press.) With all the sexual en-

lightenment in Sweden, one would expect that the rate of venereal disease would have plummeted, especially in view of the fact that automatic vendor machines for contraceptive now line the streets of Sweden. However, we learn on page 86 of Birgitta Linner's book that there has been an overall increase in venereal disease. In fact, on page 49 we find that gonorrhea now affects the 14-year-olds and 13-year-olds, and the girls more so than the boys.

So the VD picture was a little surprising, wasn't it? However, we should expect that the more intelligent girls and boys will have been able to avoid unwanted pregnancies, especially before marriage. But we find—*mirabile dictu!*—35% of all brides are pregnant on the day of their marriage. (That's on page 30.)

Well, we must keep optimistic. All those years of good "sex education" must have resulted in a higher rate of successful and happy marriages. No? On page 29, we learn that approximately 20% of those reaching adult age never marry. And one the same page we find an especially interesting quote:

"In Sweden . . . a traditionally low marriage rate, a high average age at first marriage, a relatively high divorce rate, and a high incidence of premaritally conceived children (despite sex education in contraception) and births out of wedlock (1/2 of teenagers who have coitus do not bother to use contraceptives) are some characteristics of marriage as an institution within the larger societal context."

Does this mean that all "sex education" is bad, and that we shouldn't tell them a thing? Certainly not. If local doctors and their wives would institute informal programs in schools at about the 6th grade level concerning the meaning of puberty, that would be all that was absolutely necessary. To move downward into the 5th and particularly the 4th grade gets us into the latent period, which had best be left scrupulously alone. Further, any sessions on sexual subjects should be held with a sense of privacy, and the sexes should be instructed separately. Ideally, parents would be present, the mothers with their daughters, the fathers with their sons. Parents could sit unobtrusively at the back of the room; though it could not be expected that an immediate dialogue would ensue from this, one could be reasonably sure that the subject would be more open and could be broached more easily later. Which brings us to a major point: much of our sexual adjustment, if healthy, comes from following a good example set by parents. While "you don't learn that in school" it does not seem too much to hope for that some of the parents who became involved in their children's sexual instruction would take the initiative and begin to set better examples for their children.

We have talked about the "No-No." as behavior which is forbidden by an authority figure. And about the Moralists as one who can effectively prohibit because the Moralists has preempted all privilege of judgment in matters (self-labeled) as "right" and "wrong." There are those who are such Moralists that no sex education at all will be allowed by them. But they are no problem, since if a parent feels that strongly, then participation of his or her children in an unspectacular, but entirely adequate, program of sex education can be left at the option of the parents. But there are other Moralists calling the "No-No's" too. And in order that our young people are not abandoned to the fate of Sweden, there may have to be some people who will tell Joan of Arc, "For too long we have listened to the vociferous minority." There may come the time when we shall have to demand of SIECUS, "Will the real 'No-No' Moralists please stand up? And now will all of you please just walk out that door."

At this point, it looks as though the worst that could happen would be a few big

publishing companies would lose money on books that they couldn't palm off on anybody, and some large corporations might get stuck with overly large inventories of audiovisual equipment for some time to come. But the kids would be fine. And that's what is important.

[From the Prince Georges Sentinel,
Apr. 12, 1969]

DOUBTS ABOUT SEX EDUCATION

(NOTE.—A minister who is concerned about the sex education courses either now in use or planned for all grades in the Montgomery and Prince George's school systems speaks out against them in the following communication.)

(By the Rev. Louie J. DiPlacido)

Since few parents have the full information on the new program, opposition has been minimized, but as details become known, and the potential dangers of the program exposed, opposition will and should increase. Already, an alert Council of Churches from Maryland, in their recent meeting in Rockville, adopted a resolution opposing the program, and plans are under way to alert county residents of its dangers.

Attempts to justify the program, on the part of school officials, by citing the absence of any parental objections, fail to mention how few parents have yet been able to examine the material to be used by teachers who will be in charge of the course.

The impression given by educators that parents are asking for this program "faster than schools have been prepared to teach sex education", ignores the content and nature of the proposed program, which most parents would not accept.

Legitimate objections to the program in Maryland schools are left unanswered (in a recent article in the Montgomery County Sentinel of March 29), by dismissing the source of the objections as a "right-wing, Washington based group".

The denial by Montgomery County School officials, that the new program has any connection with S.I.E.C.U.S. (Sex Information and Education Council of the United States), may be true organizationally; but the fact remains that the highly questionable sex standards, concepts, and attitudes promoted by S.I.E.C.U.S. are parallel with those found in many of the reference books on the official teacher's list for the Montgomery County schools. A careful study of the program, including the reference materials, has led me to the following conclusions:

1. The program is educationally unsound. The major aspect added by this program to the already existing sex-education program is that of human reproduction, according to school officials. And the emphasis is to introduce as much information as possible, and as soon as possible, beginning with kindergarten and in a casual, informal manner, that will lead children to recognize sex as "a natural condition" and discuss it openly and unreservedly. In the context of studying about physical sex impulses, love, liberty of action, etc. children will be asked "What kind of experiences have you had?" And "Can you think of others who have had experiences in these areas?" questions which can easily be used to invade the privacy of both the child and the family.

Qualified doctors and psychologists warn that too much information on intercourse and reproduction can be bewildering to a young child, and "too much intensity can be troubling." Sound educational procedure provides such information when a child asks, and is ready for it, and preferably in the setting of family life in the home. For this reason, extensive factual information on the subject for all children at a given age, is recognized as potentially frightening, and emotionally disturbing.

In a book identified by Dr. Milton I. Levine as a dependable source of information on sex education for children, parents are warned "not to encourage your child to talk out his thoughts and feelings" about sex from 5 and 6 years until puberty.

Premature sex interest can deprive a child of his "latency period, when development, without the strains and responsibilities that accompany sex knowledge, is necessary. Pre-occupation with sex, and liberal sex education at early ages has led to liberal sex practice, and excessive sex play and sex experimentation, with disastrous results both physically and emotionally, in other countries where it has been tried.

It has been proven unsound educationally, and should be rejected. The wisdom of using examples from nature when answering a child's questions on human reproduction is also questioned by some educators, as an unsound procedure and more confusing than enlightening, yet it will be the approach in the new program.

The program is morally unsound. Contrary to the claim from officials who support the program, that "no teacher will be preaching morals" when discussing with students premarital sexual intercourse, birth control, and other controversial questions, there will be a "concept of responsibility" conveyed, which in effect will establish a standard of conduct, in sexual relations. The fact is, that the "philosophy" of sex education which defines it as a "natural condition in man", requiring a "positive attitude", will introduce a "humanistic" code of ethics to govern sexual behavior, which is designed to replace traditional moral standards. The kind of sex education involved, therefore, does not "supplement" the parent's instruction in the home, but in many cases, will destroy and contradict it, as it will that of religion.

Dr. Lester A. Kirkendall, whose material forms a part of the K-6 program now in use has suggested in other material, not yet in use in the K-6 program, that in some cases premarital sex relations strengthen a couple's relationship and should not be condemned, if we value sexuality as a part of our "human endowment."

He argues that we should not condemn sexual promiscuity, or label sex outside marriage as sin, "but adopt more sensible, more realistic sexual standards than existed in the past," and "relax tensions" by permitting premarital sex as acceptable behavior, without shame, as Denmark has done.

Since prospective teachers for the new program must be "knowledgeable and comfortable" with the material, and have the necessary "positive attitude," it seems obvious that those with traditional moral convictions will be disqualified from teaching the course, leaving the captive pupils to teachers who advocate a "new morality."

Having carefully read many of the teacher's reference books to be used in connection with the course, I have found many attacks upon religious and moral ideals, along with approval for unrestrained sex freedom, homosexuality, adultery, and perversion. The subversion of American youth and public morals is underway. Whether it is the avowed purpose of a Communist conspiracy, or the unannounced purpose of liberal, humanistic public educators, seems beside the point.

The fact remains, that a program which takes either an amoral or immoral stance in sex education, deserves to be removed from the public school system.

Assurances that a "concept of responsibility" will be taught, without defining "right and wrong," is precisely the method used in sex education courses in Sweden, where moral restraints have been removed, and sexual freedom encouraged, and where the result has produced disease and disillusionment in young people. Sex education belongs in the home, and in the church, where new material can be given suitable to successive levels

of development for each child individually, and with interpretation by loving and understanding parents, in the context of religious or moral principles that will inspire high ideals, and prepare each child for his future role as a responsible member of society, with a wholesome attitude toward his God-given gifts.

The program is legally unsound. While State law may require sex education, it does not require the kind of sex education, which destroys traditional moral standards. Such a program is unconstitutional, and infringes upon the rights of parents to teach their own children the moral values in which they believe. To allow children to be excused from such classes, is no solution to the problem. If State law requires the extensive educational program proposed in this field, including moral standards and ethics, the law should be changed, since it could be used to destroy the very foundations of our civilization.

But, if on the other hand, our educators are simply responding to the nationwide effort of liberal sex education, and using the State Department of Education in order to justify it, it is time parents become informed, and become vocal in their opposition.

There is a sexual revolution taking place, with inhibitions and moral restraints being removed, and a new morality taking its place, not completely unrelated to Marxist goals for America. If we love our Country, we should not allow our schools to be used to destroy it.

[From the Prince Georges County News,
Apr. 10, 1969]

CONCERNED ABOUT SEICUS PROGRAM

SIR: As a parent who has been alarmed by reports on results of sex education in California, Arizona, New Jersey and Georgia elementary and secondary schools, I have been very much interested in the sex program for the elementary schools in Prince Georges County beginning this fall.

Sex education is a vital part of the education of our youth. The issue of the matter is how, when, where, what and by whom. The S.E.I.C.U.S. (Sex Education Information Council, United States) program reportedly used in the above named schools has caused a great deal of alarm in those areas. Parents have organized to oust the program in California; law suits have been brought against school boards, and yet authorities in charge of the program hold on tight. Why?

Is there any wonder why concerned parents of Prince Georges County are up in arms over the proposed SEICUS program to go into our schools this fall? If you think there is smoke here where there is no fire, then grab a copy of American Opinion for March 1969, and read Gary Allen's report on Sex Study: Problems, Propaganda, and Pornography.

In that article, he documents the board members of SEICUS and gives their views on educating your child in what they call sex. (I have another name for it.)

Our school board tells us that SEICUS has absolutely nothing to do with their sex education program. Yet they hand us a copy of their Sex Education Curricula, which subtitled itself as Definition of Sex Education. Source for this curricula is "SEICUS."

The "well publicized" law putting this into Maryland schools is under date of July 1967 and is entitled (Are you ready?), "Educational Programs for Pregnant Girls." The full title is: "Section Four of Bylaw 720:3—Educational Programs for Pregnant Girls." This eight-page document refers to the materials of SEICUS and their directors.

Conference with board members indicate that you, the parent, will have no say about formulating this program and only after 50 per cent of the parents in any school district protests, will the protest be considered. Parent protests will result in "consideration" by school authorities. "Consideration" was defined, finally, as another chance to sit

down with the protesting parents and more fully explain the program.

You have absolutely no say in the preparation of a good program for your child. You will learn that you are not an educator, but a "Christian Crusader" or a "McCarthyite."

It has been suggested, by those in the school areas where the SEICUS program is being used, that Congress investigate sex education in the elementary and secondary schools.

Join the ranks of the interested, forgotten, tax-paying parent who wants to do something about the way their tax dollars are being used.

Mrs. JULIE BROWN.

LANHAM.

TAX RELIEF FOR THE MIDDLE CLASS

(Mr. KOCH asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. KOCH. Mr. Speaker, I am presently a cosponsor of legislation to close many of the tax loopholes through which the wealthy now escape, forcing middle- and low-income taxpayers to pay more than their fair share. But such legislation is only part of the answer.

Today, I am introducing a bill to provide direct tax relief for the middle- and low-income taxpayer. Such relief is long overdue.

My bill effects two simple but major changes for the middle income taxpayer. First, it increases the standard deduction from 10 to 14 percent and increases the maximum allowable deduction from \$1,000 to \$1,800.

Anyone who has filled out a tax form in the last month knows how complex it is. Indeed, few of us can, myself included, do it without the help of an accountant. Taxpayers today are compelled to use the long form, because the short form's standard deduction in lieu of itemizing is inadequate and unrealistic. By increasing the standard deduction, more taxpayers will use the standard form, saving on their tax bill, their accounting bill, and the Government's auditing bill.

Second, my bill increases each personal exemption from \$600 to \$1,200. The personal exemption has not been increased since 1948, yet the cost of living has increased almost 50 percent. No wonder that tax reform is on everyone's mind.

Those taxpayers who have children know the high cost of education, and it is simply not adequate to provide a bare minimum of \$600 for each such dependent.

And what about the constant increases in rents, food, clothing, transportation, and, of course, taxes. My bill will not entirely cope with these problems, but at least it is a step in the right direction.

Finally, my bill provides tax relief for those living below the poverty line by increasing the minimum standard deduction from \$200 plus \$100 for each allowable exemption to \$600 plus \$100 for each exemption. Such an increase would mean that anyone with an annual gross income of \$1,900 or less would not pay any taxes.

A GOOD SOLDIER, A GOOD PRESIDENT, AND A GOOD AMERICAN

(Mr. PEPPER asked and was given permission to extend his remarks at this

point in the RECORD and to include extraneous matter.)

Mr. PEPPER. Mr. Speaker, among the millions of mourners for the late President Dwight D. Eisenhower few were able to mark this sad occasion in a more individual way than was one of my constituents, Capt. Nikolai Zubkow.

Captain Zubkow is a former czarist cavalry officer who escaped from Russian communism after World War II. At 77 he has a lively interest in his new country and in the world around him. He is also a professional artist.

It was in his capacity as an artist that he paid his last tribute to the American President and heroic general whom he so greatly admired. He placed before his home, in a drizzling rain, a prized portrait of President Eisenhower which he had painted a year before. His display of his regard for this great American was noted in a picture on the front page of the April 1, 1969, issue of the Miami Herald.

I would like to share with my colleagues and fellow mourners of General Eisenhower's passing the simple eulogy of Captain Zubkow for this beloved leader of our country in peace and war: He was a good soldier, a good President, and a good American.

BANKS AND SAVINGS AND LOAN ASSOCIATIONS HAVE REASON TO PULL TOGETHER

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

Mr. PEPPER. Mr. Speaker, all of us realize the enormous part the commercial banks and the savings and loan associations of the country play in the national economy. There have been times when these two great institutions, both so essential to the welfare of our country have not worked in harmony. One of my closest friends and associates, Arthur H. Courshon, president of the National League of Insured Savings, a member of the Advisory Board of the Federal Home Loan Bank Board, and an outstanding leader and authority in the savings and loan field and also a banker writer in the American Banker of February 18, emphasizes that in this critical time the commercial banks and the savings and loan associations have reason to pull together in the national interest. Mr. Courshon writes out of a great experience in the savings and loan field and in the banking field and as an outstanding business and professional man.

I commend his excellent article to my colleagues and to all who are interested in our financial institutions working together in the most effective way to meet the challenge of these times. I include Mr. Courshon's article at this point in the RECORD:

BANKS AND SAVINGS AND LOAN ASSOCIATIONS HAVE REASON TO PULL TOGETHER

(By Arthur H. Courshon)

Today, perhaps more so than at any other time, commercial banks and savings and loan associations have a reason for pulling together. With problems of the inner cities, of inflation, of high interest rates threatening to dampen the nation's economic momentum,

financial institutions are faced with the prospect of either coming up with solutions or being content with a situation that won't solve itself.

Adequate housing for the disadvantaged remains one of the nation's most urgent problems, and both thrift institutions and commercial banks have a large stake in making certain the problem is solved. Indeed, if this country is to be housed properly, it is going to take a partnership of all the financial institutions to meet the demand for dollars the consumer will seek.

As the industry that is the senior partner in the home finance field, savings and loan associations believe they must continue to exercise leadership in this effort.

Both banks and savings and loans have shown their keen interest in rebuilding the ghettos into decent places to live and work. The Small Business Administration's Project Own, for which the national league is coordinating the savings and loan phase, is helping minority construction contractors get into, and stay in, business. This will translate itself into new business both for banks and savings and loan associations—with its ultimate aim of helping the nation rid itself of slums.

In addition, many banks as well as savings and loan associations are heavily committed to Federal programs for housing low and moderate income families. In many instances, construction funds for these projects are provided by the banks, with long-term financing by savings and loan associations.

The Federal Reserve Board noted recently that banks have increased their construction lending to real estate investors to \$4.1 billion during the first ten months of 1968. A similar Fed survey two years earlier showed the total lower by \$200 million.

If prospects for home construction continue favorably, as anticipated, construction lending by banks should increase. And, with the enormous job that needs to be done in the inner cities, the partnership of banks and savings and loans, as well as other mortgage lenders, should become even more necessary.

The national league has proposed a new concept—the Urban Development Service Corp.—for improving housing conditions in the urban centers of the nation. The service corporations, wholly owned by savings and loans, would be used as a vehicle to rebuild slum areas, with decent housing as their prime responsibility.

As contemplated, the service corporations could buy the land, tear down the slums, work with Federal, state and local authorities to construct new housing, and own and manage the properties, where necessary.

It will take money—construction money—which could be provided by banks—and long-term mortgage financing, which could be provided by savings and loan associations. The idea, again, is to work together to do the job that everyone knows must be done if financial institutions are to continue to serve the public interest.

Of course the economy is facing turbulent times, and competition between financial institutions is becoming increasingly sharp. With interest rates in all sectors of the credit markets at or near record high levels, both bank and nonbank financial intermediaries are vying for available funds.

The recent Federal Reserve Board action to lift the discount rate was, of course, long overdue. Yet the Fed showed remarkable restraint in maintaining the level of Regulation Q—an absolute necessary if the level of home construction is to be maintained.

Despite the fact savings and loan associations won some new investment powers from the 1968 Housing Act, by and large the thrift institutions are locked into the home mortgage market. Unlike commercial banks, portfolio turnover of savings and loan associations is slow, indeed.

And, of course, if the Fed lifted Regula-

tion Q, there would doubtless be an immediate outbreak of rate increases—and another savings rate war would surely begin. The resultant squeeze on profits would serve only to hamper efforts by savings and loans and banks to accomplish the job of rehousing inner city residents. At the same time, all other housing construction would suffer because of the inevitable disintermediation that would occur.

It is for this reason savings and loans are attempting to somewhat broaden their investment base—in areas strictly related to the home. During the 1968 Congressional Session, the national league was instrumental in helping the industry to secure authority to make loans on mobile homes and vacation homes; to invest in bank CDs; to make loans on home equipment so long as the equipment is affixed to the realty; to make and invest in loans up to \$5,000 for the repair, alteration or improvement of real property, and several other home finance related activities.

What is necessary, too, is for Congress to enact authorizing legislation for S&Ls to make consumer loans related to home purchase. This has long been advocated by the thrift industry as a natural extension of its specialty—to better house all America.

Moreover, such authority serves several purposes. It would help the quality of credit, in that couples buying their home would not have to plunge deep into short-term debt to buy such necessities as carpeting, draperies, etc. By placing these items on the mortgage, experts agree, delinquencies on home mortgage would decline.

It also would allow S&Ls to increase earnings, and so better serve the homebuying public. And, at the same time, such authority would keep savings and loans right where they want to be, within the home mortgage field.

The savings and loan industry will continue its efforts along these lines, and it is hoped the 91st Congress will see fit to grant such necessary authority. At the same time, it is hoped, banks and savings and loans will be drawn closer together in a common effort to make the nation's cities better places to live and work.

MAJOR DOMESTIC ISSUES

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

Mr. MONAGAN. Mr. Speaker, I recently was asked by the Connecticut State news manager of the United Press International, Mr. James V. Healion, to prepare a brief statement for publication of my views of the principal domestic issue facing Congress today. I chose to dwell upon two issues: first, the need for a more equitable tax structure; and, second, the need for better regulation of Government spending. These issues are, of course, closely related and they are intertwined with two other questions: How does the Democratic Congress adapt to the Nixon administration? And how does the Nixon administration plan to work with the Democratic Congress?

The statement follows:

There are two principal domestic issues facing the 91st Congress:

1. The need for a more equitable tax structure;
2. The need for better regulation of government spending.

The Congress must, as it did last year, continue to take firm steps to control spending programs. Let me cite some opportunities for cutting. In the case of the farm sub-

sidy program, the seven percent of the U.S. population engaged in farming is receiving approximately 20% of the non-defense budget. This is analogous to the unhappy state of affairs existing in the late 1950's when the eight percent of the population engaged in farming were receiving approximately 18 percent of the non-defense budget. This program clearly needs to have its excessively high-spending priority re-evaluated; indeed the out-of-date concept of crop subsidies and farmer welfare needs re-evaluation as to its efficiency and its relevance to modern conditions.

Other spending programs whose priorities need prompt re-evaluation are those directly aimed at improving the quality of life in the nation's urban and metropolitan centers. Clearly, Federal programs for more effective law enforcement in urban America require upgrading. The same holds true for major urban renewal programs and those providing for expanded and improved urban mass transit facilities. In regard to transit, we are reaching a critical turning point in the traditional relationship between the public sector and the private sector as represented by the railroad corporations.

The Penn Central Railroad Company has requested State and Federal assistance for the support of its commuter services and it is clear that a viable rail passenger operation is a vital component in the State's economy.

Another program with a national scope but a largely urban impact which requires re-evaluation is Federal welfare assistance. Here is a case where the degree and kind of Federal participation has changed radically in recent years. Expansion of the welfare program, however, has only made it more costly and more inefficient. Spending for welfare—in the states as in the nation—must be reviewed from top to bottom.

Re-examination is particularly required in programs related to the country's security. In this area there has been dramatic expansion, brought on in large part by the Vietnam involvement. In addition, we are faced with requests for a new level of Federal spending for national defense and every program must be judged upon its merits and further increases must be approved only upon the clearest proof of necessity.

It is clear from the foregoing that there is an overall necessity for establishing spending priorities and budgetary controls for every government agency, and in this connection, I have filed H.R. 5545 which sets up a Commission to do just this.

The other side of the coin from spending is taxing, and on this issue, there can be no doubt that the time for major reform has arrived. My own tax reform package (H.R. 7744) requires a minimum twenty percent tax on the incomes of eligible individuals and corporations. I have taken care to devise this tax so that it is broad enough to neutralize some of the provisions in our tax laws which individuals and corporations utilize to avoid tax liability. The purpose of my tax program is not to soak the rich but to achieve a greater measure of equity. The program is designed to meet the justified complaints about tax avoidance which have been so frequently expressed by the nation's middle income earners. The 91st Congress, judging from the hearings of the House Ways and Means Committee, is giving serious consideration to tax reform proposals.

The course of action which Congress takes with regard to spending priorities and tax reform will not be independent of the Executive. The policies advocated by the Administration during the 91st Congress will be of major consequence. It is too early to evaluate or assess the Nixon Administration, but it is not too early to point up the issues and the problems that confront the Republican Executive and the Democratic Congress. Re-evaluation of priorities and com-

prehensive tax reform are complex and interrelated issues. The ultimate shape of the Republican program and the date of its eventual submission will become critical factors within the whole legislative equation. Political climate must be considered also. The Administration and the Congressional leadership will have to cooperate fully if this fundamental spending and taxing challenge is to be met successfully. A spirit of common partnership must prevail over partisan politics.

Thus the questions become: How does the Democratic Congress adapt to the Nixon Administration? And how does the Nixon Administration plan to work with the Democratic Congress?

SPECIAL ORDERS GRANTED

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

Mr. REUSS, today, for 60 minutes; to revise and extend his remarks and to include extraneous matter.

Mr. MORTON (at the request of Mr. LANDGREBE), for 30 minutes today; to revise and extend his remarks and include extraneous matter.

Mr. SCHWENGLER (at the request of Mr. LANDGREBE), for 1 hour, on April 22; to revise and extend his remarks and include extraneous matter.

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

Mr. CULVER, for 10 minutes, today.
Mr. HAWKINS, for 30 minutes, on April 16.

EXTENSIONS OF REMARKS

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

Mr. COLMER.
Mr. EDMONDSON to include a summary legal analysis of the Atomic Energy Act immediately following his discussion with Mr. HOLIFIELD on the bill H.R. 4148.

Mr. MATSUNAGA during consideration of H.R. 5067 on the Private Calendar.

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

Mr. FINDLEY.
Mr. SCHADEBERG.
Mr. PELLY in two instances.
Mr. POLLOCK.
Mr. NELSEN.
Mr. HUNT.
Mr. LIPSCOMB in two instances.
Mr. HORTON in two instances.
Mr. CONTE in two instances.
Mr. HALPERN in three instances.
Mr. COLLIER in four instances.
Mr. FREY.
Mr. HUTCHINSON.
Mr. FOREMAN in two instances.
Mr. REIFEL.
Mr. SPRINGER.
Mr. BOW in two instances.
Mr. ASHBROOK in two instances.
Mr. WYMAN.
Mr. REID of New York.
Mr. DERWINSKI in three instances.
Mr. SAYLOR.
Mr. BROYHILL of Virginia in three instances.

Mr. BLACKBURN in two instances.

Mr. GROSS.

Mr. WHALEN.

Mr. ROUDEBUSH in two instances.

Mr. JOHNSON of Pennsylvania.

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

Mr. REUSS in six instances.

Mr. CORMAN.

Mr. HOWARD.

Mr. ADDABBO in two instances.

Mr. DONOHUE in four instances.

Mr. BRADEMANS in six instances.

Mr. CLAY in three instances.

Mr. BOLAND in two instances.

Mr. VANIK in three instances.

Mr. EILBERG.

Mr. SCHEUER.

Mr. PODELL in four instances.

Mr. RARICK in three instances.

Mr. GILBERT.

Mr. BURKE of Massachusetts.

Mr. BINGHAM in three instances.

Mr. MIKVA.

Mr. EDWARDS of California.

Mr. DANIELS of New Jersey.

Mr. ST GERMAIN.

Mr. HAMILTON in four instances.

Mr. NICHOLS.

Mr. BYRNE of Pennsylvania.

Mr. GONZALEZ in three instances.

Mr. MARSH in two instances.

Mr. HUNGATE.

Mr. MOORHEAD in six instances.

Mr. KASTENMEIER.

Mr. LEGGETT.

Mr. UBALL in six instances.

Mr. CAREY.

ADJOURNMENT

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

The motion was agreed to; accordingly (at 4 o'clock and 19 minutes p.m.), the House adjourned until tomorrow, Wednesday, April 16, 1969, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

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

675. A letter from the Postmaster General, transmitting a report on his survey of postal rates, pursuant to the provisions of 39 U.S.C. 2304 (H. Doc. No. 91-97); to the Committee on Post Office and Civil Service and ordered to be printed with illustrations.

676. A letter from the Administrator, National Aeronautics and Space Administration transmitting a report of proposed action to conduct the bioscience program at a level in excess of that authorized in the NASA Authorization Act, 1969, together with the facts and circumstances related to this action, pursuant to the provisions of section 4 of that act; to the Committee on Science and Astronautics.

677. A letter from the Assistant Secretary of Defense (Installation and Logistics), transmitting the report on Department of Defense procurement from small and other business firms for July-December 1968, pursuant to the provisions of section 10(d) of the Small Business Act, as amended; to the Committee on Banking and Currency.

678. A letter from the Comptroller General of the United States, transmitting a report of a review of the Saturn S-IVB-503 stage

accident under the Apollo program, National Aeronautics and Space Administration; to the Committee on Government Operations.

679. A letter from the Assistant Secretary of the Interior, transmitting a report of deferment of construction charges for the Eden project, Wyoming, due in 1969, 1970, and 1971 under repayment contract with Eden Valley Irrigation and Drainage District, pursuant to the provisions of the act of September 21, 1959 (73 Stat. 584); to the Committee on Interior and Insular Affairs.

680. A letter from the treasurer, American Chemical Society, transmitting the 1968 annual report of the society, together with a copy of the audit of its books and records for the fiscal year ended December 31, 1969, pursuant to the provisions of section 8 of Public Law 358, 75th Congress; to the Committee on the Judiciary.

681. A communication from the President of the United States, transmitting an appropriation request for the Department of Justice to combat lawlessness (H. Doc. No. 91-98); to the Committee on Appropriations and ordered to be printed.

682. A communication from the President of the United States, transmitting requests for additional appropriations to the District of Columbia (H. Doc. No. 91-99); to the Committee on Appropriations and ordered to be printed.

683. A communication from the President of the United States, transmitting recommendations of net reductions in 1970 requests for appropriations, together with details of the changes (H. Doc. No. 91-100); to the Committee on Appropriations and ordered to be printed.

684. A communication from the President of the United States, transmitting an appropriation request to pay claims and judgments rendered against the United States (H. Doc. No. 91-101); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

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

Mr. MADDEN: Committee on Rules. House Resolution 366. Resolution for consideration of H.R. 514, a bill to extend programs of assistance for elementary and secondary education, and for other purposes (Rept. No. 91-147). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

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

By Mr. ADDABBO:

H.R. 10063. A bill to amend the Railroad Retirement Act of 1937 to provide a full annuity for any individual (without regard to his age) who has completed 30 years of railroad service; to the Committee on Interstate and Foreign Commerce.

By Mr. BARING:

H.R. 10064. A bill to provide for improved employee-management relations in the postal service, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. BROCK:

H.R. 10065. A bill to amend title II of the Social Security Act to provide for cost-of-living increases in the benefits payable thereunder; to the Committee on Ways and Means.

By Mr. BUSH:

H.R. 10066. A bill to designate the Interstate System as the "Eisenhower Interstate Highway System"; to the Committee on Public Works.

By Mr. CELLER:

H.R. 10067. A bill to provide for the appointment of additional district judges, and for other purposes; to the Committee on the Judiciary.

H.R. 10068. A bill to amend the act of April 29, 1941, to authorize the waiving of the requirement of performance and payment bonds in connection with certain contracts entered into by the Secretary of Commerce; to the Committee on the Judiciary.

By Mr. CLEVELAND:

H.R. 10069. A bill to amend the Internal Revenue Code of 1954 to allow teachers to deduct from gross income the expenses incurred in pursuing courses for academic credit and degrees at institutions of higher education and including certain travel; to the Committee on Ways and Means.

By Mr. CORMAN:

H.R. 10070. A bill to establish a Commission on Government Procurement; to the Committee on Government Operations.

By Mr. CRAMER:

H.R. 10071. A bill to amend title 13, United States Code, to limit the categories of questions required to be answered under penalty of law in the decennial censuses of population, unemployment, and housing, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. DINGELL:

H.R. 10072. A bill to amend the Internal Revenue Code to designate the home of a State legislator for income tax purposes; to the Committee on Ways and Means.

By Mr. DONOHUE:

H.R. 10073. A bill to amend the Internal Revenue Code of 1954 to provide a basic \$5,000 exemption from income tax for amounts received as annuities, pensions, or other retirement benefits; to the Committee on Ways and Means.

By Mr. HARSHA:

H.R. 10074. A bill to require the suspension of Federal financial assistance to colleges and universities which are experiencing campus disorders and fail to take appropriate corrective measures within a reasonable time and to require the termination of Federal financial assistance to teachers, instructors, and lecturers guilty of violation of any law in connection with such disorders; to the Committee on Education and Labor.

By Mr. HELSTOSKI:

H.R. 10075. A bill to amend the act, entitled "An act to promote the safety of employees and travelers upon railroads by limiting the hours of service of employees thereon," approved March 4, 1907; to the Committee on Interstate and Foreign Commerce.

By Mr. HOGAN:

H.R. 10076. A bill to prohibit the dissemination through interstate commerce or the mails of materials harmful to persons under the age of 16 years, to restrict the exhibition of movies or other presentations harmful to such persons, and for other purposes; to the Committee on the Judiciary.

H.R. 10077. A bill to prohibit the investment of income derived from certain criminal activities in any business enterprise affecting interstate or foreign commerce, and for other purposes; to the Committee on the Judiciary.

H.R. 10078. A bill to provide for the investigative detention and search of persons suspected of involvement in, or knowledge of, Federal crimes; to the Committee on the Judiciary.

H.R. 10079. A bill to amend title 18 of the United States Code to establish extended terms of imprisonment for certain offenders convicted of felonies in Federal courts; to the Committee on the Judiciary.

H.R. 10080. A bill to amend title 18 of the United States Code to authorize conditional pretrial release or pretrial detention of persons charged with noncapital offenses who are determined to pose a danger to the community or persons or property in the com-

munity, and for other purposes; to the Committee on the Judiciary.

H.R. 10081. A bill to amend chapter 44 of title 18, United States Code, to strengthen the penalty provision applicable to a Federal felony committed with a firearm; to the Committee on the Judiciary.

H.R. 10082. A bill to amend title 18 of the United States Code to make it unlawful to injure, intimidate, or interfere with any fireman performing his duties during the course of any riot; to the Committee on the Judiciary.

H.R. 10083. A bill to amend chapter 207 of title 18 of the United States Code to authorize conditional pretrial release or pretrial detention of certain persons who have been charged with noncapital offenses, and for other purposes; to the Committee on the Judiciary.

H.R. 10084. A bill to amend title 18, United States Code, to provide for improved criminal procedure, and for other purposes; to the Committee on the Judiciary.

H.R. 10085. A bill to amend the Sherman Act to prohibit the investment of certain income in any business enterprise affecting interstate or foreign commerce; to the Committee on the Judiciary.

H.R. 10086. A bill to establish a Joint Committee on Organized Crime; to the Committee on Rules.

H.R. 10087. A bill to amend the Internal Revenue Code of 1954 to modify the provisions relating to taxes on wagering to insure the constitutional rights of taxpayers, and to facilitate the collection of such taxes, and for other purposes; to the Committee on Ways and Means.

By Mr. HOWARD:

H.R. 10088. A bill to amend the Railroad Retirement Act of 1937 to provide a full annuity for any individual (without regard to his age) who has completed 30 years of railroad service; to the Committee on Interstate and Foreign Commerce.

By Mr. HUNT:

H.R. 10089. A bill to change the definition of ammunition for purposes of chapter 44 of title 18 of the United States Code; to the Committee on the Judiciary.

H.R. 10090. A bill to amend the Internal Revenue Code of 1954 to increase the standard deduction and the minimum standard deduction allowable to individuals; to the Committee on Ways and Means.

H.R. 10091. A bill to encourage the growth of international trade on a fair and equitable basis; to the Committee on Ways and Means.

H.R. 10092. A bill to provide for the appointment of an advisory committee to recommend improvements in, and simplification of, Federal tax return forms and procedures; to the Committee on Ways and Means.

By Mr. MOSS:

H.R. 10093. A bill to require tribal consent to all grants of right-of-way over Indian tribal land; to the Committee on Interior and Insular Affairs.

By Mr. MURPHY of New York:

H.R. 10094. A bill to amend the National Traffic and Motor Vehicle Safety Act of 1966 to include the design of motor vehicles within such act, to authorize certain testing facilities, and to require Federal licensing for certain purposes of automobile dealers; to the Committee on Interstate and Foreign Commerce.

By Mr. OLSEN:

H.R. 10095. A bill to provide for improved employee-management relations in the postal service, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 10096. A bill to amend the Tariff Act of 1930 so as to exempt certain private aircraft entering or departing from the United States and Canada at night or on Sunday or a holiday from provisions requiring payment to the United States for overtime services of

customs officers and employees; to the Committee on Ways and Means.

By Mr. PEPPER:

H.R. 10097. A bill to amend the act, entitled "An act to promote the safety of employees and travelers upon railroads by limiting the hours of service of employees thereon," approved March 4, 1907; to the Committee on Interstate and Foreign Commerce.

H.R. 10098. A bill to provide a uniform allowance for certain motor vehicle maintenance employees in the postal field service; to the Committee on Post Office and Civil Service.

H.R. 10099. A bill to establish a system for the sharing of certain Federal revenues with the States; to the Committee on Ways and Means.

By Mr. EDWARDS of California:

H.R. 10100. A bill to limit military appropriations for the fiscal year 1970 and to provide for the return of certain funds to county and city governments; to the Committee on Appropriations.

By Mr. PODELL:

H.R. 10101. A bill to establish a commission to study the use of chemicals in peace and war; to the Committee on Interstate and Foreign Commerce.

By Mr. POLLOCK:

H.R. 10102. A bill to amend the Public Works and Economic Development Act of 1965 to permit smaller redevelopment areas in the State of Alaska; to the Committee on Public Works.

By Mr. RODINO:

H.R. 10103. A bill to provide that the nuclear accelerator to be constructed at Weston, Ill., shall be named the "Enrico Fermi Nuclear Accelerator" in memory of the late Dr. Enrico Fermi; to the Joint Committee on Atomic Energy.

By Mr. SCHWENGEL:

H.R. 10104. A bill to amend the act of July 26, 1956, to give the Muscatine Bridge Commission additional time to construct, maintain, and operate a bridge across the Mississippi River at or near the city of Muscatine, Iowa, and the town of Drury, Ill.; to the Committee on Public Works.

By Mr. STAGGERS (by request):

H.R. 10105. A bill to amend the National Traffic and Motor Vehicle Safety Act of 1966 to authorize appropriations for fiscal years 1970 and 1971, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. TEAGUE of Texas (by request):

H.R. 10106. A bill to revise the definition of a "child" for purposes of veterans' benefits provided by title 38, United States Code, to recognize an adopted child as a dependent from the date of issuance of an interlocutory decree; to the Committee on Veterans' Affairs.

By Mr. UTT (for himself and Mr. BETTS):

H.R. 10107. A bill to continue for a temporary period the existing suspension of duty on certain istle; to the Committee on Ways and Means.

By Mr. WHITTEN:

H.R. 10108. A bill to provide for the withdrawal of second- and third-class mailing permits of mail users who have used these permits systematically in the mailing of obscene, sadistic, lewd, or pandering mail matter, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. WIGGINS:

H.R. 10109. A bill to amend title 10 of the United States Code to prohibit the assignment of a member of an armed force to combat area duty if the father or a brother or sister of such member dies, is in missing status, or is totally disabled as a result of service in the Armed Forces in Vietnam; to the Committee on Armed Services.

By Mr. DIGGS:

H.R. 10110. A bill to provide increased op-

portunities for students in higher education for off-campus employment by establishing programs of work-study cooperative education; to the Committee on Education and Labor.

H.R. 10111. A bill to provide employment and training opportunities for low-income and unemployed persons; to the Committee on Education and Labor.

H.R. 10112. A bill to guarantee productive employment opportunities for those who are unemployed or underemployed; to the Committee on Education and Labor.

H.R. 10113. A bill to further promote equal employment opportunities of American workers; to the Committee on Education and Labor.

H.R. 10114. A bill to provide assistance for the improvement of State and Local law-enforcement agencies through acquisition of equipment for those agencies and provisions of educational opportunities to their personnel, and for other purposes; to the Committee on the Judiciary.

H.R. 10115. A bill to encourage improvements in the machinery of judicial administration by establishing within the Department of Justice the Office for Judicial Assistance, and for other purposes; to the Committee on the Judiciary.

H.R. 10116. A bill to promote the public welfare; to the Committee on Rules.

H.R. 10117. A bill to amend subchapter III of chapter 19 of title 38, United States Code, in order to authorize the Administrator of Veterans' Affairs to pay the total cost of a member's servicemen's group life insurance during any period that such member is serving in a combat zone; to the Committee on Veterans' Affairs.

H.R. 10118. A bill to provide incentives for the creation by private industry of additional employment opportunities for residents of urban poverty areas; to the Committee on Ways and Means.

H.R. 10119. A bill to encourage and assist private enterprise to provide adequate housing in urban poverty areas for low- and lower-middle-income persons; to the Committee on Ways and Means.

H.R. 10120. A bill to amend title XVIII of the Social Security Act so as to include, among the health insurance benefits covered under Part B thereof, coverage of certain drugs; to the Committee on Ways and Means.

H.R. 10121. A bill to amend title IV of the Social Security Act to improve the program of aid to families with dependent children, and for other purposes; to the Committee on Ways and Means.

H.R. 10122. A bill to amend the Internal Revenue Code of 1954 to grant additional income tax personal exemptions to taxpayers supporting mentally retarded dependents under certain circumstances; to the Committee on Ways and Means.

By Mr. DINGELL:

H.R. 10123. A bill to require Federal approval of voluntary industrial standards; to the Committee on Interstate and Foreign Commerce.

By Mr. DONOHUE:

H.R. 10124. A bill to amend section 2401 of title 28, United States Code, to extend the time for filing tort actions by persons under the age of 21, or insane or mentally ill, or imprisoned on a criminal charge; to the Committee on the Judiciary.

By Mr. FEIGHAN:

H.R. 10125. A bill to amend the act, entitled "An act to promote the safety of employees and travelers upon railroads by limiting the hours of service of employees thereon," approved March 4, 1907; to the Committee on Interstate and Foreign Commerce.

By Mr. GERALD R. FORD (for himself and Mr. SPRINGER):

H.R. 10126. A bill to amend the Public Health Service Act to provide for grants for the construction and modernization of pub-

lic health centers and public and nonprofit private facilities for long-term care, rehabilitation facilities, and diagnostic or treatment centers, to provide for loan guarantees for nonprofit private hospitals and other medical facilities, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. GAYDOS:

H.R. 10127. A bill to provide additional protection for the rights of participants in private pension plans, to establish minimum standards for vesting and funding of private pension plans, to provide an insurance program guaranteeing plan termination protection, and for other purposes; to the Committee on Education and Labor.

By Mr. GILBERT (for himself, Mr. BURLESON of Texas, Mr. GIBBONS, and Mrs. GRIFFITHS):

H.R. 10128. A bill to amend title II of the Merchant Marine Act, 1936, to create an independent Federal Maritime Administration, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. HECHLER of West Virginia:

H.R. 10129. A bill to amend title II of the Social Security Act to eliminate the reduction in disability insurance benefits which is presently required in the case of an individual receiving workmen's compensation benefits; to the Committee on Ways and Means.

By Mr. HOLIFIELD (for himself and Mr. HOSMER) (by request):

H.R. 10130. A bill to authorize appropriations to the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes; to the Joint Committee on Atomic Energy.

By Mr. JACOBS:

H.R. 10131. A bill to designate the Pentagon as "The Eisenhower Center"; to the Committee on Armed Services.

H.R. 10132. A bill to transfer certain functions to the Administrator of General Services; to the Committee on Public Works.

By Mr. JOELSON:

H.R. 10133. A bill to amend the Public Health Service Act to provide for the establishment of a National Lung Institute; to the Committee on Interstate and Foreign Commerce.

By Mr. KLEPPE (for himself, Mr. ANDREWS of North Dakota, Mr. BROTZMAN, Mr. PRICE of Texas, Mr. SEBELIUS, Mr. WINN, Mr. BERRY, and Mr. DENNEY):

H.R. 10134. A bill to amend the act of August 7, 1956 (70 Stat. 1115), as amended, providing for a Great Plains conservation program; to the Committee on Agriculture.

By Mr. KOCH:

H.R. 10135. A bill to amend the Internal Revenue Code of 1954 to liberalize both the minimum standard deduction and the percentage standard deduction, and to increase from \$600 to \$1,200 the personal income tax exemption of a taxpayer; to the Committee on Ways and Means.

By Mr. KUYKENDALL (for himself, Mr. BROYHILL of Virginia, Mr. BURLESON of Texas, Mr. CABELL, Mr. DON H. CLAUSEN, Mr. DENNEY, Mr. KING of New York, Mr. MONTGOMERY, Mr. WATSON, Mr. BURKE of Florida, and Mr. MILLER of Ohio):

H.R. 10136. A bill to require the suspension of Federal financial assistance to colleges and universities which are experiencing campus disorders and fail to take appropriate corrective measures forthwith, and to require the suspension of Federal financial assistance to teachers participating in such disorders; to the Committee on Education and Labor.

By Mr. McCLOSKEY:

H.R. 10137. A bill to authorize the appropriation of additional funds necessary for acquisition of land at the Point Reyes

National Seashore in California; to the Committee on Interior and Insular Affairs.

By Mr. MOSS:

H.R. 10138. A bill to amend section 211 of the Public Health Service Act to equalize the retirement benefits for commissioned officers of the Public Health Service with retirement benefits provided for other officers in the uniformed services; to the Committee on Interstate and Foreign Commerce.

By Mr. PRICE of Texas:

H.R. 10139. A bill to enable consumers to protect themselves against arbitrary, erroneous, and malicious credit information; to the Committee on Banking and Currency.

H.R. 10140. A bill to amend and supplement the Federal reclamation laws relating to the furnishing of water service to excess lands; to the Committee on Interior and Insular Affairs.

By Mr. PUCINSKI:

H.R. 10141. A bill to remove financial barriers so that all high school graduates will have equal opportunity for a postsecondary education of good quality, to strengthen institutions of higher education, and for other purposes; to the Committee on Education and Labor.

H.R. 10142. A bill to amend the Public Health Service Act to provide increased support for medical education; to the Committee on Interstate and Foreign Commerce.

By Mr. REID of New York:

H.R. 10143. A bill to improve education in the United States; to the Committee on Education and Labor.

By Mr. ST. ONGE:

H.R. 10144. A bill to amend the Internal Revenue Code of 1954 to encourage higher education, and particularly the private funding thereof, by authorizing a deduction from gross income of reasonable amounts contributed to a qualified higher education fund established by the taxpayer for the purpose of funding the higher education of his dependents; to the Committee on Ways and Means.

By Mr. CONYERS:

H.J. Res. 643. Joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

By Mr. COUGHLIN:

H.J. Res. 644. Joint resolution proposing an amendment to the Constitution of the United States to eliminate the office of presidential elector, and for other purposes, and proposing a further amendment providing for direct, popular election of the President and Vice President; to the Committee on the Judiciary.

By Mr. DIGGS:

H.J. Res. 645. Joint resolution to provide for a study and evaluation of scientific research in medicine in the United States; to the Committee on Government Operations.

H.J. Res. 646. Joint resolution to assist veterans of the Armed Forces of the United States who have served in Vietnam or elsewhere in obtaining suitable employment; to the Committee on Post Office and Civil Service.

By Mr. FULTON of Tennessee:

H.J. Res. 647. Joint resolution proposing an amendment to the Constitution of the United States to provide that the right to vote shall not be denied on account of age to persons who are 18 years of age or older; to the Committee on the Judiciary.

By Mr. GAYDOS:

H.J. Res. 648. Joint resolution proposing an amendment to the Constitution of the United States to permit voluntary participation in prayer in public schools; to the Committee on the Judiciary.

By Mr. HELSTOSKI:

H.J. Res. 649. Joint resolution to provide for the designation of the third week in May of each year as "Municipal Clerk's Week"; to the Committee on the Judiciary.

By Mr. HUNGATE:
H.J. Res. 650. Joint resolution authorizing the President to proclaim the period June 14 through June 21, 1969, as "National Painting and Decorating Week"; to the Committee on the Judiciary.

By Mr. McDADE:
H.J. Res. 651. Joint resolution proposing an amendment to the Constitution to provide for the direct election of the President and the Vice President; to the Committee on the Judiciary.

By Mr. WIGGINS:
H.J. Res. 652. Joint resolution to amend the Constitution to provide for representation of the District of Columbia in the House of Representatives; to the Committee on the Judiciary.

By Mr. BRAY:
H. Con. Res. 200. Concurrent resolution expressing the sense of Congress that the site where the first American astronaut lands on the moon be named Point Elsenhower; to the Committee on Science and Astronautics.

By Mr. ABBITT:
H. Res. 364. Resolution dismissing the election contest in the Fifth Congressional District of the State of Georgia; to the Committee on House Administration.

By Mr. POWELL:
H. Res. 365. Resolution creating a select committee to conduct an investigation of the circumstances surrounding the recent trial, conviction, and sentencing of members of the Armed Forces on mutiny charges; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

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

By Mr. BIAGGI:
H.R. 10145. A bill for the relief of Maria and Onofrio Spadafino; to the Committee on the Judiciary.

By Mr. BROWN of California:
H.R. 10146. A bill for the relief of Chung Chi Lee; to the Committee on the Judiciary.

By Mr. BUTTON:
H.R. 10147. A bill for the relief of Nicola Gemmiti and his wife, Michela Gemmiti, and their child, Piero Gemmiti; to the Committee on the Judiciary.

By Mr. CONYERS:
H.R. 10148. A bill for the relief of Seydou Diop; to the Committee on the Judiciary.

By Mr. DONOHUE:
H.R. 10149. A bill for the relief of Jack W. Herbstreit; to the Committee on the Judiciary.

By Mr. GONZALEZ:
H.R. 10150. A bill for the relief of certain individuals employed by the Department of the Air Force at Kelly Air Force Base, Tex.; to the Committee on the Judiciary.

By Mr. GUDE:
H.R. 10151. A bill to provide for the conveyance of certain real property in the District of Columbia to the National Firefighting Museum and Center for Fire Prevention, Inc.; to the Committee on the District of Columbia.

By Mr. McMILLAN:
H.R. 10152. A bill to provide for the conveyance of certain real property in the District of Columbia to the National Firefighting Museum and Center for Fire Prevention, Inc.; to the Committee on the District of Columbia.

By Mr. MURPHY of New York:
H.R. 10153. A bill for the relief of Frances von Wedel; to the Committee on the Judiciary.

By Mr. REES:
H.R. 10154. A bill for the relief of Mrs. Rosa Chapiro; to the Committee on the Judiciary.

H.R. 10155. A bill for the relief of Nikola Filipidis; to the Committee on the Judiciary.

By Mr. REID of New York:
H.R. 10156. A bill for the relief of Lidia Mendola; to the Committee on the Judiciary.

By Mr. SHIPLEY:
H.R. 10157. A bill for the relief of First Trust & Savings Bank; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII,
93. The SPEAKER presented a petition of the City Council, Elizabeth, N.J., relative to commemorating April 17 as the anniversary of the Bay of Pigs invasion, which was referred to the Committee on the Judiciary.

SENATE—Tuesday, April 15, 1969

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

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

God of our life, through all the circling years, we trust in Thee;
In all the past, through all our hopes and fears, Thy hand we see.
With each new day, when morning lifts the veil,
We own Thy mercies, Lord, which never fail.

God of the past, our times are in Thy hand; with us abide.
Lead us by faith to hope's true promised land; be Thou our guide.
With Thee to bless, the darkness shines as light,
And faith's fair vision changes into sight.

God of the coming years, through paths unknown we follow Thee;
When we are strong, Lord, leave us not alone; our refuge be.
Be Thou for us in life our daily bread,
Our heart's true Home when all our years have sped.

—HUGH THOMPSON KERR, 1916.
Amen.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Monday, April 14, 1969, be dispensed with.
The VICE PRESIDENT. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT

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

EXECUTIVE MESSAGES REFERRED

As in executive session,
The VICE PRESIDENT laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.
(For nominations this day received, see the end of the Senate proceedings.)

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

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

LIMITATION ON STATEMENTS DURING TRANSACTION OF ROUTINE MORNING BUSINESS

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

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

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILLS AND JOINT RESOLUTION

Messages in writing from the President of the United States were communicated to the Senate by Mr. Geisler, one of his secretaries, and he announced that on April 11, 1969, the President had approved and signed the following acts and joint resolution:

S. 165. An act for the relief of Basil Rowland Duncan;
S. 586. An act for the relief of Nguyen Van Hue; and
S.J. Res. 37. Joint resolution to extend the time for making of a final report by the Commission To Study Mortgage Interest Rates.

EXECUTIVE REPORTS OF COMMITTEES

As in executive session,
The following favorable reports of nominations were submitted:

By Mr. FULBRIGHT, from the Committee on Foreign Relations:
John D. J. Moore, of New Jersey, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Ireland.
By Mr. RANDOLPH, from the Committee on Public Works:
E. L. Stewart, of Oklahoma, to be Federal cochairman of the Ozarks Regional Commission.

EXECUTIVE COMMUNICATIONS, ETC.

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

REPORT ON DEFENSE PROCUREMENT FROM SMALL AND OTHER BUSINESS FIRMS

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

REPORT OF COMPTROLLER GENERAL

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report of a review of the Saturn S-IVB-503 stage accident under the Apollo program, National Aeronautics and Space Administration, dated April 15, 1969 (with an accompanying report); to the Committee on Government Operations.

REPORT ON BOYS' CLUBS OF AMERICA

A letter from the national director of the Boys' Clubs of America transmitting, pursuant to law, an audited financial statement of Boys' Clubs of America for the year 1968 (with an accompanying report); to the Committee on the Judiciary.

REPORT ON SURVEY OF POSTAL RATES

A letter from the Postmaster General, transmitting, pursuant to law, a report of the Department on a review of the postal-rate structure and studies of expenses incurred and revenues received in connection with the various classes of mail, dated April 15, 1969 (with an accompanying report); to the Committee on Post Office and Civil Service.

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 Legislature of the State of Massachusetts; to the Committee on the Judiciary:

"RESOLUTIONS MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO PRESENT TO THE STATES FOR RATIFICATION A CONSTITUTIONAL AMENDMENT PERMITTING THE RECITAL OF A NONSECTARIAN PRAYER IN THE PUBLIC SCHOOLS

"Whereas in the case of *Engel v. Vitale* (370 U.S. 421) decided in the year 1962, the Supreme Court of the United States declared the use in the public schools of a voluntary prayer as prepared by the board of regents of the state of New York to be unconstitutional; and

"Whereas it is the will and desire of the vast majority to recognize the existence of God and our dependence on Him; and

"Whereas it is their belief that there is a great need to instill in the hearts and minds of our youth proper respect and reverence to the Supreme Being; and

"Whereas the recital of voluntary prayers in our public schools will accomplish that purpose and will help maintain traditions cherished by so many of our citizens; therefore be it

"Resolved, That the General Court of Massachusetts respectfully urges the Congress of the United States to present to the States for ratification a constitutional amendment permitting the recital of a nonsectarian prayer in the public schools; and be it further

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

"Senate, adopted, March 27, 1969.

"NORMAN L. PIDGEON,
"Clerk.

"House of Representatives, adopted in concurrence, April 1, 1969.

"WALLACE C. MILLS,
"Clerk.

"Attest:

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

A resolution of the Saipan Legislature; to the Committee on Interior and Insular Affairs:

"RESOLUTION 21-6-1969

"A resolution informing the Congress of the United States of America of the desire of the people of the Saipan Municipality that the alternatives of the upcoming Trust Territory Plebiscite provide for decisions on a district-by-district basis

"Be it resolved by the twenty-first Saipan Legislature, that:

"Whereas the six administrative districts of the Trust Territory vary greatly, in cultural, historical and linguistic characteristics; and

"Whereas the announced Territory-Wide Plebiscite of 1972 will record the wishes of these diverse peoples of the territory for a future political status; and

"Whereas reflecting upon the manifold differences of the territory's island group, the people of the Municipality of Saipan within the Mariana Islands District desire that in the forthcoming plebiscite they be given the alternative to choose separation from the other districts of the territory as the Marianas District future political status: Now, therefore, be it

"Resolved, That the Twenty-first Saipan Legislature informs the Congress of the United States of America of the desire of the people of the Saipan Municipality that the alternative of the upcoming Trust Territory Plebiscite provide for decisions on a district-by-district basis; and be it further

"Resolved, That the Speaker certify to and the Legislature Clerk attest the adoption hereof and that copies of the same be thereafter transmitted to the President of the United States of America, the United Nations Trusteeship Council, and the President, Mariana Islands District Legislature. Passed and Adopted this 17th day of March, 1969.

"HERMAN Q. GUERRERO,
"Speaker.

"Attested:

"DANIEL T. MUNA,
"Legislature Clerk."

A joint resolution of the Legislature of the State of Oklahoma; ordered to lie on the table:

"RESOLUTION 19

"A concurrent resolution expressing profound regret for the recent death of Dwight David Eisenhower; expressing appreciation for his many contributions to the United States of America and the World; and directing distribution

"Whereas on Friday, March 28, 1969, the United States of America and the entire World suffered the loss of General Dwight David Eisenhower—a great statesman, a great general, a great American, and a great man—beloved and respected by all; and

"Whereas he attained the pinnacle of a sterling military career and led the greatest military machine in history to victory during World War II, thereby winning the hearts of his countrymen and their allies and earning the respect of all, including the enemies of his Country against whom he valiantly fought; and

"Whereas General Eisenhower's truly unselfish devotion to his Country and his fellowman is reflected in the willingness with

which he gave of himself again to serve his Country as Commander-in-Chief of the Armed Forces and President of the United States, during which time the world was blessed to enjoy a period of tranquility; and

"Whereas by reason of his own devotion to duty, Dwight David Eisenhower inspired many Americans to go forth and accomplish great things; and

"Whereas partisan considerations notwithstanding; America can be justly proud of the phenomenal record of achievement of this brilliant man who constantly displayed a breadth of interest, a depth of knowledge and understanding, a compassionate concern for the welfare of our Nation and its people, and an enthusiasm for hard work and unrelenting effort; and

"Whereas Dwight David Eisenhower was exalted as few men have been in America and truly deserves to share with George Washington the noble eulogy that "he was, in his day, first in war, first in peace, and first in the hearts of his countrymen"; and

"Whereas his death has taken from the World and from Oklahomans a true friend, and this loss is felt by all members of the Oklahoma Legislature; and

"Whereas we wish to express our deepest and sincerest sympathy in the grief that is shared by the World: 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 this Legislature on behalf of its members and on behalf of the people of Oklahoma does hereby express to the family of General Dwight David Eisenhower profound sorrow and regret at the loss to our State, our Country and the World resulting from the death of General Eisenhower and does further express its deep appreciation for his countless contributions to his fellowman, his Country and to the entire World.

"Section 2. That duly authenticated copies of this resolution be delivered to Mrs. Dwight D. Eisenhower, John Eisenhower, the White House, the United States Senate and the United States House of Representatives.

"Adopted by the Senate the 1st day of April, 1969.

"DENZIL D. GARRISON,
"Acting President of the Senate.

"Adopted by the House of Representatives the 2d day of April, 1969.

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

"Certification:

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

A resolution adopted by the city council of the city of Elizabeth, N.J., praying for the enactment of legislation proclaiming the date of April 17 as a date in tribute to the Cuban Freedom Fighter who fought and died in the Bay of Pigs invasion; to the Committee on Foreign Relations.

A resolution adopted by the Culver City Young Democrats, Culver City, Calif., urging the U.S. Senate to ratify the United Nations Conventions on Genocide, Forced Labor, and the Political Rights of Women; to the Committee on Foreign Relations.

A petition adopted by the Episcopal Diocese of New York, St. Philip's Church, New York, praying for the enactment of legislation establishing January 15, Dr. Martin Luther King's birthday, as a national legal memorial holiday; to the Committee on the Judiciary.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. EASTLAND, from the Committee on the Judiciary, without amendment:

S. 265. A bill for the relief of John (Giovanni) Denaro (Rept. No. 126); and S. 1531. A bill for the relief of Chi Jen Feng (Rept. No. 128).

By Mr. EASTLAND, from the Committee on the Judiciary, with an amendment:

S. 1625. A bill for the relief of Gong Sing Hom; (Rept. No. 127).

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. MATHIAS:

S. 1804. A bill for the relief of William H. Morning; to the Committee on the Judiciary.

By Mr. RIBICOFF (for himself, Mr. BROOKE, Mr. DODD, Mr. KENNEDY, and Mr. MCINTYRE):

S. 1805. A bill to preserve and promote the resources of the Connecticut River Valley, and for other purposes; to the Committee on Interior and Insular Affairs.

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

By Mr. GOODELL:

S. 1806. A bill to amend the Social Security Act to provide for a national system of public assistance to needy individuals and for grants to States for services to such individuals and to strengthen the Federal support of the State medical assistance program; to the Committee on Finance; and

S. 1807. A bill to improve education in the United States; to the Committee on Labor and Public Welfare.

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

By Mr. WILLIAMS of New Jersey (for himself, Mr. EAGLETON, Mr. HART, Mr. JAVITS, Mr. KENNEDY, Mr. MCCARTHY, Mr. MONDALE, Mr. PELL, and Mr. YOUNG of Ohio):

S. 1808. A bill to amend the Fair Labor Standards Act of 1938 to extend the child labor provisions thereof to certain children employed in agriculture, and for other purposes; to the Committee on Labor and Public Welfare.

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

By Mr. NELSON:

S. 1809. A bill to provide for the continuation of programs authorized under the Economic Opportunity Act of 1964, to authorize advance funding of such programs, to require notice to Congress prior to delegation of any program to another agency, and for other purposes; to the Committee on Labor and Public Welfare.

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

By Mr. JORDAN of North Carolina:

S. 1810. A bill for the relief of Dr. Rosemary E. DeLeon; and

S. 1811. A bill for the relief of Dr. Auturo J. DeLeon; to the Committee on the Judiciary.

By Mr. ANDERSON:

S. 1812. A bill to amend title XVIII of the Social Security Act so as to include chiropractor's services among the benefits provided by the insurance program established by part B of such title; to the Committee on Finance.

By Mr. TYDINGS (by request):

S. 1813. A bill to provide public assistance to mass transit bus companies in the District of Columbia; and for other purposes; and

S. 1814. A bill to provide for public ownership of the mass transit bus system operated

by D.C. Transit System, Inc.; to authorize interim financial assistance for the company pending public acquisition of its bus transit facilities; and for other purposes; to the Committee on the District of Columbia.

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

By Mr. TYDINGS:

S. 1815. A bill to amend section 5517 of title 5, United States Code, to authorize certain agreements relating to withholding of State income taxes; to the Committee on Finance.

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

By Mr. WILLIAMS of New Jersey (for himself and Mr. NELSON):

S. 1816. A bill to authorize the Secretary of Health, Education, and Welfare to make grants for treatment and rehabilitation centers for drug addicts and drug abusers, and to carry out drug abuse education curriculum programs, and to strengthen the coordination of drug abuse control programs by establishing the National Council on Drug Abuse Control; to the Committee on Labor and Public Welfare.

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

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

S. 1817. A bill to provide a uniform 24-hour voting period for polling places in Federal elections; to the Committee on Rules and Administration.

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

By Mr. TYDINGS:

S. 1818. A bill to provide for the inclusion of environmental quality considerations in the decision-making processes of government; to the Committee on Public Works.

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

By Mr. MONTROYA:

S. 1819. A bill for the relief of Chung Wai Hung; and

S. 1820. A bill for the relief of Lam Kan Wo; to the Committee on the Judiciary.

By Mr. PASTORE:

S. 1821. A bill to amend the Internal Revenue Code of 1954 to allow a deduction to State policemen for amounts paid for meals while on duty; to the Committee on Finance; and

S. 1822. A bill to amend title 5, United States Code, to provide for the inclusion of certain periods of reemployment of annuitants for the purpose of computing annuities of surviving spouses; to the Committee on Post Office and Civil Service.

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

By Mr. PASTORE (for himself and Mr. KENNEDY):

S. 1823. A bill to amend title 10, United States Code, to remove the restriction on the use of certain private institutions under the dependents' medical care program; to the Committee on Armed Services.

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

By Mr. FONG:

S. 1824. A bill for the relief of Kwok Kwong Wong; to the Committee on the Judiciary.

By Mr. EAGLETON:

S. 1825. A bill for the relief of Sujitra La-Ongmanl Cross; to the Committee on the Judiciary.

By Mr. MUNDT (for himself, Mr. BIBLE, Mr. CANNON, Mr. MCGOVERN, and Mr. STEVENS):

S. 1826. A bill to increase the domestic production of gold to meet the needs of na-

tional defense and preserve the gold mining industry of the United States, and for other purposes; to the Committee on Banking and Currency.

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

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

S. 1827. A bill to amend the Internal Revenue Code of 1954 to impose a minimum income tax, to require the allocation of deductions allowed to individuals in certain circumstances, and for other purposes.

S. 1828. A bill to amend the Internal Revenue Code of 1954 to increase the minimum standard deduction; and

S. 1829. A bill to amend the Internal Revenue Code of 1954 to reduce and extend the tax surcharge and to suspend the investment credit during the remaining period of applicability of the tax surcharge; to the Committee on Finance.

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

By Mr. JACKSON (for himself, Mr. GRAVEL, and Mr. STEVENS):

S. 1830. A bill to provide for the settlement of certain land claims of Alaska natives, 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. BROOKE:

S. 1831. A bill for the relief of Ezzallah Radi Abou Yazbeck; to the Committee on the Judiciary.

By Mr. COOK (for himself, Mr. COOPER, Mr. MANSFIELD, Mr. MATHIAS, Mr. METCALF, Mr. WILLIAMS of New Jersey, Mr. PACKWOOD, Mr. STEVENS, Mr. SCHWEIKER, and Mr. RANDOLPH):

S.J. Res. 91. Joint resolution establishing the Federal Committee on Nuclear Development; to the Joint Committee on Atomic Energy.

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

By Mr. BAKER:

S.J. Res. 92. Joint resolution proposing an amendment to the Constitution of the United States to provide for the conduct within each State of presidential preference elections and the election of delegates to conventions of national political parties for the nomination of candidates for President and Vice President; and

S.J. Res. 93. Joint resolution proposing an amendment to the Constitution of the United States enabling citizens of the United States who change their residences to vote in presidential elections; to the Committee on the Judiciary.

(See the remarks of Mr. BAKER when he introduced the above joint resolutions, which appear under separate headings.)

S. 1806 AND S. 1807—INTRODUCTION OF BILLS CREATING A NATIONAL SYSTEM OF PUBLIC ASSISTANCE AND A PROGRAM OF FEDERAL BLOCK GRANTS FOR EDUCATION

Mr. GOODELL. Mr. President, I rise to introduce the "Federal Public Assistance Act" and the "Federal-State Education Act of 1969."

I am introducing these bills at the request of Gov. Nelson A. Rockefeller, of New York.

The Federal Public Assistance Act creates a national system of public assistance for needy individuals. It also provides Federal grants to States for nonmedical services—such as child wel-

fare services—to these individuals. And it provides increased Federal support of State medical assistance for the needy and medically indigent.

The Federal-State Education Act of 1969 establishes a new program of Federal block grants to the States for education.

Spiraling welfare and education costs have been placing an intolerable burden on State and local taxpayers. The Federal Government must meet a greater share of these costs, in order to permit the States and localities to set their fiscal house in order, and to relieve State and local taxpayers.

I have long urged that the Federal Government bear a larger proportion of the rapidly rising welfare costs. A system of national welfare standards and increased Federal welfare financing is needed to overhaul the present obsolete and unfair system that has become such a burden to States and localities. As long as States and local governments have to meet their present share of the cost of public assistance, they will be unable to solve their fiscal problems; and the poor will suffer through inadequate benefit levels. Only a better system of Federal financing can eliminate the present glaring disparities in welfare benefits among the States, which have contributed so much to the migration of the poor into our overburdened cities.

I also have long supported a system of Federal block grants for education, to enable the States to support, assist, and strengthen educational programs at all levels—while giving each State the flexibility to develop the educational programs best suited to its needs.

These bills go to the heart of the fiscal problems of rising welfare and education costs faced by State and local governments across the country. They deserve most serious study and consideration by Congress.

In proposals as important, complex, and far-reaching as these, various changes, refinements, and clarifications may be needed. I am placing these bills before the Senate now, so that the process of study, examination, and review may begin.

The proposed Federal Public Assistance Act is a new plan for creating a national system of public welfare. Under this proposal, the Federal Government will, beginning in fiscal 1973, assume full financial responsibility for the cost of cash assistance welfare programs for all needy persons. All those below the poverty level, adjusted for variations of cost of living, would be declared eligible to receive this assistance. During the interim period before fiscal 1973, the bill would provide, on a step-by-step basis, increased Federal participation in financing cash assistance programs; and prescribe Federal standards for eligibility and benefits for public assistance. The bill would also:

Create stronger incentives for welfare recipients to obtain jobs by permitting them to retain up to \$75 per month and one-third of any additional earnings they make.

Provide Federal grants to meet not less than 75 percent of State expendi-

tures for nonmedical services to needy individuals, such as child welfare services, counseling and guidance, and family planning services.

Increase Federal support of medicaid to no less than 75 percent of State medicaid expenditures; and raise eligibility for medicaid to 150 percent of the public assistance standard under the bill.

Under the welfare bill, the Federal Government would spend in fiscal 1970 about \$1.8 billion more than the approximately \$4 billion it would spend on welfare—exclusive of medicaid—under existing law. By fiscal 1973, when the Federal Government assumed the full cost of welfare, it would spend roughly \$10 billion more than the estimated \$5 billion it would spend on welfare under present law. In that year, the States and localities would largely be relieved of the more than \$5 billion they otherwise would have to pay as their share of welfare costs.

The proposed Federal-State Education Act of 1969 would create a new system of Federal block grants to the States for education. The bill would authorize \$2.75 billion in block grants in fiscal 1970, the first year of its operation; and \$14 billion in fiscal 1973, the fourth year. The amount of each State's block grant would be based on population, need and tax effort. The grants would be available for elementary and secondary, higher, vocational, and technical education, preschool, and adult education. It would leave each State wide discretion to develop the educational programs it needs.

I ask unanimous consent that a summary of the bills be printed at this point in the RECORD.

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

The bills (S. 1806) to amend the Social Security Act to provide for a national system of public assistance to needy individuals and for grants to States for services to such individuals and to strengthen the Federal support of the State medical assistance program; (S. 1807) to improve education in the United States, introduced by Mr. GOODELL, were received, read twice by their titles, and referred to the Committee on Finance and the Committee on Labor and Public Welfare, respectively.

The summary, presented by Mr. GOOD-ELL, follows:

FEDERAL PUBLIC ASSISTANCE ACT PURPOSES

The bill would create a national system of public assistance to needy individuals, to become effective after a transitional period. It would provide step-by-step increase in Federal support of state public assistance programs during this transition period.

The bill would also provide Federal grants to states for non-medical services (such as child welfare services) to needy individuals. It would provide increased Federal support of state medical assistance programs for the needy and medically indigent.

The bill would add a new Title XX to the Social Security Act, and amend existing law.

NATIONAL SYSTEM OF PUBLIC WELFARE

Part A of the proposed Title XX would establish a national system of public welfare to take effect after a transition period.

Effective in fiscal year 1973, the Federal government would finance the full cost of public assistance programs.

All individuals who are residents of the United States and whose income and resources (exclusive of public assistance) are less than the "minimum living requirement" would be eligible for assistance. The amount of assistance would be equal to the "minimum living requirement" less the amount of recipient's own income and resources.

The "minimum living requirement" would be based on the non-farm poverty level as determined by the Social Security Administration for the year 1966 (adjusted to take into account subsequent changes in price levels). The Social Security Administration's 1966 figures show \$3355 as the poverty level for a non-farm family of four.

The "minimum living requirement" could be increased above or decreased below these poverty level figures by not more than 15% on the basis of regional differences in the cost of particular items such as heat, clothing or rent.

In determining eligibility for and the amount of public assistance, earned income to the extent of the first \$75 per month plus one-third of additional earnings would be disregarded, except that any earned income in excess of one-third of the "minimum living requirement" would not be disregarded.

The Secretary of Health, Education and Welfare would be authorized to enter into an agreement with each state, under which a state agency would administer the program. The cost of administration would be met by the Federal government. If a state did not wish to make such an agreement, the program would be administered by the Department of Health, Education and Welfare.

INTERIM FEDERAL STANDARDS AND FINANCING OF WELFARE ASSISTANCE

Part C of the proposed Title XX of the Social Security Act would establish an interim program of Federal standards and assistance. This program would apply to the transition fiscal years 1970, 1971, and 1972, before full Federal financing takes effect. Receiving the assistance would be optional to the states, conditional on their complying with the standards and submitting an approved plan.

In fiscal 1970, each state wishing to take advantage of the interim program would have to have the following minimum budgetary standard of need (that is, the amount to be paid to a person without any resources):

	Per month
Children	\$40
Aged	\$65
Blind and disabled	\$90
General assistance	\$40

These minimums are based on the present average benefit levels in the nation.

In fiscal 1971, the minimum budgetary standard of need would be increased by 115% of the 1970 standard. And in fiscal 1972, it would be raised to 130% of the 1970 standard. (As noted above, in 1973, the year of full Federal takeover, the standard of need would be raised to the poverty level.)

The Federal share of these welfare costs during the interim period would be increased as follows:

In the first year (fiscal 1970), the Federal government would pay 100% of the first \$30 of welfare assistance paid to each needy child and 50% of the remainder paid to him (up to an additional \$40). A similar scale would be established for the other types of welfare recipients.

In second and third years (fiscal 1971 and 1972), the Federal government would pay a minimum of 75% of welfare costs.

SOCIAL AND OTHER NON-MEDICAL SERVICES

The bill would require those states participating in the transitional program to provide social and other non-medical services to all needy individuals. These include child

welfare services; counselling and guidance; and family planning services.

States would be required to provide day care services adequate to meet the needs of those mothers who want to work.

Effective July 1, 1969, Federal financial reimbursement would be not less than 75% of state expenditures for these non-medical services to needy individuals (including administrative expenses). Federal aid now ranges from 50% to 75%.

When the Federal government takes over the full cost of public assistance payments, all states would be required to provide these services or forgo Federal reimbursement for Medicaid.

MEDICAID AMENDMENTS

The bill would make the following changes in Medicaid:

Effective in fiscal year 1971, Federal financial participation for Medicaid would be no less than 75% of the state's total expenditures for Medicaid (including administrative expenditures).

Eligibility for Medicaid would be raised to 150% of the public assistance standard under the bill.

MAINTENANCE OF STATE AND LOCAL TAX EFFORT

The bill would require, effective in fiscal year 1973, that states maintain their tax efforts, or else be penalized by reduction in Federal formula aid.

Each state would be required, in fiscal year 1973 and subsequent years, to maintain a tax effort index of not less than the average tax effort index for fiscal years 1970, 1971 and 1972. The tax effort index would be defined as the aggregate of state and local tax revenues as a percent of total personal income for the state.

AUTHORIZATIONS

The bill would authorize "such sums as may be necessary" to meet the cost of the national welfare program and the interim financing program. Federal funding would, however, be subject to the annual appropriation process.

FEDERAL-STATE EDUCATION ACT OF 1969 PURPOSES

The bill would provide substantial Federal block grants to the states to enable them to support, assist and strengthen educational programs at all levels.

It would provide opportunities for education and training to all persons, particularly those in low income families. It would leave to each state optimum flexibility to develop programs best suited to its needs, and it would provide incentives to states and localities to make reasonable fiscal effort for education.

FINANCING

Section 2 of the bill provides that it is the intent of Congress that the costs of the block grants for education be financed by increasing the existing Federal income tax rate and/or improving the Federal income tax structure so that by the fiscal year 1973, an amount equal to 10% of the revenues derived from the Federal income tax be utilized for financing this program.

AMOUNT OF FEDERAL FUNDS

Section 3 authorizes the following amounts for block grants for education:

1970	\$2,750,000,000
1971	5,500,000,000
1972	9,000,000,000
1973	14,000,000,000

ALLOTMENTS TO THE STATES

Section 4 provides that the amount of each State's block grant be based on population, need and tax effort.

Specifically, Federal funds would be allotted among the States on the following basis:

30% on the basis of tax effort (state and local taxes as a percent of state personal income adjusted for population);

25% on the basis of the formula in title I

of the Elementary and Secondary Education Act;

20% on the basis of the formula in the Higher Education Facilities Act;

15% on the basis of the Vocational Education Act; and

10% on the basis of the state's population aged 3 to 5 and per capita income.

USE OF FEDERAL FUNDS

Section 5 requires the funds to be utilized in accordance with a State plan submitted to the Secretary of Health, Education, and Welfare, who would determine that the plan provided reasonable assurances that—

At least 20% of the state's allotment will be used in accordance with the provisions of title I of the Elementary and Secondary Education Act relating to: purposes for which funds are to be used; distribution of funds within a state; conditions applicable to the use of funds (e.g. programs to be of benefit to students in non-public schools);

At least 15% will be used for education at institutions of higher education, including public community colleges and public technical institutes;

At least 10% will be used for vocational education; and

The remaining 55% will be used for the above or other educational purposes.

MAINTENANCE OF EFFORT

Section 7 provides that the fiscal effort for education by a state and its political subdivisions in any year must be equal to such effort for the fiscal year ending June 30, 1968. If it fell below the fiscal 1968 level, Federal funds to the state would be reduced by the amount of the difference.

FEDERAL CONTROL PROHIBITED

Section 8 provides that the bill does not authorize any Federal agency to exercise any control or supervision over personnel, curriculum, methods of instruction or administration of any educational institution or school system.

S. 1808—INTRODUCTION OF A BILL PROHIBITING HARMFUL CHILD LABOR

Mr. WILLIAMS of New Jersey. Mr. President, on behalf of myself and other Senators, I introduce for appropriate reference, a bill to amend the Fair Labor Standards Act to prohibit harmful agricultural child labor outside of regular school hours and when school is not in session.

The harmful employment of children in agriculture is one of the most unfortunate aspects of our present farm labor situation. Existing Federal and State laws relating to the employment of children in agriculture chiefly apply only during school hours. Aside from the existing Federal exclusion of children up to age 16 from particularly hazardous occupations, a child of any age, when school is not in regular session, may be employed in farmwork. This condition has all but disappeared from industry, yet today approximately 375,000 children between the ages of 10 and 13 perform hired farm labor.

Migratory children, who comprise a significant segment of the children employed in agriculture, are the most seriously affected by the absence of meaningful child labor legislation. Unlimited arduous farmwork is undoubtedly harmful to the health of young children. As early as 1951 a subcommittee of the American Medical Association urged that a general 14-year age minimum be set for employment. Long hours of tiring

work whether in factories or in beet or tomato fields is harmful to children in two ways. First, a child early in life must grow and gain weight. Farm labor such as the thinning, pulling, and topping of beets or the picking of strawberries or cotton requires constant bending, stooping, and frequent lifting. This excessive muscular activity expends the child's energy which should be used in the natural process of growth. Consequently, children who engage in arduous labor become undernourished and undersized. Second, chronic fatigue lowers a child's resistance to disease and infection and also interferes with his educational progress. Only one of every three farm wage workers has completed more than 8 years of schooling and only one in six has graduated from high school. One-fourth of our Nation's farmworkers have either never attended school or have not completed more than 4 years of schooling.

The continued exclusion of children working in agriculture, and migrant children in particular, from the protections against harmful child labor will continue to cause high incidence of poverty, unemployment, dissatisfied teenagers and extensive drain on our general economy and on community welfare programs in particular.

Under this bill, a child would be permitted to work in agriculture outside of regular school hours or during vacation only if, first, he is 14 years of age or over, or, second, he is between 12 and 14 and commutes daily not more than 25 miles from his permanent residence and either has the written consent of his parent or his parent is employed on the same farm. By express provision in the bill, however, no restrictions are imposed on the employment of children working for their parents on a home farm.

I ask unanimous consent that the bill be reprinted at this point in the RECORD.

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

The bill (S. 1808) to amend the Fair Labor Standards Act of 1938 to extend the child labor provisions thereof to certain children employed in agriculture, and for other purposes, introduced by Mr. WILLIAMS of New Jersey (for himself and other Senators), was received, read twice by its title, referred to the Committee on Labor and Public Welfare, and ordered to be printed in the RECORD, as follows:

S. 1808

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 13(c) of the Fair Labor Standards Act of 1938 is amended to read as follows:

"(c) (1) Except as provided in paragraph (2), the provisions of section 12 relating to child labor shall not apply to any employee employed in agriculture outside of school hours for the school district where such employee is living while he is so employed, if such employee is—

"(A) employed by his parent, or by a person standing in the place of his parent, on a farm owned or operated by such parent or persons, or

"(B) is 14 years of age or over, or

"(C) is 12 years of age or over and is employed on a farm to which he commutes daily within twenty-five miles of his per-

manent residence, and (1) such employment is with the written consent of his parent or person standing in place of his parent, or (11) his parent or person standing in place of his parent is also employed on the same farm.

"(2) The provisions of section 12 relating to child labor shall apply to an employee below the age of sixteen employed in agriculture in an occupation that the Secretary of Labor finds and declares to be particularly hazardous for the employment of children below the age of sixteen, except where such employee is employed by his parent or by a person standing in the place of his parent on a farm owned or operated by such parent or person.

"(3) The provisions of section 12 relating to child labor shall not apply to any child employed as an actor or performer in motion pictures or theatrical productions, or in radio or television productions."

S. 1813 AND S. 1814—INTRODUCTION OF BILLS ON DISTRICT OF COLUMBIA BUS LEGISLATION

Mr. TYDINGS. Mr. President, today I am introducing two bills relating to bus transportation in Washington. These bills have been drafted at the request of the District of Columbia Committee and will be referred to its Subcommittee on Fiscal Affairs. These bills are being introduced so that the committee may have concrete proposals before it when hearings are held.

One bill, drafted by the Washington Metropolitan Area Transit Commission, provides for a public subsidy to private bus companies. The WMATC is the Maryland-Virginia-District of Columbia interstate compact authority which regulates local bus service.

The other bill, drafted by the District of Columbia government, provides for a temporary subsidy followed by public purchase of the bus company by the Washington Metropolitan Area Transit Authority. The WMATA is the Maryland-Virginia-District of Columbia interstate compact authority created to plan and construct Washington's rapid rail transit system.

A hearing on these bills has been scheduled for 9:30 a.m., April 29, 1969, in room 6226, New Senate Office Building.

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

The bills (S. 1813) to provide public assistance to mass transit bus companies in the District of Columbia, and for other purposes and (S. 1814) to provide for public ownership of the mass transit bus system operated by District of Columbia Transit System, Inc.; to authorize interim financial assistance for the company pending public acquisition of its bus transit facilities; and for other purposes, introduced by Mr. TYDINGS, by request, were received, read twice by their titles, and referred to the Committee on the District of Columbia.

S. 1815—INTRODUCTION OF A BILL PERMITTING VOLUNTARY WITHHOLDING OF MARYLAND AND VIRGINIA INCOME TAXES FOR CONGRESSIONAL STAFF

Mr. TYDINGS. Mr. President, I rise to introduce a bill which would permit congressional employees who work in the District but reside in Maryland or Vir-

ginia to have their State income tax withheld on a voluntary basis.

Under present law, employees of the agencies of the executive branch, the Library of Congress and the Government Printing Office enjoy this privilege. Many Capitol Hill employees would welcome the convenience of having their State income tax withheld. I would like to stress again that this arrangement would be strictly voluntary; each employee would decide whether or not his taxes would be withheld.

I recognize that such legislation must originate in the House. Former Congressman Hervey Machen introduced this legislation in the last Congress and the measure was favorably reported by the Ways and Means Committee. Maryland State Senator Steny Hoyer recently suggested that this measure not be allowed to drop and I appreciate his recalling it to my attention.

I am putting this bill before this Congress in the fervent hope that it will be added as an amendment to the first tax bill that is reported out of the Ways and Means Committee this session.

There is no reason why employees of the legislative branch should not possess the same rights and prerogatives enjoyed by other Federal employees.

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

The bill (S. 1815) to amend section 5517 of title 5, United States Code, to authorize certain agreements relating to withholding of State income taxes, introduced by Mr. TYDINGS, was received, read twice by its title, and referred to the Committee on Finance.

S. 1816—INTRODUCTION OF THE DRUG ABUSE PREVENTION AND REHABILITATION ACT OF 1969

Mr. WILLIAMS of New Jersey. Mr. President, one of man's most important discoveries was the realization that he could heal his wounds, and cure his illnesses, with chemical substances and compounds. He took this realization into the laboratories and clinics, and what came out was the harbinger of our modern medical miracles.

Man created pills.

The pioneers of the American frontier had pills, salts, and oils when they moved west. The apothecary shop was a fixture on colonial main street. American medicine matured as doctors learned to harness the power of the pill, and make it work for good health. We learned how to use pills and liquids to heal tissue, kill pain, stop unwanted bleeding, reduce pressure, and otherwise improve the body's functions.

Unfortunately, modern Americans tend to abuse the privilege of the pill. Housewives take sedatives, sleeping pills, diet pills, headache pills, cold pills, and of course, "the pill." Truckdrivers take pills to stay awake on the long overnight hauls. Students take pills to pep them up, and keep them awake, as they cram for exams. All of us turn to aspirin, vitamins, and other "beneficial" pills. Advertisers tell us that we can relieve tension, end acid indigestion, restore youth and sex appeal with pills—so we buy more pills.

The national average is an incredible 29.5 drugs per medicine cabinet.

Most—if not all—of this pill taking is legitimate, and often helpful. What is appalling, is the fact that our willingness to "pop a pill" has, in turn, prompted a national frenzy in illegal drugs, addictive substances, and possibly fatal experimentation with "the stuff." We face the prospect of a coast-to-coast catastrophe—a drugged society.

Evidence of the mounting crisis in drug abuse is all around us:

Some authorities say that 30 percent of college students have tried marihuana at least once. Dr. James L. Goddard, former Chief of the Food and Drug Administration, has said that 400,000 Americans may be using it regularly. The New York Times recently estimated that 100 million Americans use some form of mind-altering drugs, including excessive alcohol, amphetamines, barbiturates, and tranquilizers. In 1967, the National Student Association reported that 61,792 drug arrests were made in California for illegal use of drugs.

One often hears that there are more than 50,000 heroin addicts in the United States, but that only reflects the number reported to the Government. U.S. News & World Report recently mentioned that in New York City alone, estimates on the number of heroin addicts run from 30 to 100 thousand—"depending on who is keeping score."

Last year, 5 million "5-grain units" of illicit drugs were seized at borders and ports of entry in our country. The total weight of all drugs confiscated for the year—including marijuana—hit 35 tons. The costs run from a "nickel" bag of marijuana for \$5 to as high as \$50,000 for a point of heroin. It has been calculated that New York City's addicts must raise from \$500,000 to \$700,000 per day to support their habit. To do so, many turn to robbery, shoplifting, burglary, forgery, and prostitution. If you do not use the "stuff," you could be one of hundreds of top distributors selling a half-grain of LSD, enough for 1,000 capsules to middlemen for \$1 a capsule. In a month's time, you could easily sell 5,000 capsules and clear over \$3,700.

Although these figures are important, particularly as they relate to escalating problems of crime and health, we too often concentrate on the statistics and forget the people. The human cost is more staggering and more tragic. Drug abusers seldom live successful lives—by their own standards or those of anyone else. Over a period of time, they lose interest in schools, jobs, and family. Drug abusers have few friends who are not also on drugs. They simply have neither the time nor the energy to keep up normal social contacts. Their only purpose becomes the search for enough drugs to keep "high" and to duck the agony of being suddenly deprived of drug support.

There is no doubt that the abuser deprived of drugs suffers greatly. But the worst of it is that whether "high" or looking for his next "kick"—he has lost control of his life. He has given up the power to decide and to act—the very things that make him human.

At what point do you lose control? No one knows. But the worst mistake is to assume you can stop once you start.

There is probably not one drug abuser alive—or dead—who did not say, "I won't get 'hooked.' It can't happen to me." It can—and it does.

Although the link between marijuana, and progressive involvement with more dangerous drugs, has only recently been explored, there is enough evidence to concern us. Even the hint of a cause-effect relationship between marijuana and the harder drugs should shock us into action.

Too many young people have justified the use of marijuana by claiming that it is no worse than consuming alcohol. Surely it is not valid to justify the adoption of a new abuse by trying to show that it is no worse than a presently existing one. The result can only be added social damage from a new source. Moreover, marijuana, unlike alcohol, is nearly always consumed by its users for the express purpose of attaining a "high" and a disorientating intoxication.

This justification or rationale is further complicated because there is no consistent public policy about prohibiting the use of things that are bad for us. If marijuana and other drugs are prohibited, we should add alcohol, tobacco, and the automobile. A recent Washington Post editorial said it this way:

The decision to put the liquor salesman in the Chamber of Commerce and the pot salesman in jail is irrationally arbitrary.

When and how this public policy will be made uniform—either way—is at best, some time in the future.

We cannot afford to wait for this policy to change through public law. Nor can we wait for the country to accept what the Georgia Law Review said may be a constitutional "right to get 'high'" as part of the "right to individual freedom in the pursuit of happiness."

There is a realistic and more important task we can begin now—understanding, education, and rehabilitation.

Mr. President, for the past 6 months I have been carefully researching the whole area of drug abuse and addiction. Everyone I have talked with about this problem—the Associate Director of the Bureau of Narcotics and Other Dangerous Drugs, students, social workers—indicated a need for accurate information on drugs.

Last year, more than 33,000 school age youngsters wrote to the Federal Bureau of Narcotics and Other Dangerous Drugs in the Justice Department asking for information. I am sure this represents only those who took the time to write—not all those looking for information. So there is already a clear need for curriculum on drugs similar to the already accepted curriculum on sex. In fact, some States have already taken the initiative. House bill 102 in the Pennsylvania Legislature is a bill which would make it mandatory to teach young people about all drugs. Commenting on its merits, Peter Duncan, presenting the network's views in an editorial for WCAU-TV in Philadelphia, said:

Schools should not wait until House Bill 102 becomes law. They should be actively developing an aggressive, honest program for their students. . . . Parents, instead of getting upset over the inclusion of such a course—should be forming a lobby to see to it that it's passed.

Most of us, including teachers, cannot even spell amphetamine, barbiturate, hallucinogens, or give the technical names for LSD and DMT, much less know what they mean or do to body and brain cells. When it comes to classifying dexies, A's, footballs, barbs, goofballs, cubes, acid as either stimulants, depressants, or hallucinogens, who among us can do it without guessing? I strongly believe that both vocabularies—the scientific and the street jargon—are equally important. Legislation has already been introduced in the Senate and House of Representatives to provide grants to educational agencies to develop drug information curriculum, and provide teacher-training programs to be an integral part of these curriculums.

However, no legislation dealing with drug abuse and addiction is complete without adequate treatment and rehabilitation facilities.

Mr. President, today, on behalf of Senators COOPER, HART, McGEE, MONDALE, RANDOLPH, YOUNG of Ohio, PELL, and HATFIELD, I introduce for appropriate reference the Drug Abuse Prevention and Rehabilitation Act of 1969. This legislation will authorize the Secretary of Health, Education, and Welfare to make grants for prevention, treatment, and rehabilitation centers for drug addicts and drug abusers; encourage drug abuse education curriculum programs for students of medicine, psychology, psychiatry, sociology, social work, and other related fields; and strengthen the coordination of drug abuse control programs by establishing the National Council on Drug Abuse Control.

My research on drug addiction has taken me on two informal visits to existing drug rehabilitation centers. The first center I visited was a center in Philadelphia which is operated by the National Institute of Mental Health. This is one of seven centers sponsored by the Federal Government which is demonstrating, testing, and evaluating various methods of drug rehabilitation. I gathered that most of these centers, including Philadelphia, are research-oriented with a strong "professional" orientation. A majority of their patients participate in a detoxification program or are maintained on methadone. Supportive counseling, group psychotherapy, and educational counseling are part of the program but vary in patient participation and application. One is certainly impressed with the process.

The second center I visited is Odyssey House on New York City's East Side. This program has no Federal support; it is a voluntary nonprofit agency which began as a pilot research program at Metropolitan Hospital in January 1966. It is now a comprehensive program for the prevention and treatment of drug addiction.

The rehabilitation service program is divided into three phases—induction, intensive residential treatment, and reentry. These programs are designed to motivate the street addict to enter treatment; to determine the sincerity of his motivation; to bring his first in-residence challenge; and to provide total rehabilitation for reentry to the community.

Odyssey House is a total therapeutic endeavor. It is a working amalgamation

of the professional-research establishment and the community. It treats the causes as well as the symptoms. And one is certainly impressed with the product as well as the process.

Rehabilitation centers must be an integral part of the "scene." Existing law makes referral to rehabilitation centers conditional on "adequate" facilities. I met a youngster, about 28 years of age, at Odyssey House who had been arrested about 40 times and spent 8 years in jail. It got him nowhere. The legislation I introduce today might help others escape this dead-end cycle, and make "positive" referral mandatory.

In addition, this bill provides that up to 30 percent of the money be used to develop the "Odyssey" concept in rehabilitation. We cannot afford to wait 10 years for NIMH to conclude its research and report a model of drug rehabilitation. The product of an Odyssey House experience cannot be measured in a test tube or plotted on a chart. In the vagueness and uncertainty of drug rehabilitation, we need both approaches.

Whatever the approach, though, we need better drug information in the community. Local police should not be the sole source of drug information in our cities and towns. Because of an attitude on the part of the community—"Cops are out to get us"—and a police attitude—"drug users are punks"—genuine communication and full information are blocked.

There is a better way, and one effective alternative is the neighborhood doctor or community social worker. Unfortunately, medical schools and other institutions of higher learning have ignored their responsibility to their students and to society by not providing curriculums on this subject. There is an obvious and clear need for this kind of program, and this legislation will provide this incentive. However, not only should medical students be exposed to a drug curriculum program in their formal training, but all those who will be primarily responsible for working in rehabilitation programs—both professional and paraprofessional—should be exposed to drug abuse curriculum programs.

Finally, my bill will establish a National Council on Drug Abuse Education to coordinate, evaluate, and disseminate the Federal activities in this area. George B. Griffenhagen, Director of the National Coordinating Council on Drug Abuse Education and Information, has convinced me that one of the biggest problems at the Federal level is one of evaluation of available drug information and research and the coordination of efforts to solve this problem. The Coordinating Council, representing more than 60 professional, educational, youth, religious, and service organizations, is making a commendable effort to begin this important task.

I am convinced that the time is now to build on their efforts. At the Federal level, everyone is trying to get a "piece of the action"—including the Defense Department. This polarization of effort is not helping the situation. My proposal would centralize all Federal programs, in whatever agencies, that deal with drug abuse.

This seems to me to be the most effective

tive way to provide leadership and coordination of efforts of regional, State, and local organizations interested in the area of drug abuse and education.

One of the functions of this Council will be to review Federal and State laws with respect to control of narcotics and other dangerous drugs in order to determine the effectiveness of such laws in controlling drug abuse and make legislative or administrative recommendations to bring about a balanced and realistic approach to this problem.

Finally, it seems to me that recent headlines in newspapers, such as "Jersey Narcotics Sweep Nets 68 Young Suspects," have gotten us nowhere. This raid was the result of 200 officials working on the basis of a 15-month investigation. The suspects are from 14 to 28 years old. Instead of the "Aha! We got 'em" attitude, we should spend equal energy and resources on understanding these youths.

Mr. President, the Drug Abuse and Narcotic Control Education Act of 1969 is designed to deal with these problems. These proposals may not be more effective than our raids and arrests, but the depth and seriousness of drug use and abuse in our country demands that we give them an equal try. I am confident they will at least begin a much-needed nationally coordinated program of understanding and education.

I ask unanimous consent that a summary of the major provisions of this bill be reprinted in the RECORD at this point.

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

The bill (S. 1816) to authorize the Secretary of Health, Education, and Welfare to make grants for treatment and rehabilitation centers for drug addicts and drug abusers, and to carry out drug abuse education curriculum programs, and to strengthen the coordination of drug abuse control programs by establishing the National Council on Drug Abuse Control, introduced by Mr. WILLIAMS of New Jersey (for himself and other Senators), was received, read twice by its title, and referred to the Committee on Labor and Public Welfare.

The summary, presented by Mr. WILLIAMS of New Jersey, is as follows:

SUMMARY OF DRUG ABUSE PREVENTION AND REHABILITATION ACT OF 1969

TITLE I—FINDINGS AND STATEMENT OF PURPOSE

It is the purpose of this Act—

To provide for the establishment, development, and maintenance of prevention, treatment and rehabilitation centers for drug addicts and drug abusers;

To encourage drug abuse education curriculum programs for students of medicine, psychology, psychiatry, sociology, social work and other related fields;

To strengthen the coordination of drug abuse control programs by establishing the National Council on Drug Abuse Control.

TITLE II—GRANTS FOR TREATMENT AND REHABILITATION CENTERS FOR DRUG ADDICTS AND DRUG ABUSERS

Authorization of Appropriations: Five-year \$350,000,000 graduated authorization beginning at \$50,000,000 for fiscal year beginning July 1, 1969.

Use of Funds: The Secretary of HEW is

directed to make grants to assist states and non-profit organizations in establishing, developing, equipping, and operating drug addict treatment and rehabilitation centers. Up to 30 per cent of the money available will be used to make grants to non-profit organizations which develop a comprehensive program for the prevention and treatment of drug addiction, and research with new techniques and methods for improving this treatment and rehabilitation.

Applications: The Secretary of HEW will, by regulation, establish and prescribe standards for obtaining grants under this title.

TITLE III—DRUG ABUSE EDUCATION CURRICULUM PROGRAMS

Authorization of Appropriations: Five-year \$105,000,000 graduated authorization beginning at \$10,000,000 for fiscal year beginning July 1, 1969.

Use of Funds: Grants will be made to medical schools and other institutions of higher learning for the development and carrying out of drug abuse education programs.

Applications: The Secretary of HEW will, by regulation, establish and prescribe standards for obtaining grants under this title.

TITLE IV—COORDINATION OF DRUG ABUSE CONTROL PROGRAMS

Council established

A national council on drug abuse control will be established in the Executive Office of the President. The Secretary of Health, Education, and Welfare will be Chairman of the Council. The Council will be composed of the Vice President, Secretary of the Treasury, Secretary of Defense, Attorney General, Secretary of Labor, Administrator of Veterans Affairs, and Director of the Office of Economic Opportunity.

Function of the Council

1. The Council will advise and assist the President on drug abuse control education programs and law enforcement activities of federal, state and local agencies.

2. Provide effective procedures for coordinating all drug abuse programs and law enforcement activities.

3. Review federal and state laws on narcotics and other dangerous drugs to determine the effectiveness of such laws in controlling drug abuse.

4. Provide for a national program of dissemination of information on drug abuse control.

5. Encourage state and local and private organizations to participate in efforts to combat the abuse of narcotics and dangerous drugs.

TITLE V—GENERAL PROVISIONS

Consultations with other Federal agencies

The Secretary of Health, Education, and Welfare is required to consult with the Director of the National Institute of Mental Health and the Director of the Bureau of Narcotics and Dangerous Drugs in the review of the applications made under this Act.

Advisory Committee on Drug Abuse Education

The Secretary of Health, Education, and Welfare shall appoint an advisory committee on drug abuse education to advise him in the administration of this Act. The Committee will consist of 21 members, seven of whom shall be appointed by the Attorney General. Three members shall be ex-addicts and all the committee members will consist of persons familiar with educational, mental health, social, and legal problems associated with drug abuse.

Certification of adequate facilities for the commitment and treatment of drug addicts

The U.S. Code is amended to remove the qualification of "adequate facilities" in the referral of addicts.

S. 1818—ON THE INTRODUCTION OF A BILL TO CREATE AN OFFICE OF ENVIRONMENTAL QUALITY

Mr. TYDINGS. Mr. President, I introduce today a bill designed to provide for the inclusion of considerations of environmental quality in the decision-making processes of government.

Entitled the "Environmental Quality Act of 1969," the bill establishes within the Executive Office of the President an Office of Environmental Quality. Headed by a Director appointed by the President, the Office will be relatively small and select with the authority to review, clear, coordinate and appraise policies and projects of the Federal Government which may adversely affect the quality and integrity of our environment.

It would operate in the area of conservation, broadly defined, much as the Bureau of the Budget operates in the field of finance.

It would pull together the activity of our Government relating to environmental quality and provide for the "overview" now lacking and so necessary to any rational and creative approach to the proper management of our environment.

I do not believe I need convince anyone that as a nation and a people we have permitted an intolerable abuse of our environment. It has, in fact, been raped. Our waters are polluted, running rich with sewage and industrial wastes. Our major cities have forgotten what clean air is. Roads have been built and housing "renewed" with little sensitivity and a remarkable forgetfulness that we are dealing with human beings. Harmful pesticides are sprayed with an abandon that is truly alarming. Their poisonous residue can be found in the tissues of fish and the bone structure of man. Such residue has actually been found in, of all places, the Arctic. We have moreover too few parks and insufficient wildlife ranges. The concept of America the beautiful is now at least open to question as our streets, sidewalks and countryside seem littered with trash and garbage. But of all this we are aware.

I am concerned that our structure of Government is not organized to handle the problems we face in this area. As Laurance Rockefeller has pointed out, our Government seems designed for an earlier day. The allocation of responsibility reflects a rural nation concerned with disposing of public lands and taming natural resources. We are not programmed for the environmental problems of a complex urban society.

Dr. Donald Hornig, formerly Science Adviser to President Johnson, has spoken of "two centuries of ad hoc decisions" in this area. Stephen K. Bailey in the Brookings Institute collection of essays entitled "Agenda for a Nation" says that "the Federal Government lacks machinery for the effective development, implementation, and coordination of public policy" in the management of the environment.

The Departments of Interior, Agriculture, Transportation, Commerce, HEW, and HUD all administer programs directly affecting the environment, as do the Atomic Energy Commission, Federal

Power Commission and other independent agencies. Yet at times they each seem to go their own way, concerned primarily with their own segment of environmental responsibility.

What is needed, I believe, is an agency whose purpose is to look at the total environment and the manner in which the Federal Government affects it. The present piecemeal approach is no longer sufficient. There is little coordination and no overview. The legislation I am introducing today remedies this and creates such an agency.

The establishment of the Office of Environmental Quality would guarantee that in everything the Federal Government does the impact on the environment is considered.

You cannot design a structure which makes certain that the proper decision will in fact be made. But you can design a structure which ensures that the right question will be asked.

Mr. President, the Office of Environmental Quality, or OEQ as it no doubt would be known, would be an agency of considerable influence, as is the Bureau of the Budget. It would review and clear all legislative proposals, checking them for their environmental impact. It would be the principal adviser to the President for environmental affairs. It would submit each year to the President and Congress a "Report on Environmental Quality" outlining its activity and indicating the environmental problems facing the Nation. OEQ would have the authority, moreover, to delay any Federal or federally assisted project or program for 180 days if it determines that such activity will adversely affect the environment.

It would indeed be an office of some strength. But our national Government needs such an office. The time is now to go beyond mere talk of coordination and creation of advisory bodies. We have had sufficient talk and much advice. What is needed at this time is authoritative action on behalf of a governmental agency charged with the responsibility of overseeing the Federal impact on our environment.

OEQ is not primarily an advisory body. Nor is it a research group. It is a review board, clearinghouse, and policymaker located in the one place where such an influential body should be located, the Executive Office of the President of the United States. There it would take its place with the Bureau of the Budget, the National Security Council, the Council of Economic Advisors, the Office of Emergency Planning, the CIA, the Office of Science and Technology and the other offices of the President's Executive Office.

Yet at the same time, OEQ does not set up a conservation czar. The office is subject to the direction of the President and can postpone action only temporarily.

Mr. President, the legislation I am introducing today is not a "bird, bug, and bunny" bill. It is not conservation carried to the extreme, as some propose. The uses of our resources are bound to conflict. Economic development at times must give way to environmental protection. Yet the latter cannot triumph each time. We need to build and grow. We cannot

stand still. We need to balance the competing demands and decide specific issues without defining rigid, unalterable policies. OEQ will permit us to do this. It will also guarantee that the environmental side of the issue will not be ignored, as it too frequently is, in the decisionmaking processes. It will provide too that such considerations will take place at the beginning of the process, before the damage is done, not afterwards which is often too late.

The protection and enhancement of our environment is now a national responsibility. Our society is too complex, our technology too advanced, and our population too large to permit further the illusionary notion that State and local governments alone can and will maintain a quality environment. The Nation as a whole with the Federal Government as its agent must accept the role of trustee of the environment. The concept of stewardship must now be realized. The National Academy of Sciences recognized this in a June 1967 report entitled "Applied Scientific and Technological Progress" which stated that "Concern with the environment must be a growing Federal responsibility."

The Office of Environmental Quality would be the agent to implement this responsibility. Its creation would signify a renewed national commitment to restore, maintain, and enhance the quality of our environment.

There are of course other approaches than the one I have selected through OEQ to achieve this commitment. One way, and the simplest perhaps, would be for the President to appoint to his staff a Special Counsel for Environmental Affairs. This could only be an advisory position and would lack staff and authority to provide an effective overview. Another way would be to create an interdepartmental task force charged with environmental protection. But this would suffer, as all such groups do, by too much departmental competition and too little coordination and direction. A third approach, and one frequently heard, is to transfer certain bureaus to an upgraded Department of the Interior. Mere shifting of certain functions, however, is no panacea nor should any regular line administrative body be charged with the review and oversight of other agencies. A final alternative is to upgrade the Office of Science and Technology but OST would require a substantial uplift and redirection of its basic scientific orientation. On balance then, I believe that an Office of Environmental Quality as I have proposed is the best approach.

One important function of OEQ is the clearance of legislative proposals. All legislation would be reviewed by the office. Those proposals emanating from the executive branch would be cleared before being sent to Congress for consideration. Those originating in Congress itself would be referred to OEQ for comment by the committee to which the bill was assigned. These procedures parallel those of the Bureau of the Budget. They are easily possible and quite necessary. It is this function which permits OEQ to implement an overview of Federal activity regarding environmental quality.

For reasons of administration the establishment of an Office of Environmental Quality would necessitate the creation of a small office within the agencies of Government. These would perform an in-house review and maintain liaison between OEQ and the agency. Again the parallel with the Budget Bureau exists since each governmental agency has a budget division within it. The prototype for these offices, moreover, already exists in the Department of Transportation which on its own has established an Office of Environmental Impact. This is an exciting idea and the office's progress shall be followed closely by those of us concerned with a quality environment.

Mr. President, someone once said that the only thing wrong with our environment is that man is involved in it. While there is no doubt an element of truth in this, it is of course a rather self-defeating proposition. I prefer to be more optimistic. I believe that man can restore the quality of his environment. Clean water, clear air, and the like can be obtained. I believe further that man can design his system of government to ensure effective coordination and forceful direction.

A quality environment is fundamental to the dignity of an individual. You destroy a river, I think, and you destroy a little bit of everyone. We as a people have permitted our environment to deteriorate considerably and have appeared willing to take only half steps toward its restoration and enhancement. I think we can do better than this. I think we must.

The legislation I am introducing today creating an Office of Environmental Quality is a means to do so.

Mr. President, I ask consent that the text of my bill now be reprinted at this point in the RECORD.

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

The bill (S. 1818) to provide for the inclusion of environmental quality considerations in the decisionmaking processes of government, introduced by Mr. TYDINGS, was received, read twice by its title, referred to the Committee on Public Works, and ordered to be printed in the RECORD, as follows:

S. 1818

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

SEC. 2. The Congress finds that there is a need to incorporate the concept of environmental quality into the decision-making processes of government; that each individual has a fundamental right to a quality environment; that each individual has a responsibility to contribute to the maintenance and climate of a quality environment; that the purposeful, careful, creative, and intelligent maintenance of the environment is a responsibility of local, State, and national governments; that governments should no longer serve as referees among competing resource users but should act as trustees of the environment for all the people; that the people and their governments must make an effort to enhance the quality of the environment, to reject approaches that inflate present benefits at the cost of future satisfactions, to guard against, to the extent possible, every abuse, irreversible damage, ir-

retrievable loss of our land, sea, and air, and the life within; that our environment should be safe, healthful, productive of life and prosperity, attractive, and provide for the variety, resilience, and complexity that is nature; that the deterioration of the environment must be arrested, its quality restored; that there is a need to find alternatives which will minimize and prevent future abuses of the environment by the newly developing technologies; that there can be no quality of the environment without bringing into balance the interrelationships between our expanding technology, growth in population, and finiteness of natural resources; and that the United States, as a member of the international community, should use its good offices to improve the quality of the human environment and in that connection to cooperate with other governments and organizations within the international community.

SEC. 3 (a) There is hereby established in the Executive Office of the President an Office of Environmental Quality (hereinafter referred to as the "Office"). The Office shall be headed by a Director who shall be appointed by the President, by and with the advice and consent of the Senate. There shall also be in the Office one Deputy Director and three Assistant Directors who shall be appointed by the President, by and with the advice and consent of the Senate. The Deputy Directors shall perform such functions as the Director may from time to time prescribe.

(b) The compensation of the Director of the Office shall be fixed by the President at a rate not in excess of the annual rate of compensation payable to the Director of the Bureau of the Budget. The compensation of the Deputy Director of the Office shall be fixed by the President at a rate not in excess of the annual rate of compensation payable to the Deputy Director of the Bureau of the Budget. The compensation of the Assistant Directors of the Office shall be fixed by the President at a rate not in excess of the annual rate of compensation payable to the Assistant Secretaries of the Executive Departments.

(c) The Director is authorized to employ such officers and employees as may be necessary to enable the Office to carry out its functions under this Act. In addition, the Director is authorized to obtain the services of experts and consultants in accordance with section 3109 of title 5, United States Code.

SEC. 4. (a) The Director is authorized to designate a Council of Advisors to the Office of Environmental Quality (hereinafter referred to as the "Council"), which shall consist of nine members serving staggered three-year terms of office, and qualified by virtue of their interest and attainments in areas of environmental quality.

(b) The Council shall consult with the Director on matters currently under consideration in the Office and shall meet at least twice annually. The Council and its members may make recommendations to the Director, and any such recommendations shall be incorporated in the Report to the President described in subsection (b) of section 5 of this Act.

(c) The Council shall serve without compensation except travel and per diem expenses associated with the performance of their duties under this Act.

SEC. 5. (a) It shall be the function of the Office—

(1) To review, in accordance with section 6 of this Act, proposed projects, facilities, programs, policies and activities of the Federal Government which may adversely affect environmental quality;

(2) To review and appraise existing projects, facilities, programs, policies and activities of the Federal Government which affect environmental quality and make recommendations with respect thereto to the President and the Congress;

(3) To develop policies and programs to protect and enhance environmental quality;

(4) To set priorities with respect to problems involving environmental quality;

(5) To advise the President on matters involving environmental quality and to make recommendations to him with respect thereto;

(6) To collect, analyze, bring together, collate, digest, interpret and disseminate data and information, in such form as it deems appropriate, to public agencies, private organizations, and the general public;

(7) To conduct studies and research, by contract or otherwise, into problems and other matters involving or relating to environmental quality;

(8) To develop criteria and promulgate standards defining desirable levels of environmental quality;

(9) To consult with and advise other representatives of governments, and to utilize, with their consent, the services of Federal agencies and, with the consent of any State or political subdivision thereof, accept and utilize the services of the agencies of such State or subdivision;

(10) To assist the President in connection with the coordination and clearance of legislative proposals and Executive orders involving projects, facilities, programs, policies, activities, or other undertakings by the Federal government which affect environmental quality;

(11) To assist the President by clearing and coordinating departmental advice on proposed legislation which adversely affects environmental quality and by making recommendations as to Presidential action on legislative enactments affecting environmental quality;

(12) To assist the President by clearing and coordinating departmental policies and activities affecting environmental quality;

(13) To assist in the consideration and clearance and, where necessary, in the preparation of proposed Executive orders and proclamations affecting environmental quality;

(14) To keep the President informed of the progress of activities by agencies of the Federal government with respect to work proposed, work actually initiated, and work completed by any such agencies which affect environmental quality; and

(15) To assist the President in the efforts to achieve environmental quality in the community of nations.

(b) In carrying out its functions under this Act, the Office shall, from time to time, make such reports to the President and to the Congress as it determines necessary. The Office shall, on or before January 31, 1970, make a written report (to be known as the "Report on Environmental Quality") to the President and the Congress containing a detailed account of the activities of the Office since its establishment. Thereafter the Office shall make such reports on or before January 31 of each year covering any period not covered by such a report previously submitted.

SEC. 6. (a) Except as hereinafter provided in this section, no agency of the United States shall undertake the construction of any project or facility, issue any license or approve the expenditure of any Federal funds in connection with the construction of any such project or facility, or carry out any proposed program, policy, or activity, if the head of that agency has been notified in writing by the Director of the Office that the carrying out of such construction, program, policy, or activity may adversely affect the environmental quality. Upon receiving any such notification, the agency head shall make a written report to the Director containing the details with respect thereto. Upon receipt of such report, the Director shall cause a review to be made of such proposed construction, program, policy, or activity. Such review shall be conducted as expeditiously as possible, and the Director

shall keep the instigating agency advised of the progress of such review in order that there will be as little disruption or delay as possible in carrying out the functions of such agency. If, as a result of such review the Director determines that the carrying out of such construction, program, policy, or activity would not adversely affect the environmental quality, he shall immediately notify the head of the instigating agency of that fact and such agency may, if otherwise authorized, proceed to carry out such construction, program, policy or activity (including the issuance of such license or the expenditure of such funds). If, however, as a result of such review the Director determines that the carrying out of any such construction, program, policy, or activity would adversely affect the environmental quality, he shall report, in writing, to the President and the Congress concerning that fact. Such report shall be given on or before the expiration of ninety days following the receipt by him of the report from the agency head proposing to undertake the aforementioned action. Upon the expiration of a period of ninety calendar days of continuous session of the Congress following the receipt by it of the report submitted by the Director, the head of the instigating agency may, if otherwise authorized, proceed to carry out such construction, program, policy, or activity (including the issuance of such license or the expenditure of such funds).

(b) For the purpose of subsection (a) of this section—

(1) continuity of session is broken only by an adjournment of Congress sine die; and

(2) the days on which either House is not in session because of an adjournment of more than 3 days to a day certain are excluded in the computation of the 90-day period.

SEC. 7. There is authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

S. 1822—INTRODUCTION OF A BILL TO AMEND TITLE 5, UNITED STATES CODE, TO PROVIDE FOR THE INCLUSION OF CERTAIN PERIODS OF REEMPLOYMENT OF ANNUITANTS FOR THE PURPOSE OF COMPUTING ANNUITIES OF SURVIVING SPOUSES

Mr. PASTORE. Mr. President, I have introduced legislation today to amend the Civil Service Retirement Act to eliminate an inequity which now exists in the computation of annuities of survivors of reemployed annuitants.

We need not be shocked by an occasional inequity in a retirement system as vast and as progressive as the one which covers our Federal civil servants. But, once the inequity is called to our attention—no matter how small it may be nor how few it may injure—we should do something about it.

Four years ago the Reverend James W. Hackett, O.P., a Dominican friend of mine and a professor at Providence College in Providence, R.I., advised me of an instance of unfairness in this retirement act.

Father Hackett told me about Dr. Otto Reitlinger, a friend of his and of the college, who is employed at the Naval Propellant Plant, Indianhead, Md. Dr. Reitlinger is a 78-year-old scientist of great distinction. He is the recipient of the U.S. Navy Distinguished Civilian Service Award for his development of a safe nonexplosive monopropellant used in naval torpedoes.

This economical fuel which bears his

name—Otto Fuel II—is now in use in the fleet. Dr. Reitlinger at the present time is doing research on a new fuel to allow the operation of torpedoes at even greater depth. Obviously this is of significant interest in the area of modern underwater warfare.

Because of his preeminence in the field, the Civil Service Commission at the request of the Bureau of Naval Weapons exempted Dr. Reitlinger three times from retirement. The third exemption expired in December 1964. His work did not terminate, however. Dr. Reitlinger was retired on December 31 of that year and immediately reemployed to continue his classified experiments.

His reemployment created a unique problem. Under the provisions of the Civil Service Retirement Act, Dr. Reitlinger's wife, in the event she survives him, will be deprived of additional survivors' benefits for the years of his reemployment.

To resolve this precise problem, I introduced legislation in the 89th Congress and again in the 90th Congress. Both bills passed the Senate and were approved by the House Post Office and Civil Service Committee. Unfortunately, for reasons unrelated to the merits of this legislation, they were not enacted into law.

I am trying again today to provide a remedy. The bill I introduced provides that a reemployed annuitant may elect a survivor annuity which will be based on his supplemental annuity provided he meets certain conditions recommended by the Civil Service Commission.

A minimum number of reemployed civil servants would be affected by this bill, probably less than 50.

Dr. Reitlinger's fuel is saving the Federal Government and the taxpayers tens of millions of dollars.

The cost of this legislation in comparison will be infinitesimal. The Civil Service Commission has no objection to the bill.

I am certain that the Senate Post Office and Civil Service Committee will act as expeditiously and as compassionately on this bill as they did on the one which I introduced in the last session of the Congress. This time, in this session, this inequity to Dr. Reitlinger and a handful of his fellow civil servants who have devoted their lives and their talents to this Nation, must be corrected.

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

The bill (S. 1822) to amend title 5, United States Code, to provide for the inclusion of certain periods of reemployment of annuitants for the purposes of computing annuities of surviving spouses, introduced by Mr. PASTORE, was received, read twice by its title, and referred to the Committee on Post Office and Civil Service.

S. 1823—INTRODUCTION OF A BILL TO BROADEN THE COVERAGE OF THE MILITARY MEDICAL BENEFITS ACT OF 1966

Mr. PASTORE. Mr. President, I have introduced, for myself and for Mr. KENNEDY, a bill to amend and extend the

coverage of the Military Medical Benefits Act of 1966.

In 1966 the Senate passed this act by a vote of 87 to 0. I supported the bill in the belief that it would provide essential medical care required by dependents of our servicemen.

The bill became Public Law 89-614. This new act contained a unique program of financial assistance for active duty members whose spouses or children are either mentally retarded or physically handicapped. The Federal Government was authorized to share the cost of care for these dependents with the servicemen.

Of course, it was our purpose to lighten the severe economic burden of these servicemen of modest income whose dependents require costly medical attention—care which is not available to them at military facilities.

A little over 2 years has elapsed since the law became effective. Today, approximately 100,000 dependents are eligible for care but of this 100,000 only 10 percent are actually receiving assistance.

When this inequity was called to my attention by a constituent in the service of our country, I investigated to determine why the condition exists. I found that the law now provides for dependent care only in public or private nonprofit institutions. Obviously, there are not enough of these facilities to meet the demand. They are crowded and their waiting lists are long.

The serviceman who has a physically handicapped or mentally retarded dependent is confronted with a depressing dilemma.

He must either deny his dependent spouse or child needed medical attention because he cannot afford the treatment or he must shoulder the full financial burden and pay the entire cost of this treatment in a private profitmaking institution.

This does not make any sense at all to me. I find nothing sacred about public or private nonprofit institutions.

Everybody knows that there are many profitmaking medical facilities providing quality care and charging no more for it than nonprofit institutions.

I cannot condone penalizing 90 percent of the dependents who qualify for care under this law simply because there are not a sufficient number of nonprofit institutions providing the care they need.

I have, therefore, introduced legislation to eliminate the arbitrary restriction on the use of private profitmaking institutions. The Department of Defense will continue to maintain the right to disapprove the use of any private profitmaking facility which does not offer quality care or which charges unreasonable fees. The Government as well as the dependents using these institutions will be adequately protected.

Senator EDWARD KENNEDY has joined with me in cosponsoring this bill and it is our urgent hope that the Committee on Armed Services to which the bill has been referred will take early and favorable action in order that we may vote in the Senate to eliminate this inequity in the Military Medical Benefits Act.

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

The bill (S. 1823) to amend title 10, United States Code, to remove the restriction on the use of certain private institutions under the dependents' medical care program, introduced by Mr. PASTORE (for himself and Mr. KENNEDY), was received, read twice by its title, and referred to the Committee on Armed Services.

S. 1826—INTRODUCTION OF A BILL ON STOCKPILE GOLD FOR DEFENSE

Mr. MUNDT. Mr. President, today I introduce for myself and Mr. BIBLE, Mr. CANNON, Mr. McGOVERN, and Mr. STEVENS, legislation that would accomplish two objectives. First, it would help rehabilitate the gold-mining industry, and, secondly, and perhaps of even greater importance it would allow the United States to build up its stockpile of one of our most strategic resources to meet defense and space needs in the event of a future national emergency.

It is not the purpose of this legislation to provide for a revaluation or a higher price for gold, since action in such direction will not be initiated by the Congress of the United States, but will occur, when it does, as a result of action taken by international monetary conferees at the IMF. Rather, it is the purpose of this legislation to provide for Federal financial incentives to domestic gold producers to induce increased annual production and to show the relationship of gold to the internal affairs of the United States.

It is my belief that Congress should enact legislation to authorize the General Services Administration to purchase newly mined domestic gold for the purpose of establishing a gold stockpile for critical space and defense uses and for other national emergency requirements at a sufficiently high price to substantially increase gold production.

In this country, uses for gold by industry, including space and defense needs, jewelry, and the dental profession have been rapidly accelerating in recent years. The estimate for consumptive use in the United States for the year 1968 is placed at 7 million-plus ounces. Production in this country for the same year is estimated at 1.5 million ounces. Thus, we have a most significant gold gap of roughly 5½ million ounces between the output of mines and consumptive use.

Further, in order to meet our domestic needs, obviously it will be necessary to import in the neighborhood of 5½ million ounces of the precious metal per year, which in turn will have a most adverse effect upon the delicate balance-of-payments problem.

Likewise, significant events are occurring on world markets. It is estimated that in the past year 1968, world consumption of gold for industrial uses is somewhere between \$750 and \$800 million of an estimated production of \$1.4 billion dollars. This consumptive rate has been increasing, but not at quite the accelerated rate as in the United States. Nevertheless, it is estimated by the middle or late 1970's consumption will catch up with production and no gold will be available for monetary uses if

industrial demands throughout the world are met.

It is quite possible to substantially increase U.S. production if certain steps are taken to revitalize the industry, which would be in the nature of interim measures, one or more of which might be employed, until the occurrence of gold revaluation, which could happen. The Bureau of Mines, in a report published in 1967, estimated that our known gold ore reserves in this country are approximately 400 million ounces, only 9 million ounces of which are mineable at the \$35 price. Obviously, if we are willing to pay a premium for the precious metal, production can be increased.

This legislation would authorize the Administrator of General Services to contract for newly mined domestic gold produced within the United States at not less than \$45 per ounce nor more than \$75 per ounce for the purpose of establishing a strategic and critical stockpile of gold in the amount of 20 million ounces to be earmarked for space and defense needs or other national emergency requirements.

The GSA would also be authorized to negotiate for short-term contracts, not to exceed 1 year from the date the contract is executed. The Administrator will have the discretion, however, to enter into long-term contracts of up to 10 years. This latter provision is necessary if we are to achieve any results in the reopening of dormant mines which can only be financed for reopening if there is a definite certainty as to established price for a long-enough period to warrant loans from private banking institutions.

Mr. President, the Department of the Treasury has consistently maintained that gold is an essential part of the world monetary system, even though at the same time they have been advocating the issuance of special drawing rights. Treasury's position, in short, is that special drawing rights are a necessary addition to the reserves for use in the international exchange system, which will supplement the pound sterling, the dollar, and gold. In the past, Treasury has shown concern over the fact that our gold reserves have fallen to a critically low level; that is, slightly in excess of \$10 billion, several billion of which is earmarked and committed for uses by international agencies and for the repayment of Roosa bonds, if demand be made thereon. In view of the fact that our gold reserves are frozen for future potential monetary use and are still part of the international monetary system, it is quite apparent that industrial needs in this country must be made up from either foreign imports or a revitalized domestic industry.

I believe certain measures could and should be taken to substantially increase U.S. gold production. It should be noted, of course, that a mine cannot be developed overnight and that experience indicates it takes from 4 to 6 years to put a mine into production after original exploration has disclosed a potential ore body. We cannot have a viable domestic gold mining industry unless we are prepared to spend a few years in the process.

All of which emphasizes the need for immediate relief of this industry.

The enactment of financial relief or subsidy legislation or measures designed to establish a critical stockpile for national emergency use or, removal of restrictions on ownership of gold by U.S. citizens or removal of Treasury licensing provision for consumers and producers will no longer have any disturbing impact upon our gold position, vis-a-vis the IMF and monetary price of the metal, since Treasury has now adopted a position which recognizes that gold is a commodity by establishing the two-tier gold price system. In view of the fact that Treasury now treats gold as a commodity, although supporting the concept of the two-tier price system with its limited free market, certainly objections to Federal relief legislation which were asserted over the years are no longer tenable and there is no longer any logic in Treasury continuing its opposition to the various interim relief measures set forth in the gold resolution. Adoption of any of them would not be disquieting to the international monetary authorities, since certainly the United States should be able to deal with a commodity without danger of disturbing the sensitive mind of the international monetary community.

I would hope, therefore, Mr. President, that this legislation will receive prompt and expeditious treatment so that we may begin compiling this stockpile of gold.

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

The bill (S. 1826) to increase the domestic production of gold to meet the needs of national defense and preserve the gold mining industry of the United States, and for other purposes introduced by Mr. MUNDT, for himself and other Senators, was received, read twice by its title, and referred to the Committee on Banking and Currency.

S. 1830—INTRODUCTION OF "ALASKA NATIVE LAND CLAIMS SETTLEMENT ACT OF 1969"

Mr. JACKSON. Mr. President, I introduce, for appropriate reference, the "Alaska Native Land Claims Settlement Act of 1969."

The claims of the native people of Alaska to the land and to the resources of Alaska have been a source of conflict between the State of Alaska, the native people of Alaska, and the Federal Government for a number of years. During the 90th Congress the Senate Interior and Insular Affairs Committee held field hearings in Alaska and a hearing in Washington, D.C., on a number of bills on the land claims controversy. As an outgrowth of those hearings, I requested the Federal Field Committee for Development Planning in Alaska to prepare two reports on this problem.

Both of these reports were released February 18, 1969. The first report, "Alaska Natives and the Land," is a heavily documented and thorough 565-page study which brings together all relevant information on the land claims issue, the social and economic condition of the Alaska native, the resources of Alaska and the alternatives which might

be followed in arriving at a settlement acceptable to all of the parties involved.

The second report was based on the first and is a proposal recommending the terms for a legislative settlement of the Alaska native land claims controversy.

Following release of these reports, I requested the Department of the Interior to draft a bill which reflected the Federal Field Committee's recommendations for a proposed legislative settlement. The bill introduced today is in large measure the product of the Department's drafting service. It has been reviewed by the staff of the Federal Field Committee and by members of the Interior Committee staff and a number of minor changes and corrections have been made.

Mr. President, my introduction of this measure does not constitute an endorsement of its provisions. The problems posed by the Alaska native land claims issue are very complex and reasonable men may differ as to how they should be resolved.

By the same token, it is quite clear that this bill as presently drafted is not a finished product. There are a number of provisions in the measure which will require further study, analysis and drafting before they can accomplish what the Field Committee intended. And there is, of course, no assurance that the Congress will adopt the Field Committee's recommendations. The references in the bill to specific acreage figures for land grants; to specific dollar figures; and to specific percentages of the mineral and other resources of Alaska, for example, provide starting places for discussion. They do not, however, constitute final judgments as to what form a final settlement should take.

I am introducing this measure today to insure that the recommendations of the Federal Field Committee on his problem will be placed before the Senate Interior Committee and the Congress for consideration together with any other measures which may be introduced. The recommendations of the Federal Field Committee are based on the most thorough study of the land claims problem that has ever been undertaken, and they require careful consideration.

Introduction of this measure will also provide the administration, the State of Alaska, the native peoples of Alaska and other interested parties a draft bill to comment upon at the forthcoming hearings on this matter.

Hearings on legislation to resolve the Alaska native land claims issue are scheduled for April 29 and 30 at 10 a.m. in room 3110 of the New Senate Office Building.

Mr. President, I ask unanimous consent that the "Alaska Native Land Claims Settlement Act of 1969" be printed at this point in the Record.

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

The bill (S. 1830) to provide for the settlement of certain land claims of Alaska natives, and for other purposes introduced by Mr. JACKSON, for himself and other Senators, was received, read twice by its title, and referred to the Committee on Interior and Insular Af-

fairs, and ordered to be printed in the RECORD, as follows:

S. 1830

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

DECLARATION OF POLICY

SEC. 1 (a) Congress finds and declares that there is an immediate need for a fair and just settlement of all claims by Natives and Native groups of Alaska and intends by this act to provide:

(1) a grant to Native individuals of the lands occupied and used by them for homes, businesses, fishing, hunting and trapping camps, and for reindeer husbandry;

(2) a grant of land to the communities in which they live for community use and expansion;

(3) where it is within the power of the Federal government, measures for the conservation of subsistence biotic resources and, where necessary, a priority for local subsistence in the utilization of these resources;

(4) a grant to a new corporation, owned by Alaska Natives, of \$100 million for lands taken in the past by withdrawal for Federal purposes or by patent to the state or to other third parties; and

(5) a further grant to the new corporation of approximately ten percentum of the present value of the commercial resources on the remaining public domain in Alaska, in compensation for the extinguishment by this Act of all remaining aboriginal rights in these lands, this compensation to be derived from the income from leasing and sale of minerals and other resources from federal lands in Alaska over a period of ten years, including lands selected by the state pursuant to the Alaska Statehood Act (P.L. 85-508 of July 7, 1958; 72 Stat. 339) but not patented to the State of Alaska prior to the effective date of this Act.

(b) It is the intent of Congress to accomplish these aims rapidly, with certainty, and in conformity to the real economic and social needs of Alaska Natives (1) without establishing any permanent racially defined institutions, rights, privileges, or obligations; (2) without creating a reservation system or lengthy wardship or trusteeship; and (3) without adding to the categories of property and institutions enjoying special tax privileges or to the legislation establishing special relationships between the United States government and the State of Alaska.

(c) No provision of this Act is intended to replace or diminish any right, privilege, or obligation of Alaska Natives as citizens of the United States or of Alaska, nor to relieve, replace or diminish any obligation of the United States or of the State of Alaska to protect and promote the rights or welfare of Alaska Natives as citizens of the United States or of Alaska.

DEFINITIONS

SEC. 2. For the purposes of this Act, the term—

(a) "Secretary" means the Secretary of the Interior;

(b) "Native" means any Alaska Indian, Eskimo, or Aleut of at least one-fourth degree Alaska Indian, Eskimo, or Aleut blood, or a combination thereof, and any individual recognized by a Native group as an Alaska Indian, Eskimo, or Aleut, but does not include any Tsimshian Indian of Metlakatla;

(c) "Native group" means any tribe, band, clan, village, community, or association in Alaska which is composed of twenty-five or more Natives and which is approved by the Secretary;

(d) "Commission" means the Alaska Native Commission established by this Act;

(e) "Public lands" means all Federal lands and interests therein situated in Alaska, except any lands used in connection with the administration of any Federal installation;

(f) "Corporation" means the Alaska Native Development Corporation authorized to be established pursuant to this Act and under the laws of the State of Alaska; and

(g) "Person" means any individual, firm, corporation, association, or partnership and includes the State of Alaska.

(h) "Fund" means the Alaska Native Compensation Fund established under the terms of this Act.

DECLARATION OF SETTLEMENT

SEC. 3. (a) The provisions of this Act shall be regarded as full and final settlement and extinguishment of any and all claims against the United States based upon aboriginal right, title, use, or occupancy of lands in Alaska by any Native or Native group or claims arising under the Act of May 17, 1884 (23 Stat. 24), or the Act of June 6, 1900 (31 Stat. 321), including claims pending before the Indian Claims Commission on the effective date of this Act.

(b) There are authorized to be appropriated to the Commission such sums as may be necessary to pay all reasonable attorneys' fees and expenses actually incurred by any Native or Native group, as determined by the Commission, in connection with any claims pending before the Indian Claims Commission on the date of enactment of this Act which are dismissed pursuant to this Act.

ALASKA NATIVE COMMISSION

SEC. 4. (a) The Alaska Native Commission is hereby established. The Commission shall be in existence for a period of 10 years after the effective date of this Act and shall be composed of five members to be appointed by the President. The Chairman shall be appointed by and with the consent of the Senate. The Federal laws and regulations on conflicts of interest applicable to other Federal employees shall not be applicable to the members of the Commission.

(b) The terms of office of members of the Commission shall be five years, except that a vacancy caused by the death, resignation, or removal of a member prior to the expiration of the term for which he was appointed shall be filled only for the remainder of such unexpired term. A member of the Commission may be removed by the President only for inefficiency, neglect of duty, or malfeasance in office.

(c) The Chairman of the Commission shall receive compensation at a rate equal to that provided for in level V of the Executive Schedule and section 5316 of title 5, United States Code. The other four commissioners, if not otherwise officers or employees of the United States shall be entitled to receive compensation at a rate specified at the time of actual service for Grade GS-18 in section 5332 of title 5, United States Code, including travel time and shall be allowed travel expenses when engaged in the performance of services for the Commission.

(d) The principal office of the Commission shall be in Alaska. Whenever the Commission deems that the convenience of the public or the parties may be promoted, or delay or expense may be minimized, or at the request of any party, it shall hold hearings or conduct other proceedings at any other place mutually agreed to by the Chairman of the Commission and the person involved in the hearing or proceeding. The Commission shall have an official seal which shall be judicially noticed and which shall be preserved in the custody of the secretary of the Commission.

(e) The Commission shall, without regard to the Civil Service laws, appoint and prescribe the duties of a secretary of the Commission and such legal counsel as it deems necessary. Subject to the Civil Service laws, the Commission shall appoint such other employees as it deems necessary in exercising its powers and duties. The compensation of all employees appointed by the Commission shall be fixed in accordance with chapter 53 of title 5, United States Code.

(f) For the purpose of carrying out its functions under this Act, three members of

the Commission shall constitute a quorum and official action can be taken only on the affirmative vote of at least three members, but a special panel composed of one or more members upon order of the Commission shall conduct any hearing or other proceeding provided for in this Act and submit the transcript of such hearing or proceeding to the entire Commission for its action thereon. Such transcript shall be made available to the parties before any final action of the Commission. An opportunity to appear before the Commission shall be afforded any party prior to any final action affecting such party and the Commission may afford the party an opportunity to submit additional evidence as may be required for a full and true disclosure of the facts. Each official action of the Commission shall be entered of record and its hearings and records thereof shall be open to the public. The Commission is authorized to make such rules and regulations as it deems necessary for the orderly transaction of its proceedings, which shall provide for adequate notice of hearings or other proceedings to all parties. Any member of the Commission may sign and issue subpoenas for the attendance and testimony of witnesses and production of relevant papers, books, and documents and administer oaths. Witnesses summoned before the Commission shall be paid the same fees and mileage that are paid witnesses in the courts of the United States. The Commission may order testimony to be taken by deposition in any proceeding before it and in any stage of such proceeding after reasonable notice is first given in writing by the party or his attorney of record which record shall state the name of the witness and the time and place of the taking of his deposition.

(g) Each decision made by the Commission shall show the date on which it was made and shall bear the signatures of the members of the Commission who concur therein and, upon issuance of a decision under this Act, the Commission shall cause a true copy thereof to be sent by certified mail to all parties and their attorneys of record. The Commission shall cause each decision to be entered on its official record together with any written opinion prepared by any members in support of, or dissenting from, any such decision.

(h) Any decision issued by the Commission under this section shall be subject to judicial review by the United States district court in Alaska for the division in which the petitioner resides or the land in question is located upon the filing in such court within thirty days from the date of such decision of a petition by the person aggrieved by the decision praying that the action of the Commission be modified or set aside in whole or in part. A copy of the petition shall forthwith be sent by registered or certified mail to any other party to the proceeding and to the Commission, and thereupon the Commission shall certify and file in such court the record upon which such decision complained of was issued. The court shall hear such appeal on the record made before the Commission. The findings of the Commission, if supported by substantial evidence on the record considered as a whole, shall be conclusive. The court may affirm, vacate, or modify any decision or may remand the proceeding to the Commission for such further action as it directs. The judgment of the court shall be subject to review by the United States Court of Appeals for the circuit in which the petitioner is located and by the Supreme Court of the United States upon certiorari or certification as provided in section 1254, title 28, United States Code.

ENROLLMENT

SEC. 5. The Secretary, in accordance with such regulations as the Commission may issue, shall prepare an initial roll of Natives, which shall be used for identifying those individuals entitled to be shareholders in the Corporation, and a roster of Native groups

eligible for benefits under this Act. Such roll shall include any Alaska Indian, Eskimo, or Aleut of at least one-fourth degree Alaska Indian, Eskimo, or Aleut blood, or a combination thereof, or any person recognized by a Native group as an Alaska Indian, Eskimo, or Aleut, but does not include any Tsimshian Indian of Metlakatla, who is born on, or prior to, and living on December 31, 1968. The final roll and roster shall be prepared as of December 31, 1978, and shall include all eligible Natives living on that date. Before any such roll or roster is finally approved by the Commission, it shall be published in such manner as the Commission shall find practicable and effective. Any applicant denied enrollment shall be notified in writing thereof and such applicant and any other interested person shall be given an opportunity for a hearing by the Commission and judicial review as provided in section 4 of this Act.

ALASKA NATIVE COMPENSATION FUND

SEC. 6. There is hereby established in the Treasury of the United States an Alaskan Native Compensation Fund (hereinafter referred to as the "Fund") for the benefit of the Natives and Native groups of Alaska. Any monies authorized to be appropriated to the Fund under this Act and monies received by the Secretary other than appropriations under section 18 of this Act, or the Commission under this Act shall be deposited into the Fund and shall be available until expended. The Secretary of the Treasury is authorized to make payment, with the approval of the Commission, to any Native, Native group, or the Corporation in accordance with the provisions of this Act.

ALASKA NATIVE DEVELOPMENT CORPORATION

SEC. 7. (a) There is authorized to be established the Alaska Native Development Corporation as an Alaskan Corporation which will not be an agency or establishment of the United States Government. The corporation, for a period of ten years after its incorporation, shall be subject to the provisions of this Act and, to the extent consistent with this Act, to the laws of the State of Alaska applicable to corporations.

(b) The Commission shall appoint incorporators, one of which shall be the Chairman of the Commission, who shall serve as the initial board of directors until the Native members of the board are elected. Such incorporators shall take whatever actions are necessary to establish the corporation, including the filing of articles of incorporation, as approved by the Commission. There is authorized to be paid from the Fund the sum of \$1,000,000 which shall serve as consideration for shares authorized to be issued under this section.

(c) The corporation shall have a board of directors consisting of nine individuals who are citizens of the United States, of whom one shall be elected annually by the board to serve as chairman. Four members shall be appointed by the President, by and with the advice and consent of the Senate, effective the date on which the other members are elected, and for terms of four years or until their successors have been appointed and qualified, except that the first three members so appointed shall continue in office for terms of one, two, and three years, respectively, and any member so appointed to fill a vacancy shall be appointed only for the unexpired term of the director whom he succeeds. Four members shall be Natives and elected by enrolled Natives for four years, except that the first two members so elected shall continue in office for three years, and any member so elected to fill a vacancy shall be appointed only for the unexpired term of the director whom he succeeds. At the end of the term of the two members elected for three years, the board shall be increased to eleven members and two additional Natives shall be elected for two year terms. The Chairman of the Commission shall be an ex officio member of the Board.

(d) The corporation shall have a president, and such other officers as may be named and appointed by the board, at rates of compensation fixed by the board and serving at the pleasure of the board. No officer of the corporation shall receive any salary from any source other than the corporation during the period of his employment by the corporation. The president shall be responsible for carrying out the corporation's functions in a business-like manner consistent with the provisions of this Act, the articles of incorporation, and the policies of the board, and shall appoint such other employees as the board deems appropriate. Such employees shall be subject to standards and requirements similar to those applicable to Federal civilian employees, but shall not be regarded as Federal employees for any purpose.

(e) The corporation is authorized to have one million shares of common stock, without par value, and to issue and have outstanding shares of common stock equal to ten times the number of Natives enrolled on the date of incorporation. Such stock shall carry voting rights and be eligible for dividends, except that such stock shall not be distributed to the Natives for a period of ten years after incorporation but shall be held in trust by the board for each eligible Native with the right of such Native to receive dividends during this period and to exercise voting rights. Each Native entitled to such stock shall have a life interest therein, and at his death, such stock shall vest in the corporation and may be reissued. Ten years after the date of incorporation, ten shares of common stock shall be issued and distributed to each eligible Native then alive and enrolled.

(f) The corporation shall, in accordance with such terms and conditions as the Board may prescribe and consistent with this Act and for the benefit of the stockholders thereof, invest its funds; make dividend payments to the common stockholders at such times as the board of directors deems appropriate; provide for the lending of funds to individuals or organizations for the construction of homes and other purposes that would promote economic development of the Natives; provide loans or grants to Native groups, or regional or governing bodies or Native corporations for the purpose of fostering the health and welfare of the people; provide loans for the education of individual Natives; provide emergency or charitable grants and loans to individuals and communities in times of distress; sell, lease, or otherwise dispose of its lands; and promote the economic development of the Native and the Native groups to the greatest possible extent. The corporation shall establish such rules and procedures as it deems appropriate in carrying out the provisions of this subsection. For a period of ten years after incorporation the corporation shall not in any one fiscal year issue dividends or make any grants or unsecured loans the total amount of which equal more than one-half the sum of the corporation's profits and additions to its capital from the fund during the previous fiscal year. For a period of ten years after incorporation, its profits shall not be subject to Federal or State tax laws.

(g) The corporation shall be subject to audit by the General Accounting Office for a period of ten years after the date of incorporation. After final audit by the General Accounting Office and the filing of a summary financial report with the Congress, the limitations established under this section applicable to the corporation shall terminate and the corporation shall continue in business under the appropriate laws of the State of Alaska. For the ten years from and after the date of incorporation, the corporation shall be considered a public instrumentality eligible for grants and contracts for planning and development programs which will assist the Natives and the Native groups under any Federal law.

(h) The Secretary of the Treasury shall pay annually to the corporation beginning on

the date of incorporation and on July 1 of each fiscal year thereafter for a period of ten years from the Fund all the moneys therein, or \$100 million, whichever is less. Such payments shall not be taxable under Federal or State laws.

WITHDRAWAL OF PUBLIC LANDS

SEC. 8. (a) Public Land Order No. 4582, 34 Federal Register 1025, is hereby revoked. For the purposes of this Act and for a period of ten years after the effective date of this Act—

(1) There is hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws, but not the mineral leasing laws, all public lands in the State of Alaska, except lands withdrawn for national defense purposes other than Petroleum Reserve No. 4, in each township as shown on current plats of survey or protraction diagrams of the Bureau of Land Management which encloses all or part of any native village listed as follows:

NAME OF PLACE AND REGION

Akhlok, Kodiak.
Akiachak, Southwest Coastal Lowland.
Akiak, Southwest Coastal Lowland.
Akutan, Aleutian.
Alakanuk, Southwest Coastal Lowland.
Aleknagik, Bristol Bay.
Alatna, Koyukuk-Lower Yukon.
Allakaket, Koyukuk-Lower Yukon.
Ambler, Bering Strait.
Anaktuvuk, Arctic Slope.
Andreafsey, Southwest Coastal Lowland.
Angoon, Southeast.
Aniak, Southwest Coastal Lowland.
Anvik, Koyukuk-Lower Yukon.
Arctic Village, Upper Yukon-Porcupine.
Atka, Aleutian.
Atkasook, Arctic Slope.
Barrow, Arctic Slope.
Beaver, Upper Yukon-Porcupine.
Belkofsky, Aleutian.
Bethel, Southwest Coastal Lowland.
Bill Moore's, Southwest Coastal Lowland.
Blorka, Aleutian.
Birch Creek, Upper Yukon-Porcupine.
Brevig Mission, Bering Strait.
Buckland, Bering Strait.
Candle, Bering Strait.
Cantwell, Cook Inlet.
Canyon Village, Upper Yukon-Porcupine.
Chalkyitsik, Upper Yukon-Porcupine.
Chanilut, Southwest Coastal Lowland.
Chefornak, Southwest Coastal Lowland.
Chevak, Southwest Coastal Lowland.
Chignik, Kodiak.
Chignik Lagoon, Kodiak.
Chignik Lake, Kodiak.
Chistochina, Copper River.
Chukwuktolligamute, Southwest Coastal Lowland.
Circle, Upper Yukon-Porcupine.
Clark's Point, Bristol Bay.
Copper Center, Copper River.
Craig, Southeast.
Crook Creek, Upper Kushkokwim.
Deering, Bering Strait.
Dillingham, Bristol Bay.
Dot Lake, Tanana.
Eagle, Upper Yukon-Porcupine.
Eek, Southwest Coastal Lowland.
Egegik, Bristol Bay.
Eklutna, Cook Inlet.
Ekuk, Bristol Bay.
Edwok, Bristol Bay.
Elim, Bering Strait.
Emmonak, Southwest Coastal Lowland.
English Bay, Cook Inlet.
False Pass, Aleutian.
Fort Yukon, Upper Yukon-Porcupine.
Gakona, Copper River.
Galena, Koyukuk-Lower Yukon.
Gambell, Bering Sea.
Georgetown, Upper Kushkokwim.
Golovin, Bering Strait.
Goodnews Bay, Southwest Coastal Lowland.
Grayling, Koyukuk-Lower Yukon.
Gulkana, Copper River.

Hamilton, Southwest Coastal Lowland.
Holy Cross, Koyukuk-Lower Yukon.
Hoonah, Southeast.
Hooper Bay, Southwest Coastal Lowland.
Hughes, Koyukuk-Lower Yukon.
Huslia, Koyukuk-Lower Yukon.
Hydaburg, Southeast.
Igiugig, Bristol Bay.
Ilamna, Cook Inlet.
Inalik, Bering Strait.
Ivanof Bay, Aleutian.
Kake, Southeast.
Kaktovik, Arctic Slope.
Kalskag, Southwest Coastal Lowland.
Kasaan, Southeast.
Kaltag, Koyukuk-Lower Yukon.
Karluk, Kodiak.
Kasigluk, Southwest Coastal Lowland.
Kiana, Bering Strait.
King Cove, Aleutian.
Kipnuk, Southwest Coastal Lowland.
Kivalina, Bering Strait.
Klawock, Southeast.
Klukwan, Southeast.
Kobuk, Bering Strait.
Koliganek, Bristol Bay.
Kokhanok, Bristol Bay.
Kongigonak, Southwest Coastal Lowland.
Kotlik, Southwest Coastal Lowland.
Kotzebue, Bering Strait.
Koyuk, Bering Strait.
Koyukuk, Koyukuk-Lower Yukon.
Kwethluk, Southwest Coastal Lowland.
Kwigillingok, Southwest Coastal Lowland.
Larsen Bay, Kodiak.
Levelok, Bristol Bay.
Lime Village, Upper Kuskokwim.
Lower Kalskag, Southwest Coastal Lowland.
McGrath, Upper Kuskokwim.
Malok, Koyukuk-Lower Yukon.
Manley Hot Springs, Tanana.
Manokotak, Bristol Bay.
Marshall, Southwest Coastal Lowland.
Mary's Igloo, Bering Strait.
Medfra, Upper Kuskokwim.
Mekoryuk, Southwest Coastal Lowland.
Mentasta Lake, Copper River.
Metlakatla, Southeast.
Minchumina Lake, Upper Kuskokwim.
Minto, Tanana.
Mountain Village, Southwest Coastal Lowland.
Nabesna Village, Tanana.
Naknek, Bristol Bay.
Napalmute, Upper Kuskokwim.
Napakiak, Southwest Coastal Lowland.
Napaskiak, Southwest Coastal Lowland.
Nelson Lagoon, Aleutian.
Newhalen, Cook Inlet.
Nenana, Tanana.
New Stuyahok, Bristol Bay.
Newtok, Southwest Coastal Lowland.
Nightmute, Southwest Coastal Lowland.
Nikolai, Upper Kuskokwim.
Nikolski, Aleutian.
Ninilchik, Cook Inlet.
Noatak, Bering Strait.
Nome, Bering Strait.
Nondalton, Cook Inlet.
Nooksut, Arctic Slope.
Noorvik, Bering Strait.
Northeast Cape, Bering Sea.
Northway, Tanana.
Nulato, Koyukuk-Lower Yukon.
Nunapitchuk, Southwest Coastal Lowland.
Ohogamiut, Southwest Coastal Lowland.
Old Harbor, Kodiak.
Oscarville, Southwest Coastal Lowland.
Ouzinkie, Kodiak.
Paradise, Koyukuk-Lower Yukon.
Paulof Harbor, Aleutian.
Pedro Bay, Cook Inlet.
Perryville, Kodiak.
Pilot Point, Bristol Bay.
Pilot Station, Southwest Coastal Lowland.
Pitkas Point, Southwest Coastal Lowland.
Platinum, Southwest Coastal Lowland.
Point Hope, Arctic Slope.
Point Lay, Arctic Slope.
Portage Creek (Ohgsenakale), Bristol Bay.

Port Graham, Cook Inlet.
Port Lions, Kodiak.
Port Heiden (Meshik), Aleutian.
Quinhagak, Southwest Coastal Lowland.
Rampart, Upper Yukon-Porcupine.
Red Devil, Upper Kuskokwim.
Ruby, Koyukuk-Lower Yukon.
Runssian Mission (Kuskokwim) (or Chautauc), Upper Kuskokwim.
Russian Mission (Yukon), Southwest Coastal Lowland.
St. George, Aleutian.
St. Mary's, Southwest Coastal Lowland.
St. Michael, Bering Strait.
St. Paul, Aleutian.
Salamatof, Cook Inlet.
Sand Point, Aleutian.
Savonoski, Bristol Bay.
Savoonga, Bering Sea.
Saxman, Southeast.
Scammon Bay, Southwest Coastal Lowland.
Selawik, Bering Strait.
Shagelluk, Koyukuk-Lower Yukon.
Shaktoolik, Bering Strait.
Sheldon's Point, Southwest Coastal Lowland.
Shishmaref, Bering Strait.
Shungnak, Bering Strait.
Slana, Copper River.
Sleetmute, Upper Kuskokwim.
South Naknek, Bristol Bay.
Squaw Harbor, Aleutians.
Stebbins, Bering Strait.
Stevens Village, Upper Yukon-Porcupine.
Stony River, Upper Kuskokwim.
Tanacross, Tanana.
Tanana, Koyukuk-Lower Yukon.
Tatitlek, Gulf of Alaska.
Telida, Upper Kuskokwim.
Teller, Bering Strait.
Tetlin, Tanana.
Togiak, Bristol Bay.
Toksook Bay, Southwest Coastal Lowland.
Tuluksak, Southwest Coastal Lowland.
Tuntutuliak, Southwest Coastal Lowland.
Tununak, Southwest Coastal Lowland.
Twin Hills, Bristol Bay.
Tyonek, Cook Inlet.
Ugashik, Bristol Bay.
Unalakleet, Bering Strait.
Unalaska, Aleutian.
Unga, Aleutian.
Uyak, Kodiak.
Venetie, Upper Yukon-Porcupine.
Wainwright, Arctic Slope.
Wales, Bering Strait.
White Mountain, Bering Strait.
Yakutat, Southeast.

(2) The Secretary shall withdraw from all forms of appropriation under the public land laws, including the mining laws, but not the mineral leasing laws, any public lands in any townships, except lands described in paragraph (1) of this subsection, which are adjacent to the townships described in said paragraph and which the Commission certifies to the Secretary to be needed by the Native village for reasonable expansion, or to fulfill future economic or social requirements, or to provide access, or to insure that the total area of land, including bodies of fresh water not in State ownership, withdrawn around and adjacent to the Native village is equal to at least 23,040 acres;

(3) The Secretary or, as appropriate, the Secretary of Agriculture and the Secretary of Defense, is authorized and directed to withdraw from all forms of appropriation under the public land laws, including the mining laws, but not the mineral leasing laws, any public lands in any other township necessary (A) to settlement of a Native group established as of January 1, 1969, or (B) to a historic Native village from which the population has been required to move, because of either direct or indirect actions of the Federal, State, or local government, and to which 25 or more adult Natives wish to return and reside, or (C) to a place which constitutes a new Native village location to which by virtue of natural phenomenon, or

direct or indirect governmental actions, 25 or more adult Natives wish to relocate.

(b) All withdrawals authorized by paragraphs (2) and (3) of subsection (a) of this section shall be made only after a public hearing has been held in accordance with such procedures as the Secretary shall require. Each withdrawal shall be initiated only after certification by the Commission that the appropriate conditions set forth in this section have been met relative to that withdrawal.

(c) Pending the disposal of any lands withdrawn under this section, the Secretary is authorized to take such actions as may be necessary to administer, manage, and protect the withdrawn public lands for the benefit of the corporation, and, after deducting the cost of administration thereof, to deposit into the fund all revenues derived from the lease, sale, or other disposal of the lands or interests therein and the resources therein. The Secretary is authorized to lease, sell, or otherwise dispose of such lands or interests therein and the resources therein in accordance with the provisions of this Act.

(d) All public lands within any withdrawals provided for in this section which have not been patented or in the process of being patented under this Act ten years after the effective date of this Act shall be returned to whatever status they had on the effective date of such withdrawals.

SURVEYS

SEC. 9. The Secretary shall carry out a program of townsite surveys and plat determinations within the areas withdrawn pursuant to the provisions of section 8 of this Act for the purpose of locating and defining the lands occupied within such withdrawn areas as homes, businesses, subsistence camp sites, and for religious, educational, community, governmental, charitable, and other purposes. Such surveys shall be completed prior to the issuance of any patent to lands in such areas pursuant to the provisions of this Act.

CONVEYANCE OF LANDS

SEC. 10. (a) Upon completion of the surveys required by section 9 of this Act, the Secretary is authorized to issue a patent to the surface of any public lands within areas withdrawn under this Act to the individual or organization occupying such land at the time of the survey. If application is made for the same lands by more than one individual or organization, determination of who shall receive such land shall be made by the Commission after public hearing. Such patent shall be issued on the following terms:

(1) Patents to Natives and to religious, educational, community, governmental, charitable, and other non-profit organizations shall be made without payment therefor; and

(2) Patents to persons other than the Natives shall be made only upon payment of fair market value as determined by the Secretary as of the date the patent is issued.

(b) Any Native who would otherwise be eligible to receive a grant of public land under the terms of this section and who, within a period beginning ten years prior to the effective date of this Act, was required to move to another location outside the withdrawn area because of an action by a Federal, State, or local government, or any Native who occupies or has occupied land patented by the United States to any other person, shall receive compensation from the Fund in lieu of such land in such sum the Commission determines to be appropriate.

(c) (1) The Secretary shall, upon application of any local government established under the laws of the State of Alaska, issue a patent without payment thereof to the surface of any public land within a withdrawn area for which a patent has not been issued or application therefor pending under subsection (a) of this section; *Provided*, such

land is within the jurisdiction of such local government.

(2) The Secretary shall, upon application of such local government, issue, after a public hearing, a patent to the surface of any public land selected by such government within an area withdrawn under this Act but outside such government's jurisdiction, except that the total conveyances under this subsection shall not exceed 23,040 acres for any such government.

(3) All public lands selected by such local governments under this subsection shall be contiguous, except as separated by bodies of water, and shall be in units of not less than 160 acres. Where more than one local government makes application for the conveyance of the same public lands, and such applicants are of more than one class of government under the laws of the State of Alaska, preference shall be given by the Secretary to the smallest unit of local government. If application for patent to public land is made by more than one local government and such land is outside the jurisdiction of all applicant local governments seeking the land, the determination of which local government shall receive the lands shall be made by the Commission, after public hearings.

(d) The Secretary shall issue patents without payment therefor to the surface of any public land located in Alaska which has been used by a Native or Native group for a period of more than three years prior to the effective date of this Act for the harvest of fish, wildlife, berries, fuel, or other products of the land. Such patents shall be issued—

(1) for 5-acre tracts for each subsistence use campsite separated from the campsite of any other applicant;

(2) for 40-acre tracts where the campsites of several applicants are in such proximity to each other as to make it not feasible to patent individual 5-acre campsites; or

(3) for larger tracts where individuals can establish, under such rules and regulations as the Commission may prescribe, historic occupancy and use of the larger tracts.

Pending the issuance of a patent for campsites under this subsection the Secretary is authorized to permit the use of such lands by such Natives or Native groups as campsites.

(e) The Secretary is authorized to issue a patent to the surface of any public lands that on January 1, 1969, are leased, permitted, or used for reindeer management purposes, including summer and winter range facilities and intervening line camps, to each bona fide reindeer husbandryman, family, or village community reindeer association, or village community governing body practicing reindeer management. Maximum acreage permitted under this subsection under any patent is 2,560 acres. Lands patented under this subsection shall be in addition to, and not in lieu of, any other rights authorized by this Act.

(f) Upon application, the Secretary shall, for a period of ten years after the effective date of this Act, grant a patent to the surface of any tract of unreserved and unappropriated public lands in Alaska not in excess of 160 acres, without payment therefor, to any Native 19 years of age or older, whose primary place of residence is outside the limits of the withdrawn areas provided for in section 8(a) of this Act, subject to a reservation in the United States for access or rights-of-way for public roads or utilities.

(g) The Secretary shall patent to the Corporation the mineral estate of any withdrawn lands patented under this section. The Corporation may not sell or transfer such mineral estate to anyone, except the United States or the State of Alaska, but may lease any or all of said minerals in accordance with the provisions of this Act.

(h) In carrying out the provisions of this section, patents shall be issued in accordance with the following priorities:

(1) Within the township withdrawals provided for in section 8(a) of this Act:

(A) Land for individual use;

(B) Subsistence camp sites; and
(C) Community lands.

(2) Outside the withdrawals as provided in section 10 of this Act:

(A) Isolated homesites;
(B) Subsistence camp sites;
(C) Lands for reindeer husbandry; and
(D) Disposal for other purposes.

(i) Public lands within the withdrawals not patented under the foregoing subsections may be opened to settlement and occupation by the Secretary upon recommendation of the Commission. Entitlement to patent to the surface of such lands shall be in accordance with regulations, procedures, and criteria established by the Commission which regulations, procedures, and criteria shall not discriminate between Natives and non-Natives. The surface of public lands occupied by Natives under this subsection shall be patented to such Natives without payment therefor, and the surface of lands occupied by non-Natives shall be patented to them after payment of the fair market value thereof, as determined by the Secretary as of the date of the patent.

(j) All withdrawals and patents of lands or interests therein under this section shall be subject to valid existing rights of any person, and the Secretary shall take such measures as he deems appropriate, in consultation with the Commission, to extinguish such rights where they conflict with the grants made in this section, except easements or rights-of-way for public purposes.

(k) Where, prior to patent of the surface of any land under this section, a contract, lease, or permit has been issued for the utilization of mineral or surface resources such patent shall contain provisions making the patent subject to the lease or contract and the right of the lessor or contractor to the complete enjoyment of all rights, privileges, and benefits granted him by such lease or contract. All income derived from any such lease or contract, after allowance for administrative costs as determined by the Secretary, shall be paid to the Corporation.

COMPENSATION FOR LANDS PREVIOUSLY TAKEN

Sec. 11. There is hereby authorized to be appropriated \$100 million to be paid into the Fund as compensation for Native rights in lands withdrawn by the United States and in lands selected by Alaska under the Statehood Act of July 7, 1958 (72 Stat. 339) prior to the effective date of this Act.

MINERAL LEASING ACT

Sec. 12. (a) (1) Except as provided in subsection (b) of this section, deposits of coal, phosphate, sodium, potassium, oil, oil shale, gas, or sulphur located in all public lands in Alaska shall be subject to disposition by the Secretary under the terms of this Act. After the effective date of this Act, the Secretary is authorized to dispose of such deposits upon application therefor or upon his own motion under such competitive bidding procedures, using oral or sealed bidding or a combination thereof, as the Secretary may prescribe by regulation. The provisions of the Mineral Leasing Act of February 25, 1920, as amended and supplemented (41 Stat. 437, 30 U.S.C. sec. 181 and following), shall apply to the extent that such provisions are not inconsistent with this Act.

(2) For a period of ten years after the effective date of this Act, all revenues derived from the disposition of such minerals shall be distributed as provided in the Statehood Act of July 7, 1958 (72 Stat. 339), except that ten per centum of such proceeds shall be deducted and paid into the Fund, prior to calculating the shares as set forth in the Statehood Act of July 7, 1958.

(b) (1) The Secretary, with the concurrence of the Secretary of Defense, is authorized to dispose of deposits of coal, phosphate, sodium, potassium, oil, oil shale, gas, or sulphur located within Naval Petroleum Reserve No. 4 either upon application therefor or upon his own motion upon such com-

petitive bidding procedures, using oral or sealed bidding or a combination thereof, as the Secretary may prescribe by regulation. The provisions of the Mineral Leasing Act of February 25, 1920, as amended and supplemented, shall apply to the extent that such provisions are not inconsistent with this Act.

(2) All revenues derived from the disposition of such minerals for a period of ten years after the effective date of this Act shall be apportioned as follows:

(A) 10 per centum to be returned to the Treasury of the United States as miscellaneous receipts;

(B) 45 per centum to be returned to the Treasury of the United States until such time as the amount reaches \$50 million to compensate the United States for the expenses of past exploration of the area, and thereafter such sum shall be paid into the Fund; and

(C) 45 per centum to be paid into the Fund. After the ten-year period set forth in this Act has expired, the entire revenues derived from the disposition of minerals from Naval Petroleum Reserve No. 4 will be paid into the Treasury of the United States as miscellaneous receipts.

(c) Ten per centum of all revenues received by the United States from the disposition of minerals from the Outer Continental Shelf bordering the State of Alaska shall be deposited in the Fund for a period of 10 years after the effective date of this Act.

(d) (1) Any person who claims or may hereafter claim an interest in an unpatented mining claim in Alaska for which application for patent is not on file with the Secretary on the effective date of this Act shall record within one year after the effective date of this Act or within sixty days after location of such claim, whichever is first, with the Secretary a Declaration of Interest in Mining Claim setting forth a description of the claim and such other information as the Secretary may require by regulation. Any mining claim in Alaska not so recorded within the time prescribed shall be null and void, except that recordation shall not be construed as rendering valid any mining claim which is invalid on the effective date of this Act or which becomes invalid thereafter under the Mining Laws.

(2) The Secretary shall collect, in accordance with regulations prescribed by him, a royalty of 5 per centum of the value of locatable minerals, which value will be determined at the mine, extracted from mining claims in Alaska located and recorded after the effective date of this Act. A royalty of less than 5 per centum may be collected by the Secretary upon a satisfactory showing that the royalty should be reduced in order to operate the claim successfully. For a period of ten years after the effective date of this Act, 10 per centum of the revenues resulting from such royalty shall be deposited into the Treasury of the United States as miscellaneous receipts, and the remaining 90 per centum shall be deposited into the Fund, and thereafter the entire revenues derived from this royalty shall be deposited into the Treasury of the United States as miscellaneous receipts. As used in this section, the term "locatable minerals" includes any mineral not subject to disposal under (A) the Mineral Leasing Act of February 25, 1920, as amended or supplemented or (B) the Act of July 31, 1947 (61 Stat. 681; 30 U.S.C. 601), as amended.

(e) For a period of ten years after the effective date of this Act, 10 per centum of the revenues derived from the sale or lease of surface resources located on public lands in Alaska, except those withdrawn by section 8 of this Act, will be deposited into the Fund, and shall be deducted before any distribution is made of such revenues under any other provision of law.

(f) For a period of 10 years, after the effective date of this Act, there shall be deposited into the Fund an amount equal to 10 per

centum of the revenues collected by the State of Alaska or accruing to said State from public lands patented to the State of Alaska after December 31, 1968, including, but not limited to, receipts from the sale or lease of such lands or minerals therein, and in the event of default by the State of Alaska in making such payments there shall be deducted annually from such monies during such period the share of mineral revenues from public lands in Alaska paid as Federal grants-in-aid to the State of Alaska and any other funds paid to the State of Alaska by the United States.

PROTECTION OF SUBSISTENCE RESOURCES

Sec. 13. Notwithstanding any other provision of law, for a period of 10 years after the effective date of this Act, the Secretary, upon petition by any individual residing in Alaska or by the Department of Fish and Game of the State of Alaska shall, after a public hearing, and under such rules and regulations as he may prescribe, determine whether or not an emergency exists with respect to the depletion of subsistence biotic resources in any given area of the State and may thereupon delimit and declare that such area will be closed to entry for hunting, fishing, or trapping, except by residents of such area, subject to the provisions of any treaty concerning such resources. The closing authorized by this section shall not be for a period of more than 3 years, and may be extended by the Secretary after hearing, and a published finding that the emergency continues to exist. Any person knowingly hunting, fishing, or trapping in such area, except a resident thereof, may, upon conviction, be required to forfeit any gear, vehicle, boat or aircraft used in connection with such violation, and shall, upon conviction, be subject to a fine of \$1,000, or a year in prison, or both.

THE TLINGIT-HAIDA SETTLEMENT

Sec. 14. Notwithstanding any other provision of law, the Tlingit-Haida Indians are hereby authorized to vote, under procedures established by their governing body under their organizational document, whether they shall be included under all the provisions of this Act and relinquish title to the 2.6 million acres of land in southeast Alaska held under "Indian Title" and confirmed in them by the Court of Claims on January 19, 1968, in "The Tlingit and Haida Indians of Alaska v. United States, (389F 2d. 778)", and accept as a credit against all future compensation to be paid to them under the provisions of this Act the amount of \$7.5 million as full settlement of their claims against the United States which sum shall be a lien against the shares of the Corporation set aside for the Tlingit-Haida Indians. The Corporation, for a period of 10 years after its incorporation, shall withhold dividends on the shares set aside for the Tlingit-Haida Indians until the amount of such dividends equals \$7.5 million. If, at the end of such period, the amount of dividends withheld by the Corporation, does not equal \$7.5 million, the individual shares distributed to the Tlingit and Haida Indians by the Corporation under this Act shall be sold, transferred, or assigned only after the Corporation has been paid that portion of the outstanding lien against such share at the time of its distribution. The Secretary is authorized to patent upon certification to him of the results of the vote provided herein by the tribe's governing body the 2.6 million acres confirmed in the Tlingit and Haida Indians by the Court of Claims to the Tlingit-Haida governing body or its successor, except that the mineral estate shall not be patented to anyone other than the United States or the State of Alaska.

TANAINA INDIANS

Sec. 15. Notwithstanding any other provision of law, the Tanaina Indians of the Moquawkie Reservation (hereinafter referred to as the Tyonek Indians) may vote, under procedures established by the existing Tyonek

Council, whether their tribe, in lieu of any benefits under this Act, (a) shall accept a grant to the Tyonek Council of 26,918 acres of such Reservation, with a reservation that the mineral estate underlying such lands may not be sold or transferred by the Tyonek Indians to anyone other than the United States or the State of Alaska; or (b) accept abolition of the Reservation and a grant of the lands within such Reservation to a local government body organized under the laws of the State of Alaska with a reservation that the mineral estate underlying such lands may not be sold or transferred to anyone other than the United States or the State of Alaska; or (c) accept abolition of the Reservation and be entitled to the benefits of this Act. Upon certification to the Secretary of the results of the vote required by this section, the Secretary is authorized to carry out either selection made by the Tyonek Indians in accordance with the provisions of this section. If the Tyonek Indians select to follow the provisions of either clause (a) or (b) of this section, the Secretary is authorized to enter into contracts with the grantees for the development of the mineral estate underlying such lands.

REVOCATION OF RESERVATIONS

Sec. 16. Notwithstanding any other provision of law, and except where inconsistent with the provisions of this Act, the various reserves set aside by legislation or by Executive or Secretarial order for Native use or for administration of Native affairs, including those created under the Act of May 31, 1938 (52 Stat. 593), are hereby revoked, subject to any valid existing rights of any non-Natives.

REVIEW BY CONGRESS

Sec. 17. The Commission and the Secretary shall submit to the Congress annual reports on implementation of this Act. Such reports to be filed by the Commission until its termination, and by the Secretary annually for a period of 10 years beginning one year after the effective date of this Act. At the beginning of the first session of Congress preceding 10 years from the effective date of this Act, the Commission and the Secretary shall submit, through the President, a joint report of the status of the Natives and Native groups in Alaska, and a summary of actions taken under this Act, together with such recommendations as may be appropriate for continuation or modification of any provisions of this Act which will specifically expire at the end of such 10 years.

APPROPRIATIONS

Sec. 18. There is authorized to be appropriated to the Secretary of the Interior such sums as may be necessary to carry out the functions and responsibilities that he is required to perform under the provisions of this Act. Such sums shall remain available until expended.

PUBLICATION

Sec. 19. The Secretary of the Interior is authorized to issue and publish in the Federal Register, pursuant to the Administrative Procedures Act (5 U.S.C.) such regulations as may be necessary to carry out the purposes of this Title.

SAVINGS CLAUSE

Sec. 20. Except as specifically provided for in this Act, nothing in this Act shall be construed as repealing any other provision of Federal law applicable to Alaska. To the extent that there is a conflict between any provision of this Act and any other Federal law applicable to Alaska, the provisions of this Act shall govern.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

Mr. SCOTT. Mr. President, on behalf of the Senator from New York (Mr. GOODELL) I ask unanimous consent that,

at its next printing, the name of the Senator from Tennessee (Mr. BAKER) be added as a cosponsor of the bill (S. 50) to provide appropriations for sharing of Federal revenues with States and certain cities and urban counties.

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

Mr. KENNEDY. Mr. President, I ask unanimous consent that, at its next printing, my name be added as a cosponsor of the bill (S. 472) to amend title II of the Social Security Act to increase the annual amount individuals are permitted to earn without suffering deductions from the insurance benefits payable to them under such title.

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

Mr. SCOTT. Mr. President, at the request of the Senator from Oregon (Mr. HATFIELD), I ask unanimous consent that, at its next printing, the name of the Senator from Texas (Mr. YARBOROUGH) be added as a cosponsor of the bill (S. 503) to provide for meeting the manpower needs of the Armed Forces of the United States through a completely voluntary system of enlistments, and to further improve, upgrade, and strengthen such Armed Forces and for other purposes.

The VICE PRESIDENT. Without objection it is so ordered.

Mr. HARTKE. Mr. President, I ask unanimous consent that, at its next printing, the name of the Senator from South Carolina (Mr. THURMOND) be added as a cosponsor of the bill (S. 1205) to provide for a medal to be known as the Supreme Sacrifice Medal and to provide for its presentation to the widow or next of kin of members of the Armed Forces who have lost their lives as the result of armed conflict.

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

Mr. CRANSTON. Mr. President, I ask unanimous consent that, at its next printing, the names of the Senator from New York (Mr. GOODELL), the Senator from Montana (Mr. MANSFIELD), the Senator from Minnesota (Mr. MONDALE), the Senator from Wisconsin (Mr. NELSON), the Senator from Pennsylvania (Mr. SCHWEIKER), the Senator from Maryland (Mr. TYDINGS), the Senator from New Jersey (Mr. WILLIAMS), and the Senator from Ohio (Mr. YOUNG) be added as cosponsors of the bill (S. 1219) to direct the Secretary of the Interior to take certain actions, and make an investigation and study, with respect to drilling and oil production under leases issued pursuant to the Outer Continental Shelf Lands Act.

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

Mr. MOSS. Mr. President, I ask unanimous consent that, at its next printing, the name of the Senator from Wyoming (Mr. MCGEE) be added as a cosponsor of the bill (S. 1446) to establish a Department of Natural Resources.

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

Mr. JAVITS. Mr. President, I ask unanimous consent that, at its next printing, the name of the Senator from Tennessee (Mr. BAKER) be added as a cosponsor of the bill (S. 1478), for the establishment of a Commission on Re-

vision of the Antitrust Laws of the United States.

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

Mr. HARTKE. Mr. President, I ask unanimous consent that, at its next printing, the name of the Senator from Minnesota (Mr. MONDALE) be added as cosponsor of 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.

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

Mr. KENNEDY. Mr. President, I ask unanimous consent that, at its next printing, my name be added as a cosponsor of the bill (S. 1506) to provide for improvements in the administration of the courts of the United States, and for other purposes.

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

Mr. KENNEDY. Mr. President, at the request of the senior Senator from Texas (Mr. YARBOROUGH), I ask unanimous consent that, at its next printing, the name of the Senator from Minnesota (Mr. MONDALE) be added as a cosponsor of the bill (S. 1519) to establish a National Commission on Libraries and Information Science, and for other purposes.

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

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, at its next printing, the names of the junior Senator from Maine (Mr. MUSKIE) and the junior Senator from Minnesota (Mr. MONDALE) be added as cosponsors of the bill (S. 1693) to establish a National Commission on Federal Tax Sharing.

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

Mr. KENNEDY. Mr. President, at the request of the Senator from West Virginia (Mr. RANDOLPH) I ask unanimous consent that, at its next printing, the name of the Senator from Montana (Mr. METCALF) be added as a cosponsor of the bill (S. 1716) to provide Federal financial assistance to States to enable them to pay compensation to certain disabled individuals who, as a result of their employment in the coal mining industry, suffer from pneumoconiosis and who are not entitled to compensation under any workmen's compensation law.

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

Mr. MUSKIE. Mr. President, I ask unanimous consent that, at its next printing, the names of the junior Senator from Tennessee (Mr. BAKER), the junior Senator from Indiana (Mr. BAYH), the junior Senator from Delaware (Mr. BOGGS), the senior Senator from Kentucky (Mr. COOPER), the junior Senator from Kansas (Mr. DOLE), the junior Senator from Missouri (Mr. EAGLETON), the senior Senator from Oklahoma (Mr. HARRIS), the junior Senator from New Mexico (Mr. MONTOYA), the junior Senator from Wisconsin (Mr. NELSON), and

the junior Senator from Virginia (Mr. SPONG) be added as cosponsors of the joint resolution (S.J. Res. 89) expressing the support of the Congress, and urging the support of Federal departments and agencies as well as other persons and organizations, both public and private for the international biological program.

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

ASSISTANCE TO THE STATE OF CALIFORNIA FOR RECONSTRUCTION OF AREAS DAMAGED BY RECENT STORMS, FLOODS, LANDSLIDES, AND HIGH WATERS—AMENDMENT

AMENDMENT NO. 11

Mr. MURPHY submitted an amendment, intended to be proposed by him, to the bill (S. 993) to provide assistance to the State of California for the reconstruction of areas damaged by recent storms, floods, landslides, and high waters, which was referred to the Committee on Public Works and ordered to be printed.

NOTICE OF HEARINGS— NOMINATIONS

Mr. EASTLAND. Mr. President, the following nominations have been referred to and are now pending before the Committee on the Judiciary:

Daniel Bartlett, Jr., of Missouri, to be U.S. attorney for the eastern district of Missouri for the term of 4 years, vice Veryl L. Riddle.

Thomas A. Flannery, of Maryland, to be U.S. attorney for the District of Columbia for the term of 4 years, vice David G. Bress.

Richard Van Thomas, of Wyoming, to be U.S. attorney for the district of Wyoming for the term of 4 years, vice Robert N. Chaffin.

Harold M. Grindle, of Iowa, to be U.S. marshal for the southern district of Iowa for the term of 4 years, vice Charles B. Bendlage, Jr.

On behalf of the Committee on the Judiciary, notice is hereby given to all persons interested in these nominations to file with the committee, in writing on or before Tuesday, April 22, 1969, any representations or objections they may wish to present concerning the above nominations, with a further statement whether it is their intention to appear at any hearing which may be scheduled.

NOTICE OF HEARINGS ON DRUG ABUSE

Mr. YARBOROUGH. Mr. President, narcotic addiction, drug abuse, and addictive diseases are among the Nation's leading health problems. It is estimated that more than 100,000 persons are addicted to narcotic drugs such as heroin and morphine. Millions are experimenting with and many are using on a regular basis hallucinogenic agents such as marijuana. Narcotic addiction, primarily the use of heroin, has long been a major blight of our urban ghettos. Recent evidence would indicate that this problem is now spreading to the suburbs. For too many years it was hoped that primarily enforcement techniques would resolve this problem. They have not. Action

must be taken to provide a greater role for our national health programs in this area. The problem of marijuana use is in the process of reaching epidemic proportions in the United States. Though sound data is lacking, it is estimated that between 20 and 40 percent of our college students have at least experimented with this drug. Recent information would lead us to believe that marijuana has spread to high schools, junior high schools, and, in some areas, to elementary schools. Our state of scientifically based knowledge about marijuana and its effects is inadequate. At the same time, based on our experience with LSD, we are convinced that public education programs based on proven knowledge can have a significant effect on decreasing marijuana use.

It has been stated often that we are living in what has been called a "drug-oriented society." Barbiturates, amphetamines, and other stimulants and depressant agents are being used and abused by millions of our people. Though it is clear that there are medically sound reasons for having these agents, it is likewise apparent that many persons in our population have become dependent on them. Too little is known about how and why so many Americans have fallen victim to this blight. Thus, we will have hearings beginning April 16 and 17 in Washington and continuing April 18 in Fort Worth, Tex. The Fort Worth, Tex., hearing will pay particular attention to the future of the Fort Worth Clinical Research Center. I hope the Subcommittee on Health will be able to learn what all of us can do in order to launch a massive and coordinated attack on the problems of drug abuse. More research to uncover new knowledge about causes and prevention is necessary; more facilities to treat and rehabilitate these victims are imperative.

The hearing witnesses for Wednesday, April 16, are the following:

Dr. Alfred M. Freedman, chairman, department of psychiatry, New York Medical College, Flower and Fifth Avenue Hospital, New York, N.Y. He is an expert in the area of experimental treatment of opiate addiction, as well as a medical expert in the area of marijuana, methedrine, LSD, barbiturates, and so forth.

Dr. Gilbert Gels, professor of sociology, California State College at Los Angeles, department of sociology, Los Angeles, Calif. He was formerly director, Institute for the Study of Crime and Delinquency; East Los Angeles Halfway House for Narcotics Addicts. He is a sociologist who runs a followup program for addicts on the west coast; is an expert in the area of education and the behavioral sciences; he is a sociologist of high repute.

Dr. Jerome Jaffee, assistant professor of psychiatry, University of Chicago, Chicago, Ill. He operates an excellent education treatment program in Chicago; is an expert in the area of experimental treatment narcotic antagonists, such as cyclazocine and naloxone, as well as substitution therapy with methadone.

The hearing witnesses for Thursday, April 17, are the following:

Dr. Joseph English, Administrator, Health Services and Mental Health Administration, Department of Health, Ed-

ucation, and Welfare, accompanied by Dr. Stanley Yolles, director, NIMH, and Mr. James Kelly, Assistant Secretary, Comptroller, Department of Health, Education, and Welfare.

Dr. Henry Brill, chairman, AMA Committee on Alcoholism and Drug Dependence, director, Pilgrim State Hospital; West Brentwood, N.Y. He is to cover the area of commitments and commitment laws in New York State and California, and to discuss the AMA's position on narcotics and drug abuse.

I ask unanimous consent that an article entitled "The Drug Generation: Growing Younger," published in Newsweek for April 21, 1969, be printed in the RECORD.

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

THE DRUG GENERATION: GROWING YOUNGER

San Francisco's middle-class Aptos Junior High, seventh graders trade barbiturates in homerooms—and smoke marijuana during lunch. In Detroit, anxious parents can take suspicious pills or bags of tobacco to their local police precincts for analysis without turning in their children. (So much marijuana has been invading Detroit recently that the sheriff's office has a marijuana-sniffing police dog that meets many flights from the West Coast.) And in sleepy Wakefield, Mass., parents were shocked a few weeks ago to learn that some high-school students were using heroin. "Some established families," says Mrs. Judith Katnabas, secretary of Wakefield's newly created Drug Action Committee, "have spent everything to finance their children's drug habit. Parents would rather see the habit continued than to have their child picked up and the whole thing made public in the courts."

The use of drugs—from chalky white pills that give Dexedrine highs to red, yellow and blue LSD capsules for mind-bending hallucinations—has spread through the youth population. Drug use is no longer concentrated among the liberal campuses of the East and West Coasts or the megaversities of the Midwest; it is as far away as the mess halls and field positions of Vietnam and as close as the schoolhouse around the corner.

Attempting to measure the exact size of the U.S. drug population is almost impossible. School officials knock down estimates to protect their institutions; students tend toward braggadocio. High-school and college administrators cite estimates ranging from 5 to 35 per cent. Students often claim that 85 or 90 per cent of their friends have smoked pot. But two facts appear incontrovertibly clear. First, the age of U.S. drug users is dropping rapidly, sometimes reaching down into elementary schools. Second, as drugs become widespread, the young have built a culture and a rationale of their own around their use and abuse.

Into Something: Turning on at home, listening to Country Joe and the Fish or watching "2001: A Space Odyssey" while stoned creates a unity among the young. "It's a whole cultural thing," says a Columbia freshman. "It has a different vocabulary, and once you start drugs you keep different hours. You can point at yourself and the other people in it and say 'We're into something.'"

This "something" naturally sets adult nerves on edge. Last week, for example, the Massachusetts Poll conducted for The Boston Globe found that adults in the state were worried more about drug abuse among the young than any other state problem; 80 per cent rated it a "very serious problem" with a greater emotional impact than inflation or crime in the streets. The fact that adults become so upset over drugs seems to make drugs more attractive to the young.

Surveying five California campuses, Richard H. Blum, a Stanford University psycholo-

gist, found that marijuana use has almost tripled in the eighteen months ending in December 1968. In a new report, "Students and Drugs," Blum states that 57 per cent of students at the schools had smoked marijuana at least once, compared with 21 per cent a year earlier. About 14 per cent were "regular" users, against 4 per cent a year before.

"What we see now," says Blum, "is a rapidly increasing tempo. While it took approximately ten years, by our estimate, for experimentation and use to shift from the older intellectual-artistic groups to graduate students, it took only an estimated five years to catch on among undergraduates, only two or three years to move to a significant number of high-school students, and then, within no more than two years, to move to upper elementary grades."

Mind-Altering: Drugs have achieved a foothold independent of school status. New York City's private Dalton School (tuition: \$2,000) recently placed four students on disciplinary probation for using marijuana. Many high-school students are more than willing to experiment with drugs. "Frankly," says Edward R. Kolevzon, president of The New York High School Principals Association, "I think the problem is more widespread than most people can imagine." Many high-school students smoke grass in the restrooms; a daring few will light up in class. "During the week," says a senior at Milton Academy in Milton, Mass., "many upperclassmen will smoke grass, but they won't trip on acid because of the homework. They leave the heavy stuff for weekends in Boston." And Dr. Joel Fort, a lecturer at Berkeley and one of Blum's associates, says that some seventh-grade pupils in Berkeley public schools have tried LSD or its equivalent. By the twelfth grade, he says, 14 per cent had tried LSD. Says Fort: "There is a massive and growing use of mind-altering drugs by all segments of American youth."

In general, two kinds of drugs are involved in the new drug culture. First, there are the serious drugs, such as LSD and methedrine (speed), which have proved to be dangerous. Second, there are the "soft drugs" such as marijuana, whose immediate physiological effects appear to be less serious than three Martinis, but whose long-term psychological and emotional effects are being analyzed. While recent research indicates that LSD may cause brain damage, that it can change chromosomes or contribute to birth defects, some students still turn to LSD and speed for artificial highs.

Speed Kills: These drugs can lead to tragedy. Fairleigh Dickinson 3rd, a Columbia freshman, heir to a pharmaceutical fortune and son of a prominent New Jersey state senator, was found unconscious last month on the lower bunk of a friend's room on campus. He died from a combination of LSD and an overdose of opium he apparently had eaten to come down. "At some other schools, the use of LSD has crested. 'Students got frightened by the walking wounded,'" says Dr. Richard H. Moy, director of the University of Chicago's health service, "the people who have gotten hung up and strung out."

Still, students estimate that perhaps 600 Columbia students have taken speed and acid; most are under 20, the products of suburban high schools and prep schools. "I take speed," claims a sophomore engineering student, "because I can control it. It keeps me up and awake. You don't lose your mind like on acid." A Barnard freshman adds that "last year at boarding school everybody took diet pills to stay up for exams. This year they don't have that much effect on me, so twice, when I had to get my papers done, I took speed . . . It kept me awake and fresh, not jittery the way Dex does, and after I got the papers done I slept for 24 hours."

Marijuana, of course, a mild hallucinogen, is not nearly as potent. And students of all ages are increasingly willing to experiment with it. At many campuses, marijuana has

passed the experimental stage and is an unremarked part of the social life. "Everyone does it," says a junior at one small New England college. "You see these complete Brooks Brothers straight arrows who turn on all the time." A survey of 100 Yale seniors found that 85 per cent had smoked marijuana at least once; half smoked about once a week; 20 per cent had taken LSD, and 10 per cent experiment with acid or other strong hallucinogens fairly frequently. A Barnard counselor notes an "incredible" change in the patterns of drug use. The freshmen arrive "sophisticated"—some have been "smoking marijuana since they were 14 or 15."

Misinformation: One constant in the drug culture has been the vast amount of misinformation. A few years ago police and school officials overreacted to the "drug menace," lecturing that once a youngster took his first puff of marijuana he was hooked for life on a trail that irremediably led to hashish, cocaine, heroin, jail, disgrace and the poorhouse. When the scientists eventually ground out their research to show that the argument was false, students were among the first to digest the news. Not that a certain percentage needed any encouragement. As Yale psychiatrist Kenneth Keniston points out, there are some students who are "less seekers after grades or professional expertise than seekers after truth." For them, drugs are an attempt to experiment with new states of experience and consciousness.

Other students simply never believed what they had been told about the harmful effects of drugs. Dr. Lawrence Halpern, a neuropharmacologist at the University of Washington medical school, tells of an 18-year-old girl he treated last summer; she was suffering from hepatitis and needle abscesses from shooting speed. "I asked her," he says, "Didn't anybody tell you this stuff was no good?" She replied, "Yea, man, but they told me so much other garbage, who's going to believe it?" "Just because society tells you something is bad doesn't mean it is," says a Princeton history senior. "We disagree with a system that tells us Vietnam is good and marijuana is bad."

Benign: But even when they listen, many young drug users tend to hear only what they want to hear. They talk about marijuana as a totally benign experience when, in truth, researchers still don't really know about its effects. Researchers have just gotten around to synthesizing its active ingredient, tetrahydrocannabinol (THC). The conclusion so far, says Dr. Sidney Cohen, director of the National Institute of Mental Health's Division of Narcotic Addiction and Drug Abuse, is that "marijuana, taken infrequently and in small doses, causes no more difficulty than getting stoned on alcohol. But the question in everyone's mind is whether the pothead, the person who uses it consistently over a period of years, may suffer ill effects." Scientists are now trying to assess what some call the "amotivational syndrome"—whether marijuana can lead to a loss of ambition and drive. "I don't think one necessarily loses motivation if he is an occasional user," says Cohen, "but I suspect people who do make it a career do stop being interested in getting ahead, become more passive, tend to live only in the present and not look to the future."

There is little doubt that far more needs to be known about most drugs. The New Physician, the journal of the Student American Medical Association, last month editorialized that physicians "have abdicated their responsibilities" about marijuana research. "If research substantiates present opinion that marijuana is not harmful or addicting," SAMMA said, "then physicians should be in the forefront of efforts to remove legal penalties from its possessions and use."

Naked: Most schools are trying to strike a balance between these laws dealing with drug possession and use and student opinion. Many solve the problem simply by looking the other way, and a few adopt fairly lenient policies. Last year a committee of

four faculty members, five students and one administrator drew up a five-page policy statement for George Washington University. It stated that the school has no legal duty "to divulge to any law-enforcement agency rumors or hearsay information about drug use on campus, or the names of students suspected of illegal use or possession of drugs" (at the same time the document did spell out possible health hazards). A campus cop explains that he would take away the ID cards of students caught with drugs and ask them to report to a dean. "After all," he says, "you're dealing with a man's reputation for life. We try to protect students; we don't try to get them in trouble." A disciplinary committee at the University of Chicago hears about four drug cases a year. "These," admits one dean, "involve the kind of students who pop up naked."

Elementary and secondary schools usually take a harder line. Donald Barr, headmaster of New York's Dalton, recently sent a memo to all faculty and parents of fourth to twelfth graders saying that "we consider marijuana a dangerous narcotic." He's particularly worried about young pupils taking drugs while they are just coming to grips with the adult world. "With marijuana," he says, "you're not dealing with professionals but with friendly sharers, with agonized, twisted kids trying to involve others, and they work within the context of friendship in school."

The New Trier schools in Winnetka, Ill., have taken an enlightened approach to drugs. The high-school faculty started thinking about a drug program a few years ago when some students were caught with their noses in the gluepots. After much research, New Trier just started a course in human behavior in February dealing with drug use—and held a seminar to discuss the entire spectrum of drugs with parents and students. Instead of trotting out reformed addicts and adopting scare tactics, New Trier officials simply told of a few specific examples of local teen-age drug users. "The parents learned how much of a communication gap there was between them and their children," says one history teacher. "And they also learned just how widespread the drug thing was." After the seminar, the school psychiatrist reported a large increase in the number of students coming in for help.

Laws: Most school and health officials believe laws regarding marijuana use will change soon. "It would make social sense," says Dr. Seymour Halleck, director of psychiatric services at the University of Wisconsin, "to legalize marijuana with stringent rules against giving it to minors. But if kids feel like using drugs, police are incapable of stopping them." Given today's permissive society, there's no telling where drug use is going to stop. It is certain, however, that drug abuse among the young would be easier to deal with if the laws and boundaries were laid out in terms they could respect.

One significant sign is that the National Student Association is no longer trying to educate students about drugs. Instead, it is challenging the constitutionality of the drug laws together with the American Civil Liberties Union. Says Bard Grosse, director of the NSA's drug studies: "We are trying to decriminalize marijuana." So many students smoke grass today, says the 25-year-old Grosse, it is already "unofficially legal."

IN VIETNAM: MAMA-SAN PUSHERS VERSUS PSYOPS

A battalion of the U.S. Army's First Cavalry Division trooped into division headquarters at Phuoc Vinh one day recently after a month in the field. The men showered and shaved and ate a hot meal in the mess hall. "Then when the sun went down," recalls one GI, "about 200 of us went into the nearest field and had a damn good smoke." But the scene was pure marijuana rather than Marlboro Country. In a war where so much is ambiguous, it is no secret that the use of

marijuana by American soldiers in Vietnam is so extensive that it has produced a pot subculture among U.S. troops. They have a slogan—"Dope is hope"—and an apocryphal hero—"The Psychedelic Killer," a gunshot pilot who goes into battle in Da-Glo helmet and a marijuana high.

The "head" count among the 500,000 GI's in Vietnam is naturally difficult to determine. A study called "Marijuana Use in Vietnam: A Preliminary Report," stated that 35 per cent of the troops turn on. The study was conducted by Army psychiatrist Capt. Wilfred Postell and appeared in the official Vietnam Medical Bulletin. The drug rate is highest in units where men hail from metropolitan centers like New York City and San Francisco, and the high rate in intelligence and mechanized units suggests that education may be a factor. Curiously, most mess cooks are said to be heads.

"Vietnam is a very concentrated experience," explains one soldier. "It's like some giant corporation where you can't quit and everybody has gone crazy." The marijuana weed (cannabis) grows over much of Vietnam and therefore is even easier to get in Vietnam than on any metropolitan U.S. campus. In almost any city, says a GI, "all you have to do is shuffle around until some mama-san offers it to you." In the field, troops receive regular visits from peddlers. On a couple of occasions a 2½-ton Army truck and a helicopter were reportedly "fragged," or detached, on special marijuana missions.

The Military Police have stepped up busts and are putting special pressure on Vietnamese police to arrest native salesmen. The Army has also undertaken a psychological operation (psyops) program that uses posters (MARIJUANA MEANS TROUBLE) and radio programs featuring cool, Peter Gunn-style music. Punishment for convicted GI's ranges from a two-week restriction to barracks to five years' imprisonment at hard labor. None of this, however, has done much to discourage the use of pot. Says an Army psychiatrist: "The lower-level unit commander is reaching an accommodation with pot smokers. If he stopped them all it would decimate his outfit. So he sees no evil and as long as they stay out of trouble he doesn't bother them."

CANADA AND NATO

Mr. MANSFIELD. Mr. President, on April 3 the Prime Minister of Canada, the Right Honorable Pierre Elliott Trudeau, issued a statement regarding Canada's future participation in NATO. The Prime Minister announced a decision to withdraw elements of the Canadian forces which have been stationed in Europe. His statement appears to have perturbed some of the NATO nations. Notwithstanding, it was a thoughtful decision which was designed to take effect in due course and which cannot, in any sense, be construed as disruptive. Rather, it might well act, in my opinion, as a healthy stimulant to bring about general reassessments and readjustments in the organization.

In this connection, President Nixon's remarks on the 20th anniversary of NATO ought also to be noted carefully in NATO circles. The President seems to me to make clear that what made for an effective organizational structure two decades ago is not necessarily the same today. That is not to doubt the importance of the mutual security concept of the NATO nations and of the need for consultation and cooperation to that end. These considerations, as Mr. Trudeau has indicated, will continue to guide Canada's policy in its continued

relationship as a member of NATO as I would hope they will guide ours.

Nevertheless, the Canadian Government has broken new ground. It has taken the first steps to bring about a review of NATO—what it stands for in 1969, and where it intends to go in the years ahead. By announcing that Canadian troops will gradually be withdrawn from assignment in Europe, after appropriate consultation with other members of NATO, the Prime Minister has brought about a much-needed change in direction. Indeed, it might well be emulated by the United States and other members before the 21st anniversary of the organization.

It is an anachronism for the United States to remain the mainspring around which NATO evolves. The time for an overwhelming American responsibility in NATO has passed; the time has arrived for sharing more equitably that responsibility. The continued stationing of 600,000 U.S. troops and dependents in Western Europe into the indefinable future is not in keeping with the needs of this Nation nor, in my judgment, with the needs of Europe. The cost is excessive to us. The deployment is unnecessary in this day and age. It derives from an era of the past and is not in accord with the realities of today.

Our military commitments in Western Europe should be revised. Our bases in Western Europe should be reduced. Our policy should be oriented to 1969 and not held captive to 1949. That apparently is what is happening in Canadian policy. It would be my hope that it will begin to happen with respect to the policy of this Government.

Mr. President, I ask unanimous consent that the statement made on April 3, 1969, in Ottawa, by the Prime Minister, the Right Honorable Pierre Elliott Trudeau, be printed at this point in the RECORD.

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

CANADIAN DEFENCE POLICY STATEMENT BY THE PRIME MINISTER, RIGHT HONORABLE PIERRE ELLIOTT TRUDEAU, APRIL 3, 1969

A Canadian defence policy, employing in an effective fashion the highly skilled and professional Canadian armed forces, will contribute to the maintenance of world peace. It will also add to our own sense of purpose as a nation and give renewed enthusiasm and a feeling of direction to the members of the armed forces. It will provide the key to the flexible employment of Canadian forces in a way which will permit them to make their best contribution in accordance with Canada's particular needs and requirements.

The Government has rejected any suggestion that Canada assume a non-aligned or neutral role in world affairs. Such an option would have meant the withdrawal by Canada from its present alliances and the termination of all co-operative military arrangements with other countries. We have decided in this fashion because we think it necessary and wise to continue to participate in an appropriate way in collective security arrangements with other states in the interests of Canada's national security and in defence of the values we share with our friends.

Canada requires armed forces within Canada in order to carry out a wide range of activities involving the defence of the country also supplementing the civil authorities and contributing to national development.

Properly equipped and deployed, our forces will provide an effective multi-purpose maritime coastal shield and they will carry out operations necessary for the defence of North American airspace in co-operation with the U.S.A. Abroad, our forces will be capable of playing important roles in collective security and in peace-keeping activities.

The structure, equipment and training of our forces must be compatible with these roles and it is the intention of the Government that they shall be. Our eventual forces will be highly mobile and will be the best-equipped and best-trained forces of their kind in the world.

The precise military role which we shall endeavour to assume in these collective arrangements will be a matter for discussion and consultation with our allies and will depend in part on the role assigned to Canadian forces in the surveillance of our own territory and coast lines in the interests of protecting our own sovereignty. As a responsible member of the international community, it is our desire to have forces available for peace-keeping roles as well as for participation in defensive alliances.

Canada is a partner in two collective defence arrangements which, though distinct, are complementary. These are the North Atlantic Treaty Organization and the North American Air Defence Command. For twenty years NATO has contributed to the maintenance of world peace through its stabilizing influence in Europe. NATO continues to contribute to peace by reducing the likelihood of a major conflict breaking out in Europe where, because of the vital interests of the two major powers are involved, any outbreak of hostilities could easily escalate into a war of world proportions. At the same time it is the declared aim of NATO to foster improvements in East-West relations.

NATO itself is continuously reassessing the role it plays in the light of changing world conditions. Perhaps the major development affecting NATO in Europe since the organization was founded is the magnificent recovery of the economic strength of Western Europe. There has been a very great change in the ability of European countries themselves to provide necessary conventional defence forces and armaments to be deployed by the alliance in Europe.

It was, therefore, in our view entirely appropriate for Canada to review and re-examine the necessity in present circumstances for maintaining Canadian forces in Western Europe. Canadian forces are now committed to NATO until the end of the present year. The Canadian force commitment for deployment with NATO in Europe beyond this period will be discussed with our allies at the Defence Planning Committee Meeting in May. The Canadian Government intends, in consultation with Canada's allies, to take early steps to bring about a planned and phased reduction of the size of the Canadian forces in Europe.

We intend as well to continue to co-operate effectively with the U.S.A. in the defence of North America. We shall accordingly seek early occasions for detailed discussions with the U.S. Government of the whole range of problems involved in our mutual co-operation in defence matters in this continent. To the extent that it is feasible we shall endeavor to have those activities within Canada which are essential to North American defence performed by Canadian forces.

In summary, Canada will continue to be a member of the NATO and to co-operate closely with the U.S. within NORAD and in other ways in defensive arrangements. We shall maintain appropriate defence forces which will be designed to undertake the following roles:

(A) The surveillance of our own territory and coast lines, i.e., the protection of our sovereignty;

(B) The defence of North America in co-operation with U.S. forces;

(C) The fulfillment of such NATO commitments as may be agreed upon; and

(D) The performance of such international peace-keeping roles as we may, from time to time, assume.

The kind of forces and armaments most suitable for these roles is now being assessed in greater detail in preparation for discussion with our allies.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

SOCIAL SECURITY BENEFITS SHOULD BE INCREASED BY 15 PERCENT AND THE EARNINGS LIMITATION RAISED TO \$3,000

Mr. YOUNG of Ohio. Mr. President, it is with a feeling of deep regret that I learned that President Nixon proposes to recommend an increase of only 7 percent in cash payments to the nearly 25 million men, women, and children who are the recipients each month of social security benefits.

Our social security system is an actuarially sound insurance system concerning which I am knowledgeable and very proud. As Ohio Congressman at Large, serving my second term in 1935, I spoke out in favor of and voted for the creation of the social security system. Many conservative colleagues in the House of Representatives and in the Senate at that time termed social security "state socialism." This great program, which will endure as long as our Nation endures and will be remembered as the greatest domestic legislative achievement of the administration of Franklin D. Roosevelt, was termed state socialism not only by ultra-conservative elements in the Nation at that time, but the Republican national platform of 1936 denounced the program and pledged that if its candidate for President were elected he would urge repeal of the Social Security Act. The claim those opponents made at that time was that this was cruelly regimenting the American people. Despite the fact that the Republican Party in 1936 offered the Nation a fine candidate for president of the United States in the person of Gov. Alf Landon of Kansas, he carried but two States of our 48.

Mr. President, if any political party in 1968 had pledged repeal of the Social security law or were to do that in 1972, that party would not obtain a majority in even one of our 50 States. Time and events have proved that since the enactment of the social security law, under which checks totaling more than \$23 billion in social security benefits were paid last year to almost 25 million beneficiaries, there has been and is no possibility of a cruel depression such as was experienced commencing in 1930.

Where would the American people have been without that law? Think of the distressful situation of our country during those three recession periods of

the Eisenhower administration. Where would they have been except for social security and the payments that came in every month to the beneficiaries of the social security system? Those recessions would have become great, deep, and sorrowful depressions. No one today seriously questions the need for our social security system or its importance in promoting economic and social stability.

Americans now know that private charities, breadlines, and soup kitchens must never again be the answer of American intelligence and sense of justice to the problems of unemployment and indigent old age.

On the third day of every month in my State of Ohio 1,200,000 men, women and children receive brown envelopes in the mail from the U.S. Treasury with social security checks totaling more than \$100 million. That amount will be higher 6 months from now. More fatherless children, more elderly men and women and more widows will be receiving larger sums. The impact of the spending of such a tremendous sum is helping to make my State one of the most prosperous in the Nation.

The present social security system has a surplus of \$25,714 million in its general fund and an added surplus of \$3,025 million in its disability fund. Instead of increasing social security benefit payments including disability payments by a mere 7 percent, I urge that this Congress increase these payments by 15 percent. This could readily be done, and social security would remain as it is now, an actuarially sound insurance system.

As a member of the Ways and Means Committee of the House of Representatives back in 1949, I helped draft the present expanded and liberalized social security law. Since then, Congress has made changes in the act in keeping with fast-changing times. We have a duty to further expand and liberalize this program to assure that Americans will enjoy a measure of security and dignity in their old age.

I would never deviate from my determination that social security must remain actuarially sound. The chief actuary of this system, Robert J. Myers, who was appointed to that position by President Eisenhower, has stated that social security is an actuarially sound insurance system, and I am certain that he will testify before the Committee on Finance that if a 15-percent increase in social security benefit payments is made all along the line, this would remain an actuarially sound insurance system.

Here is an opportunity, Mr. President, to render real and needful public service to the American people by increasing in a proper manner and to a proper extent these benefits, instead of providing an increase of less than half the amount that should be made.

In addition, Mr. President, we have a duty to increase the ceiling on earnings that recipients may earn and still keep their benefits intact. The present ceiling of only \$1,680 annually is inadequate. It imposes a cruel financial burden on people still able to work after 65 and denies them a right which they have earned by their own contributions into the social security fund. It is reasonable to look forward to dramatic new

breakthroughs in the search for cures for cancer and heart disease that will push higher and higher the life expectancy of Americans. Men and women of 65, and 70, and 75, will—and many now do—have the ability to participate in gainful employment after retirement.

I propose that the earnings limitation be increased to \$3,000 per year at this time and that a new formula should be written and applied to earnings in excess of \$3,000 per annum. This would encourage beneficiaries to continue to work and by their work add to the general prosperity of our Nation.

It is unfair to bar these men and women from receiving social security retirement payments for which they have paid premiums during their more active years. This can be remedied at no cost whatsoever to taxpayers by increasing the earnings limitation.

Let us enact into law this year a meaningful increase in social security benefits of at least 15 percent instead of a mere 7 percent which would barely cover the increased cost of living since 1967, the last year social security benefits were raised. At the same time let us further liberalize and expand the social security system, the most humane and advanced social legislation in our Nation's history.

S. 1805—INTRODUCTION OF A BILL TO ESTABLISH A CONNECTICUT RIVER NATIONAL RECREATION AREA

Mr. RIBICOFF. Mr. President, I introduce, for appropriate reference, a bill to establish a Connecticut River national recreation area. This bill is another step in the long journey to preserve in this Nation a decent, livable environment for the future.

The subject of this legislation is the Connecticut River which flows for more than 400 miles southward through the heartland of New England from its mountain source to Long Island Sound. It is a river of changing characters—a swift flowing mountain stream to the north; in the south, a broad, majestic estuary. Throughout, it is a river of varied beauty, historic interest and untapped recreation potential.

Situated in the center of historic New England, and in part surrounded by the great urban sprawl of industrial America, the Connecticut River provides an unmatched array of the natural resources which are fast disappearing in our modern society. The preservation and enhancement of these resources is of both regional and national concern.

We in New England are the fortunate inheritors of a river which remains largely unspoiled. Despite pollution and commercial development, most of the river valley still retains its unique charm. Even close to the river's mouth its banks remain nearly wild in places. In the midst of the populous northeast the Connecticut River stands as a proud showcase for nature's handiwork.

The northeastern United States crowds a quarter of our Nation's population into a tenth of the land area. This ratio—which is likely to remain constant—means that within a few decades

we must be prepared to live with twice as many people on the same land area. In Connecticut alone there will be close to 6 million people by the year 2000. The small towns and green, open spaces which have nourished past generations of Americans in Connecticut and New England threaten to become only a memory. It must be of the greatest concern to all of us that we preserve the opportunity for millions of Americans to enjoy these surroundings.

The beauty and potential of the Connecticut River have long been a beacon to dedicated conservationists and a haven for those who live and work in the valley. But these values are now severely threatened. Today, the price of our carelessness is cheap. In a few years it will be prohibitive. If we are to save this river—if we are to take this most important step to insure the continued vitality of the New England environment—then we must act now, before it is too late.

We have a chance here to guide the future. And we can no longer afford to turn our backs on tomorrow. By accepting this opportunity we test ourselves and our success or failure will be measured for generations to come.

This bill will establish a 56,700-acre national recreation area divided into three units along the Connecticut River. Actual Federal land acquisition would be limited to 19,000 acres or less. Each unit will preserve and promote the unique natural resources of its location. The authorization of this national recreation area will be a landmark piece of conservation legislation for New England and the entire Nation.

In 1966, the entire senatorial delegation from Vermont, New Hampshire, Massachusetts, and Connecticut introduced legislation authorizing a full study of the Connecticut River Valley. Under that legislation, enacted in 1966, the Bureau of Outdoor Recreation in the Department of the Interior, carried out a detailed, 2-year study. The Department's report, "New England Heritage," was made public in September 1968. The report gave us, for the first time, a regional format in which we can work to restore the Connecticut River Valley to its original beauty.

The bill which I introduce today incorporates many of the major recommendations of "New England Heritage." It calls for a united and sustained effort by all levels of government and the private sector to preserve the great natural heritage which is ours in the valley.

The bill creates no Federal juggernaut to steamroller over the area. Quite the contrary, it places a high premium on the importance of preserving the beauty and tranquility which are the valley's most precious qualities. A Connecticut River national recreation area will be designed to protect the scenic green forests and peaceful towns that are the heritage of New England—to do otherwise would contradict the purpose of the legislation.

The legislation recognizes that development of the valley will take place in the future. The purpose of the bill is to insure that future development is encouraged to take place in a manner

which does not detract from the beauty of the river valley.

Throughout the study and the drafting of this legislation, the people of New England have been asked to participate in planning for the future. They have responded, and their efforts are the foundation for this legislation. Too often, in similar circumstances, the individual citizen and township have been left out of the planning process. This will not happen in the Connecticut Valley. When public hearings are held on this bill before the appropriate Senate committee, I will specifically request of the chairman that at least some of these hearings take place in New England so that the citizens can be heard.

In this legislation, I have insisted on the greatest concern for the private individual who lives and works in the valley. Similarly, this bill tries to take into account the legitimate interests of towns and municipalities in the affected area. This concern is reflected in several ways.

First, direct Federal acquisition of land is held to an absolute minimum. In every case, the land which must be acquired for the purpose of this plan has been carefully selected to avoid unnecessary disruption of the legitimate interests of property owners. The land to be taken is mainly undeveloped, and, on the whole, the Federal condemnation power has been severely circumscribed, to be used only as the last resort.

Second, the certain areas where a "conservation zone" will be established and the Secretary of the Interior will be authorized to set standards for local zoning laws the Secretary must act in concert with local efforts and with full respect for the well being of the local citizens and towns.

Third, a Recreation Area Committee made up of local and State representatives will be established for each unit. These committees will provide a direct channel of communication to the Secretary of the Interior with respect to matters concerning the establishment and development of that unit. Additionally, each committee will have the power to prohibit arbitrary changes of boundaries and zoning standards.

The Connecticut River national recreation area will be a unique venture in conserving our natural heritage. The recreation area will encompass parts of a river valley in the midst of a heavily populated and highly developed part of the country. We can no longer limit our conservation efforts to the wide open spaces in the Far West. There is a dire need for open space and protection of scenic and recreation values in the eastern United States. However, we must also recognize that mere condemnation of large parcels of valuable real estate will not suffice in New England. A new approach is needed.

This bill calls for cooperation—cooperation between the people, and all levels of government—in a joint venture to preserve the Connecticut River.

There will be established a three-unit national recreation area to be administered by the National Park Service. The three units, encompassing parts of four States would serve as the keystones for a concerted conservation and recreation program in the Connecticut River Valley.

The bill also defines a Connecticut River Valley corridor which includes the whole river and the first tier of towns on either shore. Far less than 1 percent of the corridor would come under direct Federal control. However, each Federal area would be a nucleus of cooperative efforts to protect the valley. The bill would also call for Federal financial and technical assistance for local and State efforts in the corridor. In essence, this bill establishes a common framework toward a common goal.

GATEWAY UNIT

The gateway unit in Connecticut would include 23,500 acres along the southernmost portion of the Connecticut River. Here, on its final trek toward the sea, the river flows peacefully through one of the most scenic areas in America. In conjunction with the Cockaponset State Forest, the gateway unit would serve to protect a broad expanse of scenic beauty and recreation potential in the lower Connecticut Valley. Small sections of the proposed unit are already in public hands, and the acquisition of surrounding lands would serve to increase the area available for the enjoyment of the tranquil surroundings.

In the gateway unit, the Federal Government would acquire direct title to not more than 5,000 acres of land. Most of this area is presently undeveloped and it includes 870 acres of valuable tidal marshland which provide sustenance and sanctuary for many of our aquatic and marine species.

The remaining 17,500 acres would remain in private hands under locally enacted zoning ordinances approved by the Secretary of the Interior. This "conservation zone" would shield the area from land uses and abuses which would detract from the beauty of the lower valley. However, it is not contemplated that such a "conservation zone" would inhibit the constructive growth of commerce and industry or interfere with the well-being of the citizens in the area.

As in the other proposed units, the gateway unit would not be developed or administered in such a way as to disrupt the presently existing environment. The emphasis will be on preserving and protecting the natural conditions which now prevail. By its very nature the area of the lower valley will not sustain a high degree of intensive recreational use. The purposes of this legislation, therefore, give primary emphasis to maintaining the natural, scenic qualities in their peaceful surroundings.

MOUNT HOLYOKE UNIT

In Massachusetts, the Federal Government would be authorized to create a national park area of 12,000 acres on the east side of the Connecticut River north of Springfield. At this point, the Connecticut has slashed through a ridge of mountains creating a scenic water gap between the Mount Holyoke Range to the northeast, and the Mount Tom Range to the southwest. The Mount Holyoke unit would embrace the bulk of the Mount Holyoke Range, and suggested complementary State action to expand existing public lands around Mount Tom could provide an unprecedented array of outdoor activities on both land and water

in direct proximity to one of the heavily populated areas in the valley.

The boundaries of the proposed Mount Holyoke unit have been carefully drawn to exclude the Hampshire College campus and the majority of private residences on the periphery of the area. Except where land is presently required for public purposes, residents within the boundaries could elect to maintain a life tenancy.

Over half a million people live in the Springfield-Chicopee-Holyoke area. New interstate highways bring the residents of Boston and New York City hours closer. The Mount Holyoke unit could serve as the essential catalyst for concerted efforts to protect that scenic expanse of the river from exploitation.

COOS SCENIC RIVER UNIT

Near its northern source the Connecticut River could provide superb recreational opportunities in the middle of a near wilderness scene. Some of the best trout fishing in the country is available and the camper and hiker can enjoy his sport in scenic surroundings. The Coos Scenic River unit of the Connecticut River Valley area would include an 82-mile section of the upper Connecticut River. Federal acquisition of land would be limited to 1,000 acres equally divided between New Hampshire and Vermont. The acquisition would take place along the stretch of the river from Lake Francis to Moore Reservoir, and would guarantee public access to the river and the establishment of some primitive camping sites. The bill would also authorize the acquisition of scenic and access easements from private property owners of some 20,200 acres of land immediately adjacent to the river. Approximately 12,000 of these acres would be in New Hampshire—the remainder on the Vermont shore. These easements will provide protection of the scenic beauty of the unit while maintaining the value of the privately owned land. The ridges and escarpments could also be protected by less restrictive easements without significant loss to the landowner. By these devices, the local tax rolls can be maintained while preserving for future enjoyment this most beautiful stretch of the river.

CONNECTICUT VALLEY SCENIC TRAIL

In addition to the three national parks to be established along the Connecticut River, this legislation authorizes the development of a Connecticut Valley scenic trail as a unit of the national trail system. This trail would be primarily a footpath of some 300 miles beginning near Hanover, N.H. and following the river north and east to Third Connecticut Lake, then bending southward to rejoin the Appalachian Trail at the Presidential Mountain Range. Much of the trail would be located in the Coos Scenic River unit. Where existing facilities are not already available, overnight shelters could be provided at reasonable intervals. A minimal amount of Federal acquisition would be required for the trail, and it is hoped that the States would assist in its development.

CONNECTICUT VALLEY TOURWAY

The bill also authorizes the designation of a Connecticut Valley tourway

running the length of the valley. This tourway would facilitate access to the scenic and historic heritage of the valley. To every extent practicable the tourway would use existing roads and would emphasize the features of the valley without altering them. Alternate routes could be designated to allow access to special points of interest. Maps and a minimum of signs would be used to inform the public of the attractions on route. Great care would be taken to maintain the scenic and rural quality of the roadway.

The qualities we seek to preserve in the valley would be destroyed by additional construction of superhighways. Nevertheless, much of the existing road system must be maintained by local and State governments. The expense of maintenance if traffic should increase may prove onerous. Therefore, this bill calls upon the Secretary of Transportation to consult with local and State representatives in an effort to relieve these burdens before designating a tourway.

CONNECTICUT RIVER VALLEY CORRIDOR

"New England Heritage" contained a number of farsighted recommendations for enhancing the total environment of the Connecticut River Valley. However, the Federal Government cannot and should not carry the full burden or usurp control from State and local jurisdictions. In many cases, enlightened local and State officials have led the way toward preserving the Connecticut. I am confident these efforts will continue, and many of the further steps required to protect the environment in the area may be left to local and State determination and action.

To facilitate coordinated planning among the various levels of government, this bill creates the concept of a Connecticut River Valley corridor. The Secretary of the Interior is instructed to give particular emphasis to encouraging and coordinating the conservation and development of outdoor recreation resources inside the corridor but outside the three designated national recreation areas. In addition, the Secretary shall provide assistance in developing means to promote the use of privately owned lands in ways consistent with the purposes of the entire scheme.

All agencies of the U.S. Government are required to consult with the Department of the Interior when their actions or projects may have an adverse effect on the recreation resources of the corridor. The Secretary shall have ample time to study the plans and make his recommendations.

This bill will also instruct the Secretary of Agriculture to study and submit a report on, within 1 year, the means available for maintaining the rural, open space character of the Connecticut River Valley.

To facilitate the planning activities by State governments which will lead to a set of coordinated conservation efforts along the Connecticut River, there is authorized in this bill the amount of \$100,000 to be divided among the four affected States. This money, in conjunction with the technical assistance which the Sec-

retary is authorized to render upon request, will provide a meaningful beginning to the necessary comprehensive efforts required in the years ahead.

ADVISORY COMMITTEES

Mr. President, while drafting this legislation, I have been greatly encouraged by the dedicated efforts of citizens who live in the Connecticut Valley to make constructive and useful suggestions regarding the implementation of the recommendations of "New England Heritage." The people of the valley know, perhaps more than anyone, the beauties and potential of the river. Certainly more than anyone they have contributed to preserving these assets. Recognition of the success of these efforts is inherent in the report. For had not the private citizens and towns along the river initiated efforts to save it, there would have been no need for a study or a national recreation area. The river would have been lost years ago. That the river is worth saving today is tribute to the concern of generations of New Englanders.

The development and administration of a national recreation area can only benefit from contributions to be made by local and State representatives who are intimately familiar with the area. Therefore, this bill would establish an advisory committee for each of the three units along the river. The committee would be largely made up of local representatives to be appointed from recommendations of the towns adjacent to the unit. Other members would come from regional planning bodies and the State governments.

Each committee would have direct access to the Secretary of the Interior regarding all matters pertaining to the development and administration of the recreation area unit. Consultation would be on a regular basis, and all reasonable expenses borne by the Federal Government.

The committee for each area would be authorized to approve or disapprove any changes in boundaries of the particular units as well as any proposed alterations in zoning standards governing the conservation zone.

Mr. President, this bill lays the foundation for a concerted attack on the dangers which threaten the continued vitality of the Connecticut River Valley. Despite the encroachment of modern civilization with its smokestacks, super-highways, and bright lights, the Connecticut remains what Timothy Dwight once called "The Beautiful River." Its peaceful and tranquil setting beckon immediate action by all of us concerned with preserving a quality environment for the future. We must act now if we are to restore and protect the Connecticut River Valley.

But time is short. With this legislation, we have the opportunity—perhaps our last great opportunity—to make certain that this priceless resource is preserved.

For years we have recognized the great good fortune that has protected the Connecticut from ruin. But our luck cannot hold forever, and the future must not be left to chance.

This bill provides a blueprint for ac-

tion which will insure that today's beauty will also be tomorrow's.

Mr. President, I am pleased to have join me in cosponsoring this legislation Senators BROOKE, DODD, KENNEDY and MCINTYRE.

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

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

The bill (1805) to preserve and promote the resources of the Connecticut River Valley, and for other purposes, introduced by Mr. RIBICOFF (for himself and other Senators), was received, read twice by its title, referred to the Committee on Interior and Insular Affairs, and ordered to be printed in the RECORD, as follows:

S. 1805

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

STATEMENT OF POLICY

SECTION 1. The Congress finds that the Connecticut River and the first tier of towns bordering the river in the States of Connecticut, Vermont, and New Hampshire and the Commonwealth of Massachusetts, as generally depicted on the map entitled "Connecticut River Valley Corridor", numbered —, and dated —, which is on file and available for public inspection in the offices of the National Park Service, Department of the Interior, possess unusual scenic, ecological, scientific, historic, recreational and other values contributing to public enjoyment, inspiration, and scientific study. The Congress further finds that it is in the best interests of the citizens of the United States for the United States to take action to preserve and promote such values for the enjoyment of present and future generations, to preserve the natural ecological environment and develop the recreational potential of the area, and to encourage maximum complementary action by State and local governments and private individuals, groups, and associations.

CONNECTICUT RIVER NATIONAL RECREATION AREA

SEC. 2. In order to provide for the public outdoor recreation use and enjoyment of portions of the Connecticut River Valley Corridor, and for the conservation of the scenic, scientific, historic, ecological and other values contributing to public enjoyment, consistent with the well being of present and future residents of the area, there is hereby established the Connecticut River National Recreation Area (hereinafter referred to as the "recreation area"). The recreation area shall be composed of (1) a Gateway Unit comprising not more than 23,500 acres in the State of Connecticut, (2) a Mount Holyoke Unit comprising not more than 12,000 acres in the Commonwealth of Massachusetts, and (3) a Coos Scenic River Unit comprising not more than 21,200 acres in the States of Vermont and New Hampshire. The boundaries of each unit shall be as generally delineated on the map referred to in section 1 of this Act. The Secretary of the Interior (hereinafter referred to as the "Secretary") may revise the boundaries of any unit from time to time with a view to carrying out the purposes of this Act, with the approval of a majority of the Advisory Committee for such unit as referred to in section 8 of this Act, but the total acreage within the revised boundaries of any unit shall not exceed the acreage limitation for the unit specified in this section.

ACQUISITION OF PROPERTY FOR RECREATION AREA GATEWAY UNIT

SEC. 3. (a) Within the boundaries of the Gateway Unit, the Secretary may acquire without the consent of the owner not to exceed five thousand acres of privately owned lands, waters, and interests therein which he determines are presently needed to carry out the purposes of this Act: *Provided*, That the Secretary may acquire a fee title only in cases where, in his judgment, the acquisition of scenic easements or other less than fee interests would not be adequate to carry out the purposes of this Act. The remaining privately owned property within such unit may not be acquired by the Secretary without the consent of the owner or owners (hereinafter referred to as "owner") for one year following the date of enactment of this Act, and thereafter so long as an appropriate local zoning agency shall have in force and applicable to such a property a duly adopted, valid zoning ordinance approved by the Secretary. In order to carry out the provisions of this section, and following public hearings, the Secretary shall issue regulations, which may be amended from time to time, with the approval of a majority of the Advisory Committee of the unit, specifying standards that are consistent with the purposes of this Act.

(b) The standards specified in such regulations shall have the object of (1) regulating new commercial or industrial uses of such property consistent with the purposes of this Act, and (2) promoting the protection and development for purposes of this Act of such property by means of acreage, frontage, setback design and subdivision controls and by prohibiting the cutting of timber, burning of undergrowth, removing soil or other landfill and dumping or storing refuse in such a manner that would detract from the natural or traditional riverway scene: *Provided*, That such standards shall not discourage the constructive development and use of land for industrial and commercial purposes which are consistent with the purposes of this Act.

(c) Following issuance of such regulations the Secretary shall approve any zoning ordinance or any amendment to any approved zoning ordinance submitted to him that conforms to the standards contained in the regulations in effect at the time of the adoption of the ordinance or amendment. Such approval shall remain effective for so long as such ordinance or amendment remains in effect as approved.

(d) No zoning ordinance or amendment thereof shall be approved by the Secretary which (1) contains any provisions that he considers adverse to the protection and development of such property in accordance with the purposes of this Act, or (2) fails to have the effect of providing that the Secretary shall receive notice of any variance granted under, or any exception made to, the application of such ordinance or amendment.

(e) If any property, with respect to which the Secretary's authority to acquire by condemnation has been suspended according to the provisions of this section, is made the subject of a variance under, or becomes for any reason an exception to, such zoning ordinance, or is subject to any variance, exception, or use that falls to conform to any applicable standard contained in regulations of the Secretary issued pursuant to this section and in effect at the time of passage of such ordinance, the Secretary may terminate the suspension of his authority to acquire such property by condemnation: *Provided*, That the owner of any such property shall have 90 days after written notification from the Secretary to discontinue the variance, exception, or use referred to in such notification.

(f) The Secretary shall furnish to any party in interest, upon request, a certificate

indicating the property with respect to which the Secretary's authority to acquire by condemnation is suspended.

MOUNT HOLYOKE UNIT

SEC. 4. Within the boundaries of the Mount Holyoke Unit, the Secretary may acquire without the consent of the owner not to exceed twelve thousand acres of lands, waters, and interests therein: *Provided*, The Secretary may acquire a fee title only in cases where, in his judgment, the acquisition of scenic easements or other less than fee interests would not be adequate to carry out the purposes of this Act.

COOS SCENIC RIVER UNIT

SEC. 5. Within the boundaries of the Coos Scenic River Unit, the Secretary may acquire a fee title without the consent of the owner not to exceed one thousand acres of lands, waters, and interests therein. Other interests in the remaining privately owned property within such unit may not be acquired without the consent of the owner so long as the property is devoted to uses compatible with the purposes of this Act.

ADDITIONAL PROPERTY ACQUISITION PROVISIONS

SEC. 6. (a) The Secretary is authorized to acquire the lands, waters, and interests therein (including scenic easements) within each unit of the recreation area by donation, negotiated purchase with donated or appropriated funds, transfer, exchange or condemnation except that such authority to acquire by condemnation shall be exercised only in the manner and to the extent specifically provided in sections 3, 4 and 5 of this Act. When a tract of land lies partly within and partly without the boundaries of a unit, the Secretary may acquire the entire tract in order to avoid the payment of severance costs. Any lands so acquired outside the boundaries of a unit may be exchanged by the Secretary for any non-federal land within such boundaries, and any portion of said land not utilized for exchange may be disposed of in accordance with the provisions of the Federal Property and Administrative Services Act of 1949 (63 Stat. 377), as amended (40 U.S.C. § 471 et seq.). In exercising his authority to acquire property by exchange, the Secretary may accept title to any non-federal land located within the boundaries of a unit and convey to the grantor any federally owned land under his jurisdiction which is within the same State or States as the unit and which he classified as suitable for exchange or other disposal. The values of the properties so exchanged shall be approximately equal or, if they are not approximately equal, shall be equalized by the payment of cash to the grantor or to the Secretary as the circumstances require.

(b) With the exception of any lands which the Secretary determines are presently needed for public use facilities to carry out the purposes of this Act, any owner of improved property within any unit of the recreation area on the date of its acquisition by the Secretary may elect, as a condition to such acquisition, to retain a right of use and occupancy of the improved property for non-commercial residential and agricultural purpose for a period ending at the death of the owner or his spouse, whichever occurs later, or for a fixed term not to exceed twenty-five years. The Secretary shall pay to the owner the fair market value of such date of any right retained by the owner. Any retained right of use and occupancy may be transferred or assigned. Whenever the Secretary finds that the property or any portion thereof has ceased to be used for non-commercial residential purposes, he may terminate the right of use and occupancy upon tendering to the holder thereof an amount equal to the fair market value of the portion of said right which remains unexpired on the date of termination.

(c) As used in this section, the term "improved property" shall mean a one-family

dwelling the construction of which was begun before January 1, 1969, together with so much of the land on which the dwelling is situated, the said land being in the same ownership as the dwelling, as the Secretary shall designate to be reasonably necessary for the enjoyment of the dwelling and land for noncommercial residential or agricultural purposes, together with any structures accessory to the dwelling which are situated on the land so designated: *Provided*, That the Secretary may exclude from the land so designated any water bodies together with so much of the adjacent land as he deems necessary for public access thereto.

(d) Any property or interests therein within a unit of the national recreation area which are owned by a State or by any political subdivision thereof or permanently preserved for conservation purposes under the ownership of a nonprofit, non-stock organization may be acquired only by donation. Notwithstanding any other provision of law, any federal property located within a unit of the recreation area may, with the concurrence of the agency having custody thereof, be transferred to the administrative jurisdiction of the Secretary, without transfer of funds, for administration by him as part of the recreation area.

ADMINISTRATIVE PROVISIONS

SEC. 7. (a) The Secretary shall administer and protect the recreation area with the primary aim of conserving the natural resources located within it and preserving the recreation area in as nearly its natural state and condition as possible. No development or plan for the convenience of visitors shall be undertaken in the recreation area which would be incompatible with accepted ecological principles, the preservation of the physiographic conditions now prevailing or with the preservation of such historic sites and structures as the Secretary may designate.

(b) The recreation area shall be administered, protected, and developed by the Secretary in accordance with the provisions of this Act and the Act of August 25, 1916 (39 Stat. 535), as amended, and supplemented (16 U.S.C. § 1 et seq.) except that the Secretary may utilize any other statutory authority available to him for the conservation and management of natural resources to the extent he finds such authority will further the purposes of this Act.

(c) The Secretary shall permit hunting, fishing, and trapping on lands and waters under his jurisdiction within the recreation area in accordance with the applicable laws of the States concerned and of the United States, except that the Secretary may designate zones where, and establish periods when, no hunting, no fishing or trapping shall be permitted for reasons of public safety, fish or wildlife management, administration, or public use and enjoyment. Except in emergencies, any regulations of the Secretary prescribing any such restrictions shall be issued only after consultation with the appropriate agency of the State concerned.

(d) The Federal Power Commission shall not authorize the construction, operation, or maintenance within the national recreation area of any dam, water conduit, reservoir, powerhouse, transmission line, or other project works under the Federal Power Act (41 Stat. 1063), as amended (16 U.S.C. 791a et seq.): *Provided*, That the provisions of that Act shall continue to apply to any project, as defined in that Act, already licensed.

(e) Designated National Park Service employees of the recreation area may make arrests for violations of any Federal laws or regulations applicable to the area, and they may bring the accused person before the nearest magistrate judge, or court of the United States having jurisdiction in the premises.

ADVISORY COMMISSIONS

SEC. 8. (a) There is hereby established an advisory commission for each unit of the recreation area.

(b) Each commission shall be composed of members appointed for a term of two years by the Secretary as follows:

(1) a member appointed to represent each State in which the unit is located and such appointments shall be made from recommendations of the Governors of such States;

(2) a member appointed to represent the appropriate regional planning commissions or agencies of each State in which the unit is located and such appointment shall be made from recommendations of the heads of such commissions;

(3) a member appointed to represent each town referred to in section 1 of this Act that is directly affected by the establishment of the unit and such appointments shall be made from recommendations of the governing body of such towns; and

(4) a member to be designated by the Secretary.

(c) The Chairman of each commission shall be elected by the membership thereafter for a term not to exceed two years. Any vacancy in each commission shall be filled in the same manner in which the original appointment was made.

(d) All members of the commissions shall serve without compensation as such. The Secretary is authorized to pay the expenses reasonably incurred by the commissions in carrying out their responsibilities under this Act on the presentation of vouchers signed by the Chairmen.

(e) The Secretary or his designate shall consult regularly with the appropriate commission with respect to matters relating to the development of each unit of the recreation area, and with respect to carrying out the provisions of this Act, including the acquisition of lands for the recreation area, the issuance of regulations specifying standards for zoning ordinances, and the administration of the recreation area.

(f) Each Commission shall make available to the Secretary an annual report reviewing matters relating to the development of each unit of the recreation area, including land acquisition and the zoning standards policies, and shall make recommendations there-to.

CONNECTICUT RIVER VALLEY CORRIDOR

SEC. 9. (a) The Secretary, in accordance with authority contained in the Act of May 28, 1963 (77 Stat. 49) and in consultation with the New England River Basin Commission and the advisory commissions established by section 8, of this Act, shall encourage coordinated planning for the conservation and development of the outdoor recreation resources of the Connecticut River Valley Corridor, as depicted on the map referred to in section 1 of this Act. The Secretary shall give particular attention to encouraging and coordinating the conservation and development of the outdoor recreation resources of the corridor that are outside the boundaries of the recreation area, and he is authorized to provide technical assistance to State and local governments and private individuals, groups, and associations with respect to the conservation and development of such resources. The Secretary is authorized to establish a regional office of the Bureau of Outdoor Recreation within the boundaries of the Connecticut River Valley in order to facilitate the planning and coordination under this section.

(b) The Secretary shall encourage State, regional, county, and municipal bodies to adopt and enforce adequate master plans and zoning ordinances which will promote the use and development of privately owned lands within the corridor in a manner consistent with the purposes of this section, and is authorized to provide technical assistance to such bodies in the development of such plans and ordinances.

(c) The Secretary shall cooperate with the appropriate State and local agencies to provide safeguards against pollution of the Connecticut River and unnecessary impairment to the scenery thereof.

(d) In order to avoid, insofar as possible, decisions or actions by any department, agency, or instrumentality of the United States which could have a direct and adverse effect on the outdoor recreation resources of the corridor, all departments, agencies, and instrumentalities of the United States shall consult with the Secretary concerning any plans, programs, projects, and grants under their jurisdiction within the corridor. Any Federal department, agency, or instrumentality before which there is pending an application for a license for any activity which could have such effect on the outdoor recreation resources of the corridor shall notify the Secretary, and, before taking final action on such application, shall allow the Secretary ninety days to present his views on the matter.

(e) The Secretary of Agriculture shall study means of preserving the agricultural forest and rural open space character of the corridor, and shall submit a report of his findings and recommendations to the President and Congress within one year after the date of this Act.

(f) There is hereby authorized to be appropriated the sum of \$100,000 to be equally divided among the State governments in Vermont, New Hampshire, Massachusetts and Connecticut.

NATIONAL SCENIC TRAIL

SEC. 10. (a) In order to promote public access to, travel within, and enjoyment and appreciation of the Connecticut River Valley Corridor, there is hereby established the Connecticut Valley National Scenic Trail as a unit of the National system of trails established by the National Trails System Act (82 Stat. 919). Insofar as practicable, the right-of-way for such trail shall comprise the trail depicted on the map referred to in section 1 of this Act. The Connecticut Valley National Scenic Trail shall be administered primarily as a footpath.

(b) The selection of the trail right-of-way, the acquisition of property therein, and the development, operation, maintenance, and administration of the trail shall be in accordance with the provisions of this section and the provisions of section 7 of the National Trail System Act applicable to national scenic trails.

CONNECTICUT VALLEY TOURWAY

SEC. 11. (a) In order further to promote travel within an enjoyment and appreciation of the Connecticut River Valley Corridor, the Secretary of Transportation, in consultation with the Secretary of the Interior and the other Federal and State agencies involved, may designate a Connecticut Valley Tourway. The tourway shall comprise, to the extent practicable, existing roads within the corridor. Such designation of existing roads which are part of the Federal-Aid Highway System shall in no way modify the rules and procedures applicable to the maintenance, improvement or beautification of such roads under the provisions of the Federal-Aid Highway Act, as amended. The Secretary of Transportation, under appropriate agreements with the Federal or State agencies administering the lands involved, may provide for the erection and maintenance of interpretative devices and markers along the tourway for the benefit of the public, and he shall encourage the State agencies to utilize to the fullest extent funds available to them under the Federal-Aid Highway Act to preserve the scenic character of the tourway and control adverse or nonconforming uses on the roads so designated.

(b) Before the Secretary of Transportation shall designate a Connecticut Valley Tourway, the Secretary shall name a standing committee representing State and local interests to review means to safeguard the

scenic rural character of the area and to relieve unnecessary burdens on local municipalities accruing from increased traffic.

SHORELINE EROSION CONTROL

SEC. 12. The Secretary of the Interior and the Secretary of the Army shall cooperate in the study and formulation of plans for shoreline erosion control of the Connecticut River; and any protective works for such control undertaken by the Chief of Engineers, Department of the Army, shall be carried out in accordance with a plan that is acceptable to the Secretary of the Interior and is consistent with the purposes of this Act.

APPROPRIATIONS

SEC. 13. There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act, but not more than \$46,000,000 shall be appropriated for the acquisition of lands, waters, or interests therein.

Mr. DODD. It is a pleasure to serve with my distinguished colleague from Connecticut as a principal sponsor of a bill for the creation of the Connecticut River national recreation area.

The proposed Connecticut River national recreation area has been under careful study by the Department of the Interior since October of 1966. It has been found to be both highly feasible and eminently desirable.

In this era of growing population, of ever increasing pressure and complexity in urban life and of continuing pollution and despoilation of our recreational resources, it is imperative that measures be taken to preserve areas of natural beauty and to permit their use and enjoyment by present and future generations.

By the year 2000, a single metropolis will cover the entire east coast of the United States from north of Boston to south of Washington, D.C. By that date, the population of this area is expected to grow to 72 million. Much of the rural area that still remains on the northeast and mid-Atlantic coasts will be required for residential areas to house these people, industrial parks to employ them, jetports, highways and railroad lines to transport them, and shopping centers to distribute the goods they will require.

Larger numbers of people, however, will also require larger amounts of land for recreation and relaxation. Provisions such as the one now proposed must be made to insure that these fundamental needs will be met.

The Connecticut River Valley offers tremendous potential for projects of this nature. It is both centrally located and easily accessible. At present, the area is served by seven interstate or limited access highways. In 1960, over 50 percent of the total population of New England lived within 50 miles of the river. Further, despite encroachment and increasing pollution, there remain large areas of natural wood and marshland along its banks which are highly suitable for development as outdoor recreational areas.

This bill provides for the acquisition by the Federal Government of three such areas: one in Connecticut, one in Massachusetts, and one on the northern borders of Vermont and New Hampshire. These areas have been carefully selected to provide a maximum of scenic beauty and recreational potential and to cause minimum disruption of existing resi-

dential, commercial, agricultural and transportation facilities.

In addition, the bill looks toward healthy cooperation between State, local and private organizations to protect other undeveloped areas. For example, local communities are encouraged to pass zoning restrictions to conform with State and Federal guidelines and to coordinate the development of master plans for the future use and conservation of the land within their boundaries.

Finally, the Secretary of Agriculture is called upon to study means of preserving additional agricultural and rural open space within the Connecticut River Valley area.

I fully support the bill. Its proposals are original and well-planned, and they take us a step in the right direction toward meeting one of our greatest needs.

I am proud to join my colleagues from New England in urging its enactment.

Mr. KENNEDY. Mr. President, I am pleased to cosponsor legislation to create a Connecticut River national recreation area. The bill which is being introduced today provides for development of three conservation and recreation areas along the banks of the Connecticut—at the gateway where it flows into Long Island Sound, in the Mount Holyoke Range area of Massachusetts, and along the upper river in Vermont and New Hampshire. Passage of the legislation will be a major step in restoring the beauty of the Connecticut River Valley and preserving our natural heritage.

Three years ago, I joined with Senator Ribicoff and my New England colleagues on legislation to study the possible development of the Connecticut River and its surrounding towns as a national recreation area. That study, carried out by the Department of the Interior, found conditions, both natural and man-made, which temporarily limit the area's recreation use.

Water quality covering the entire pollution class scale and only 7 percent of the river's length presently suitable for primary contact recreation use.

Severely depleted fish and wildlife populations, and much of the river incapable of supporting a productive sports fishery.

Boating limited by natural and artificial obstructions. Virtually no public swimming areas on the river.

A lack of public picnic facilities along the river, especially near urban concentrations.

Foot, bicycling, and horseback trail mileage inadequate for present needs, with the greatest deficiencies near urban areas.

Public camping opportunities limited to a few, small, scattered areas.

The bill which has been introduced by Senator Ribicoff today and which I have cosponsored would carry out recommendations of the report and make the Connecticut River national recreation area a reality.

The bill defines a "Connecticut River Valley Corridor," composed of the Connecticut River and the first tier of towns bordering the river in Connecticut, Massachusetts, Vermont, and New Hampshire. The aim of the legislation is to develop the recreation potential of this

corridor and to preserve and protect it from scenic pollution.

A small area within the corridor, less than 1 percent of the total area, will come under Federal jurisdiction and be developed as a nucleus for efforts to save the valley. This 56,700-acre national recreation area, to be administered by the National Park Service, will be composed of three units encompassing all four States.

The gateway unit would cover 23,500 acres at the mouth of the Connecticut River where it flows into Long Island Sound. The Coos Scenic River unit would include 21,200 acres in Vermont and New Hampshire, up near the Canadian border. The Mount Holyoke unit would be a 12,000 acre national park area east of the Connecticut between Springfield and Northampton.

The Mount Holyoke unit, in my own State of Massachusetts, would include the riverfront area and would run for about 7 miles back along the heavily forested Mount Holyoke Range, well beyond the notch. The area would be developed for camping, hiking, picnicking, fishing, boating, swimming, sightseeing, and other recreation activities.

Of the 12,000 acres, the Federal Government would be entitled to acquire full title to lands only where lesser interests would not be adequate to carry out the aims of the recreation area. For the most part, it would obtain scenic easements, whereby the owner of property would agree to restrict the use of his land to preserve scenic and environmental qualities. Even where property is acquired outright, the Government in most cases would give the few owners affected a life estate.

It is hoped that as a complementary action the State would develop and expand Mount Tom State reservation.

Indeed, a major thrust of the bill is to encourage cooperation and commitment at all levels—Federal, State, local, and private. The bill provides for technical assistance grants to help support such efforts.

Other provisions of the bill include:

A 300-mile Connecticut Valley Trail for hiking enthusiasts;

A winding tourway for motorists along the full length of the river;

Establishment of scenic easements wherever possible along the river—restricting use of land without taking it out of private hands.

Creation of advisory commissions, to be composed of State and local officials, and representatives of regional planning commissions or agencies.

It is my understanding that full Senate hearings and consultation with local leaders and interested citizens will be held on the bill.

In the distant past, the Connecticut River was a valuable asset to Massachusetts and New England. It afforded fish, power and recreation.

In the recent past, however, the fish and birds have been killed by noxious pollutants. People seeking to use the Connecticut for recreation have been driven off by smells and filth.

We can and must act now to lay the

base for restoring the Connecticut River to its place as an asset to be proud of. And our concern must be not only for the river itself, but for its surrounding areas. The Connecticut River Valley already has 1.7 million people and will have over 3 million by the year 2000. Action is long overdue to assure that this and similar regions of natural beauty do not become ravaged further by the destruction of the trees and foliage, by the laying of concrete and asphalt, and by the continued spoilage of the waters of the river and its tributaries. Ways must be found to prevent further deterioration and to recapture some of the beauty which has already been lost. Our children and their children need to have places set aside for recreation and to be able to enjoy swimming, boating, fishing, and the many other forms of relaxation.

Progress now is being made to clean up the river. In the U.S. Senate, I have supported with my colleagues far-reaching water pollution controls which are starting to have an effect. And here in the State, people are working together with a renewed sense of concern.

Indeed, while much work remains, it has been predicted that within a few years many sections of the river may again be swimmable.

But even as water pollution decreases, a broader danger to our natural environment has become more serious—the unchecked industrial and commercial development which now threatens the banks and surrounding areas which add so much to the overall charm and appeal of the Connecticut.

Already, along many portions of the river, ugly factories are violating the scenic beauty of the area and dumping pollutants into the river. And ironically, as the river itself becomes fit for swimming, boating and fishing, the expected influx of people to the area threatens to bring hot dog stands, trailer parks, billboards, unsightly construction and other eyesores which will spoil the natural environment of the river valley.

The Connecticut River national recreation area will meet these problems and enhance the natural beauty of the area. I look forward to swift action, with full consultation with citizens back home.

Finally, Mr. President, I would like to commend my colleague from Connecticut, Senator RUBINOFF, for his strong commitment and efforts to develop the Connecticut River national recreation area. As the primary sponsor of the original legislation calling for a study, and now of legislation to enact its recommendations, he has worked hard and is achieving results. It is a pleasure to join once again and continue to work with him in this effort.

I strongly support developing the Connecticut River national recreation area.

ORDER OF BUSINESS

Mr. COOK. Mr. President, I ask unanimous consent that I may proceed for 5 minutes.

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

SENATE JOINT RESOLUTION 91—INTRODUCTION OF A JOINT RESOLUTION ESTABLISHING THE FEDERAL COMMITTEE ON NUCLEAR DEVELOPMENT

Mr. COOK. Mr. President, I introduce, for appropriate reference, a joint resolution on behalf of myself and Senators COOPER, MANSFIELD, MATHIAS, METCALF, WILLIAMS of New Jersey, PACKWOOD, STEVENS, SCHWEIKER, and RANDOLPH. The joint resolution, if passed, would establish the Federal Committee on Nuclear Development whose purpose it would be to assess and evaluate the current atomic energy program of the United States.

I claim no pride of authorship in this matter, as it was introduced in substantially the same form in the last Congress by my predecessor, Hon. Thruston Morton. At that time, February 28, 1968, he pointed out in great detail the history of peaceful development of atomic energy subsequent to World War II and described the current feeling among many in the scientific community that a review of the direction of our atomic energy program was greatly needed. My remarks today will be confined to a summation of Senator Morton's very comprehensive treatment of the subject.

Congress instructed the Atomic Energy Commission when it was established by the Atomic Energy Act in 1954 to promote and encourage the development of atomic energy. At least \$2½ billion have been spent in the interim period to make nuclear plants efficient and able to compete with other power sources such as coal and oil. We appropriated these large sums for developing a new power source knowing full well that it would not be needed until 50 to 100 years hence when our supply of fossil fuels might begin to run short.

Congress adopted this atomic energy program, which resulted in a new technical development becoming, for the first time in our history, a Government monopoly. There is no question that the ability to create electrical energy through atomic fission is an amazing accomplishment but we also understand now what we did not realize in 1945—that atomic energy is no panacea.

Some might consider this resolution in some way a repudiation of the outstanding work of the Joint Committee on Atomic Energy. I assure Senators that I have nothing but the highest regard for the Members of the Congress who serve on this committee and I think they have ably carried out the original mandate of Congress which was to promote the peaceful uses of atomic energy. Unfortunately, the act made no provision for consideration of the need for nuclear energy, the fate of competing fuels, and the effect on the economy.

There are many indications now that we have moved too quickly, without the proper safeguards, into the atomic energy field. Early enthusiasts who appear to have become somewhat disillusioned about the program and are now calling for a reappraisal include David Lillenthal, who was the first Chairman of the Atomic Energy Commission. These ex-

perts tell us that the potential hazards of nuclear power are threefold:

First. The emanation of radioactive substances into the air and into the water of streams used for cooling the plants themselves.

Second. The expensive and difficult problem of safely handling waste material which remains after the useful life of the nuclear fuel has terminated.

Third. And the possibility, even though remote, that an accident would result in the sudden release of radioactive material into the atmosphere.

Undoubtedly, the possibilities of unprecedented damage to human and animal life were not realized by Congress when it decided to develop the civilian nuclear power complex, but this does not absolve us of the responsibility today, in the light of new evidence, to reevaluate the direction of this program both in terms of costs and safety to the public.

Mr. President, it is my strong belief that the Members of the Joint Committee on Atomic Energy have diligently carried out the original mandate of Congress which was to promote the use of civilian nuclear energy. It is the original mandate I question today, and certainly not the efforts of my colleagues on this committee. The resolution which I am introducing calls for a comprehensive review of the whole Government participation in the atomic energy program including the original mandate. It is for this reason that I have suggested we call upon cabinet officers, scientists, laymen, and Members of Congress who are not on the Joint Committee on Atomic Energy, to conduct this study. Since the problem is urgent and time is of the essence, this committee on nuclear development is required to make a report of its findings to the Congress within 2 years of its authorization. We owe it to ourselves and our descendants to objectively evaluate the future direction of this phenomenon of atomic energy which could mean much to the development of the Nation or to the contrary, become the vehicle for rendering our environment unfit for habitation. I urge Senators to support this effort to find the proper balance between progress and safety.

I ask unanimous consent that the joint resolution be appropriately referred and that its text be printed in the RECORD at this point.

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. 91) establishing the Federal Committee on Nuclear Development, introduced by Mr. Cook (for himself and other Senators), was received, read twice by its title, referred to the Joint Committee on Atomic Energy, and ordered to be printed in the RECORD, as follows:

S.J. Res. 91

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. There is hereby established the Federal Committee on Nuclear Development (hereinafter referred to as the "Committee").

MEMBERSHIP AND ORGANIZATION OF THE COMMITTEE

SEC. 2. (a) The Committee shall be composed of a Chairman, who shall be a member of the general public having no ties to or connections with either the atomic energy industry or any competitive industry, and twenty other members as follows:

(1) Four Members of the House of Representatives, two from each political party, appointed by the Speaker of the House of Representatives, none of whom shall be members of the Joint Committee on Atomic Energy;

(2) Four Members of the Senate, two from each political party, appointed by the President pro tempore of the Senate, none of whom shall be members of the Joint Committee on Atomic Energy;

(3) The Secretary of the Interior;

(4) The Secretary of Commerce;

(5) The Secretary of Labor;

(6) The Secretary of Health, Education, and Welfare; and

(7) Eight members of the general public who are specially qualified to consider and evaluate the technical, economic, and sociological impact of the atomic energy program.

(b) The Chairman, and the members specified in paragraph (7) of subsection (a), shall be appointed by the President by and with the advice and consent of the Senate.

(c) Each member specified in paragraphs (3) through (6) of subsection (a) may designate another officer of his department to serve on the Committee in his stead.

(d) Any vacancy in the Committee shall not affect its powers, but shall be filled in the same manner as the original appointment.

(e) The Committee may issue such rules and regulations as it deems advisable to conduct its activities.

DUTIES OF THE COMMITTEE

SEC. 3. (a) The Committee shall study, review, and evaluate the present provisions of the Atomic Energy Act of 1964 and examine the atomic energy program of the United States generally, with the specific objectives of ascertaining whether the existing civilian nuclear program is responsive to the public need, assessing the validity of the assumptions upon which the existing program is built, and determining what changes, if any, should be made in that program. In this connection the Committee shall consider and assess (1) the impact of the atomic energy industry upon competitive industries; (2) methods for effectively integrating atomic energy into the general energy complex of the United States so that reasonable priorities may be determined; and (3) the potential impact of atomic development upon the health and safety of the American public.

(b) The study and review provided for in subsection (a) shall be completed within two years and the Committee shall, at that time, submit a report of its findings to the President and the Congress, and shall make such report available to the public. Ninety days after the submission of such report, the Committee shall cease to exist.

POWERS OF THE COMMITTEE

SEC. 4. (a) The Committee, or, on the authorization of the Committee, any subcommittee or member thereof, may, for the purpose of carrying out the provisions of this joint resolution, hold such hearings and sit and act at such times and places, administer such oaths, and require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memorandums, papers, and documents as the Committee or such subcommittee or member may deem advisable. Subpoenas may be issued under the signature of the Chairman of the Committee, or such subcommittee, or any duly designated member, and may be served by any person designated by such Chairman or member. The provisions of sections 102 to 104,

inclusive, of the Revised Statutes of the United States (2 U.S.C. 192-194, inclusive) shall apply in the case of failure of any witness to comply with a subpoena or to testify when summoned under authority of this section.

(b) The Committee is authorized to secure directly from any department, bureau, agency, board, commission, office, independent establishment, or instrumentality of the executive branch of the Federal Government information, suggestions, estimates, and statistics for the purpose of this joint resolution; and each such department, bureau, agency, board, commission, office, independent establishment, or instrumentality is authorized and directed to furnish such information, suggestions, estimates, and statistics directly to the Committee, upon request made by the Chairman.

COMPENSATION OF MEMBERS

SEC. 5. The members of the Committee specified in paragraphs (1) through (6) of section 2(a) shall serve without additional compensation. The Chairman and the members appointed under paragraph (7) of section 2(a) shall receive \$100 per diem when engaged in the performance of the duties of the Committee. All members of the Committee shall receive reimbursement for necessary traveling and subsistence expenses incurred by them in the performance of the duties of the Committee.

STAFF AND FACILITIES

SEC. 6. (a) The Committee shall have power to appoint and fix the compensation of such personnel as may be necessary to carry out its duties without regard to the provisions of title 5, United States Code, governing appointments in the competitive service and the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

(b) The Committee may also procure (without regard to the provisions of title 5, United States Code, governing appointments in the competitive service and the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates), temporary and intermittent services to the same extent as is authorized for the executive departments by section 3109 of title 5, United States Code, but at rates not to exceed \$50 per diem for individuals.

(c) To the extent of available appropriations, the Committee may obtain, by purchase, rental, donation, or otherwise, such property, facilities, and additional services as may be needed to carry out its duties.

AUTHORIZATION OF APPROPRIATIONS

SEC. 7. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this joint resolution.

PRESIDENT NIXON'S DOMESTIC PROGRAM

Mr. BAKER. Mr. President, I rise to support the legislative priorities in the domestic program enunciated yesterday by President Nixon. The 10 proposals which the President announced he will soon send to Congress reflect a responsible approach and indicate that the goal of this administration will be a constructive, well-studied response to the domestic problem of our country.

In his message the President indicated that the early days of his administration have been devoted to the pursuit of peace abroad and to the development of new structures and new programs for the pursuit of progress at home. As it should be, peace has been

the first priority. At the same time, however, the development of the first Nixon legislative program demonstrates a keen awareness of the domestic problems at home.

Of the proposals announced yesterday, I am most pleased at the suggestion of the President for a system of tax sharing by the Federal Government with State and local governments. On March 24 I introduced, along with 20 additional cosponsors, the Tax Sharing Act of 1969, a measure which would require the regular distribution of a specified portion of the Federal individual income tax to the States primarily on the basis of population with virtually no conditions attached. In my introductory remarks I indicated that while I am not wed unyieldingly to the specific terms and provisions of the bill I introduced, I am firmly committed to the concept of tax sharing. For this reason I am hopeful that the President's action will provide the needed impetus for hearings and the enactment by Congress of a tax-sharing plan.

I will not reiterate at this time the fiscal arguments in support of this concept. We are all painfully aware of the fiscal plight that confronts our State and local governments. We are also painfully aware, on this day of April 15 in particular, of the efficiency of the Federal Government in collecting revenue. The enactment of tax sharing would allow the Federal Government to relieve the intense fiscal pressure on State and local governments and would, at the same time, serve the tradition of federalism by instilling in State and local governments a new vitality and independence.

Again, I commend the President on the program which he announced yesterday.

ORDER OF BUSINESS

Mr. GOLDWATER. Mr. President, I ask unanimous consent to proceed for approximately 12 minutes, disregarding the morning hour rule.

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

THE MILITARY-INDUSTRIAL COMPLEX

Mr. GOLDWATER. Mr. President, as a member of the Armed Services Committee, and as a member of the Senate Preparedness Subcommittee, I am greatly interested in the growing preoccupation of some groups and individuals these days with the so-called military-industrial complex in the United States. Indeed, if I were a psychologist, I might be tempted to the conclusion that the left wing in American politics has developed a "complex over a complex."

Judging from the view expressed by many of our public officials and commentators the so-called military-industrial complex would seem to be responsible for almost all of the world's evils.

Certainly, a determined effort is underway to place at its doorstep almost full responsibility for the unfortunate war in Vietnam and the high cost of American defense.

We further find great attention being paid to the number of former military

officers who have gone to work for defense-related industry. It has been shown with considerable flourish and headshaking that some 2,000 former members of the U.S. armed services in the grades of colonel and above, now are employed by companies that do business with the Defense Department. This revelation seemed to imply some kind of an unholy but nonspecific alliance on the part of industry and onetime military officers to cheat and defraud the American taxpayer.

In presenting information on former military men employed by defense industries to the Senate on March 24, the Senator from Wisconsin (Mr. PROXMIER) was careful to say that he was not charging any general wrongdoing on anybody's part, and that he had found no evidence that any conspiracy exists. I know that these retired people appreciate that conclusion.

He seemed most concerned, though, about a condition he described as "the old school tie" and the fact that many former high-ranking officers working in defense industry still retain personal friendships with some men still in the services.

He accurately observed:

There is a continuing community of interest between the military, on one hand, and these industries on the other.

Now, Mr. President, I do not see how anyone could deny either the fact that friendships continue or that a community of interest exists between the military and the people who supply them with the tools of their trade.

Consequently, I am quite mystified to understand why this situation strikes the Senator from Wisconsin as—and I use his exact words—"Most dangerous and shocking."

I am sure that the Senator would agree that former Members of Congress now working for industries that do business with the U.S. Government still retain friendships with present Members of the House and Senate.

I am also sure that he would agree former Government officials now employed by companies doing business with the Government retain "old school tie" relationships with friends they made while in the Government and with friends still working in the Government. This situation even exists, I believe, with some officials who once worked for Government regulatory agencies and now are employed by industries which are being regulated. But apparently the critics of the military-industrial complex do not find situations like this shocking and dangerous.

Mr. President, perhaps the "old school tie" is more binding if it happens to be the khaki-colored type worn by military men. Critics of the military seem to think so.

In that connection, I should like to point out that the figure of 2,000-plus retired military officers working for defense-related industries is impressive only when it is permitted to stand by itself and without the proper explanation. These 2,000 officers are employed by 100 of the largest corporations in the world. They are employed by industries which do many billions of dollars worth

of business every year. These 2,000 former military men are only a very small fraction of the tens of thousands of employees who work for these 100 industries—less than 1 percent. What is more, they represent only a small portion of the military officers who have been retired.

I am informed by the Pentagon that the number of former military officers receiving retired pay as of June 1968, totaled 232,892. I also discovered that since the end of World War II, some 36,800 officers in the highest grades, colonels and above, have been retired. A total of 21,484 were retired between the years 1961 and 1968.

Mr. President, I believe these figures make it amply clear that high ranking military officers are not rushing into retirement at the beckoning of defense contractors.

Be that as it may, I believe it is long past time when these questions relating fundamentally to the defense of this Nation should be placed in their proper perspective. Let us take the military-industrial complex and examine it closely. What it amounts to is that we have a big Military Establishment, and we have a big industrial plant which helps to supply that establishment. This apparently constitutes a complex. If so, I certainly can find nothing to criticize but much to be thankful for in its existence.

Ask yourselves, for example, why we have a large, expensive Military Establishment and why we have a large and capable defense industry. The answer is simply this: We have huge worldwide responsibilities. We face tremendous worldwide challenges. In short, we urgently require both a big defense establishment and a big industrial capacity. Both are essential to our safety and to the preservation of freedom in a world fraught with totalitarian aggression.

Merely because our huge responsibilities necessitate the existence of a military-industrial complex does not automatically make that complex something we must fear or feel ashamed of.

You might consider where we would be in any negotiations which might be entered into with the Soviet Union if we did not have a big military backed by a big industrial complex to support our arguments.

You might wonder how we could possibly pretend to be interested in the freedom of smaller nations if the only military industrial complex in the world was possessed by Communist Russia or Communist China.

Mr. President, in many respects I am reminded of the problem which confronted our Nation in the early days of World War II.

The madman Hitler was running rampant. Freedom was being trampled throughout all of Europe. Suddenly the United States found itself forced to fill the role of the "arsenal of democracy." This Nation had to start from scratch and finally outproduce the combined efforts of the Axis Powers. And we had to do it quickly. The very existence of freedom in the world as we knew it in the early 1940's depended on it. And how did we perform this miracle? Well, I will tell you that we performed it with the help of an industrial giant called an in-

tegrated steel industry. Although this industry and others like it performed miracles of production at a time when the chips were down all over the world, it still was the subject of long and harassing investigation after the war because of its "bigness." Incredible as it seems, the very size of an industry which enabled us to defeat the Fascists armies and remain free became the reason for investigation by liberals in the Congress during the immediate postwar period.

We never, Mr. President, seem to understand that size is not necessarily an evil.

When the Russian sputnik went up, this Nation was deeply concerned. And that concern had to do with our inability at that time to duplicate the Soviet feat. Now that we have the industrial capacity to equal the Russians in space or in matters related to defense, there seems to be a nationwide effort to make us feel guilty.

What would the critics of the military-industrial complex have us do? Would they have us ignore the fact that progress occurs in the field of national defense as well as in the field of social sciences? Do they want us to turn back the clock, disband our Military Establishment, and do away with our defense-related industrial capacity?

Mr. President, do these critics of what they term a military-industrial complex really want us to default on our worldwide responsibilities, turn our back on aggression and slavery, and develop a national policy of selfish isolation?

Rather than deploring the existence of a military-industrial complex, I say we should thank heavens for it. That complex gives us our protective shield. It is the bubble under which our Nation thrives and prospers. It is the armor which is unfortunately required in a world divided.

For all those who complain about the military-industrial complex, I ask this question: "What would you replace it with? Would you have the Government do it?" Well, our Government has tried it in the past, and failed—dismally so.

What is more, I believe it is fair to inquire whether the name presently applied is inclusive enough. Consider the large number of scientists who contributed all of the fundamental research necessary to develop and build nuclear weapons and other products of today's defense industries. Viewing this, should not we call it the "scientific-military-industrial complex"?

By the same token, do not forget the amount of research that has gone on in our colleges and universities in support of our defense-related projects. Maybe we should call it an "educational-scientific-military-industrial complex." Then, of course, the vast financing that goes into this effort certainly makes the economic community an integral part of any such complex. Now we have a name that runs like this: "An economic-educational-scientific-military-industrial complex."

What we are talking about, Mr. President, is an undertaking which grew up from necessity. It is the product of American initiative, incentive, and genius

responding to a huge global challenge. It is, perhaps, the most effective and efficient complex ever built to fill a worldwide function. Its ultimate aim is peace in our time, regardless of the aggressive, militaristic image which the left wing is attempting to give it.

Mr. President, I do not find the employment of military officers by 100 of the largest companies in this Nation alarming or menacing. Many of those officers were technically trained to provide special services, many of which are required by the companies involved. And I hasten to point out that these same companies employ other free Americans, some of them former Senators, some of them former Congressmen, some of them former civilian employees of the Government.

It is my contention that a retired military officer is a private citizen. He has a right to seek employment wherever he can. It is only natural that he should look to sources of employment which involve matters he was trained to work in. The fact that he once was an Army officer and the company he works for does business with the Army does not automatically insure an undesirable relationship from the public viewpoint. I would like to say that anyone who has evidence of wrongdoing, of deliberate and unlawful favoritism in the dealings which involve defense industries and former military officers should come forth and make the circumstances clear. I say that anyone who has evidence that a conspiracy exists between the Pentagon on one hand and former military officers on the other should say so and produce evidence to back it up. I say that anyone who charges that a "military elite" is at work trying to turn the United States into an aggressive nation should stop dealing in generalities and come forward with names, specific dates, meeting place locations, and all the rest of the kind of data it takes to back up such a charge.

The VICE PRESIDENT. The Senator's time has expired.

Mr. GOLDWATER. I ask unanimous consent that I may proceed for perhaps 6 minutes.

The VICE PRESIDENT. Without objection, the Senator from Arizona is recognized for an additional 6 minutes.

Mr. GOLDWATER. So far, Mr. President, I have yet to hear of any specific case of wrongdoing involving former military officers working for companies that do business with the Pentagon. In fact, I believe the record will show that the largest single cloud ever to hang over the so-called military-industrial complex stemmed from decisions made by civilian officers in the Department of Defense.

I am, of course, speaking about the incredible circumstances surrounding the awarding of the largest defense contract in the history of the world to a company whose bid had been rejected by nearly all the military specialists and nonmilitary specialists and evaluation boards in the Pentagon. The contract was the multi-billion dollar TFX contract which former Defense Secretary Robert McNamara, former Navy Secretary Fred Korth, and former Under Secretary of Defense Roswell Gilpatrick

jammed down the throats of the Navy and Air Force.

This was undoubtedly the costliest fumble in American history. It has never been properly dealt with and I suggest to those, especially those in this body, who are sincerely interested in the dangers of a military-industrial complex becoming too powerful in this Nation that a full investigation be launched into all aspects of the TFX-F111 fiasco. I would recommend that the activities of all present and former military and civilian officials involved in the awarding of the TFX contract be examined.

I find it highly interesting, by the way, that one of those most directly involved in this questionable decision—Mr. Gilpatrick—is now part of the panel of experts being consulted by a Member of the U.S. Senate in connection with his campaign to defeat the deployment of a missile defense in this country.

Mr. President, I hope I shall be fully understood in this respect. If there is wrongdoing, whether of a conflict-of-interest nature or something else in our Defense Establishment, I want it investigated and stopped and the guilty parties punished. And this goes for wrongdoing by anyone concerned, whether he be a military man, a former military man, a defense industry executive, or a civilian officer of the Government. I feel that this is our true concern. Maybe the hugeness of the system which we are now compelled to maintain does lend itself to improprieties.

If so, let us concern ourselves with such improprieties and find means to deal with them legislatively. This is the constructive way to proceed. It does no good for us to gaze with awe on the tremendous increase in defense expenditures with which the McNamara era saddled us and then pretend that denunciation of a military-industrial complex will somehow make it all right.

In the attacks on the military also you will find repeated reference to a speech once made by former President Eisenhower.

But I would remind you that when Dwight Eisenhower mentioned the possibility of unwarranted influence being acquired by such a complex, he had some other profound things to say. I want to quote one passage in particular.

He said:

We face a hostile ideology—global in scope, atheistic in character, ruthless in purpose and insidious in method. Unhappily the danger it poses promises to be of indefinite duration.

To meet it successfully, there is call for, not so much the emotional and transitory sacrifices of crisis, but rather those which enable us to carry forward steadily, surely, and without complaint the burdens of a prolonged and complex struggle—with liberty the stake. Only thus shall we remain, despite every provocation, on our charted course toward permanent peace and human betterment.

A vital element in keeping the peace is our military establishment. Our arms must be mighty, ready for instant action, so that no potential aggressor may be tempted to risk his own destruction.

As I have pointed out, many of the problems that are being encountered in the area of national defense today stem

not so much from a military-industrial complex as they do from the mistakes and miscalculations of a "civilian-computer-complex." My reference here, of course, is to the Pentagon hierarchy of young civilians—often referred to as the "whiz kids"—which was erected during the McNamara era in the questionable name of "cost effectiveness." And this complex, Mr. President, was built in some measure to shut out the military voice in a large area of defense policy decisionmaking.

I suggest that the military-industrial complex is not the all-powerful structure that our liberal friends would have us believe. Certainly nobody can deny that this combination took a drubbing at the hands of Mr. McNamara and his civilian cadres during the past 8 years.

If the military-industrial complex had been as strong and as cohesive as its critics would have us believe, it is entirely possible this Nation and its taxpayers would not today be facing the need for rebuilding the defenses of freedom. I have already mentioned one example. The TFX decision which has proven to be such a costly fiasco was made by the civilian complex against the advice of experienced military men.

If the military-industrial complex had been the irresistible giant its critics describe, we would certainly today be better equipped. We would undoubtedly have a nuclear-powered Navy adequate to the challenge presented by the Soviet naval might. We would certainly have in the air—and not just on a drawing board—a manned, carry-on bomber. We would never have encountered the kind of shortages which cropped up in every area of the military as a result of the demands from Vietnam. There would have been no shortage of military helicopters. There would have been no shortage of trained helicopter pilots. There would have been no need to use outdated and faulty equipment. No concern ever would have arisen over whether our supply of bombs was sufficient to the task in Southeast Asia.

In conclusion, Mr. President, I want to point out that a very strong case can be made for the need for a more powerful military-industrial complex than we have had during the past 8 years. At the very least, I wish to say that the employment practices of industries doing business with the Pentagon—practices which lead them to hire the most knowledgeable men to do their work—are no cause for shock. Nor are these practices dangerous to the American people.

I have great faith in the civilian leaders of our Government and of our military services. I have no desire to see the voice of the military become all-powerful or even dominant in our national affairs. But I do believe that the military viewpoint must always be heard in the highest councils of our Government in all matters directly affecting the protection and security of our Nation.

Mr. President, I ask unanimous consent to have printed in the *Record* at this point the complete text of President Eisenhower's farewell radio and television address to the American people.

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

FAREWELL RADIO AND TELEVISION ADDRESS TO THE AMERICAN PEOPLE, JANUARY 17, 1961
(Delivered from the President's Office at 8:30 p.m.)

My fellow Americans: Three days from now, after half a century in the service of our country, I shall lay down the responsibilities of office as, in traditional and solemn ceremony, the authority of the Presidency is vested in my successor.

This evening I come to you with a message of leave-taking and farewell, and to share a few final thoughts with you, my countrymen.

Like every other citizen, I wish the new President, and all who will labor with him, Godspeed. I pray that the coming years will be blessed with peace and prosperity for all.

Our people expect their President and the Congress to find essential agreement on issues of great moment, the wise resolution of which will better shape the future of the Nation.

My own relations with the Congress, which began on a remote and tenuous basis when, long ago, a member of the Senate appointed me to West Point, have since ranged to the intimate during the war and immediate post-war period, and finally, to the mutually interdependent during these past eight years.

In this final relationship, the Congress and the Administration have, on most vital issues, cooperated well, to serve the national good rather than mere partisanship, and so have assured that the business of the Nation should go forward. So, my official relationship with the Congress ends in a feeling, on my part, of gratitude that we have been able to do so much together.

II

We now stand ten years past the midpoint of a century that has witnessed four major wars among great nations. Three of these involved our own country. Despite these holocausts America is today the strongest, the most influential and most productive nation in the world. Understandably proud of this preeminence, we yet realize that America's leadership and prestige depend, not merely upon our unmatched material progress, riches and military strength, but on how we use our power in the interests of world peace and human betterment.

III

Throughout America's adventure in free government, our basic purposes have been to keep the peace; to foster progress in human achievement, and to enhance liberty, dignity and integrity among people and among nations. To strive for less would be unworthy of a free and religious people. Any failure traceable to arrogance, or our lack of comprehension or readiness to sacrifice would inflict upon us grievous hurt both at home and abroad.

Progress toward these noble goals is persistently threatened by the conflict now engulfing the world. It commands our whole attention, absorbs our very beings. We face a hostile ideology—global in scope, atheistic in character, ruthless in purpose, and insidious in method. Unhappily the danger it poses promises to be of indefinite duration. To meet it successfully, there is called for, not so much the emotional and transitory sacrifices of crisis, but rather those which enable us to carry forward steadily, surely, and without complaint the burdens of a prolonged and complex struggle—with liberty the stake. Only thus shall we remain, despite every provocation, on our charted course toward permanent peace and human betterment.

Crises there will continue to be. In meeting them, whether foreign or domestic, great or small, there is a recurring temptation to

feel that some spectacular and costly action could become the miraculous solution to all current difficulties. A huge increase in newer elements of our defense; development of unrealistic programs to cure every ill in agriculture; a dramatic expansion in basic and applied research—these and many other possibilities, each possibly promising in itself, may be suggested as the only way to the road we wish to travel.

But each proposal must be weighed in the light of a broader consideration: the need to maintain balance in and among national programs—balance between the private and the public economy, balance between cost and hoped for advantage—balance between the clearly necessary and the comfortably desirable; balance between our essential requirements as a nation and the duties imposed by the nation upon the individual; balance between actions of the moment and the national welfare of the future. Good judgment seeks balance and progress; lack of it eventually finds imbalance and frustration.

The record of many decades stands as proof that our people and their government have, in the main, understood these truths and have responded to them well, in the face of stress and threat. But threats, new in kind or degree, constantly arise. I mention two only.

IV

A vital element in keeping the peace is our military establishment. Our arms must be mighty, ready for instant action, so that no potential aggressor may be tempted to risk his own destruction.

Our military organization today bears little relation to that known by any of my predecessors in peacetime, or indeed by the fighting men of World War II or Korea.

Until the latest of our world conflicts, the United States had no armaments industry. American makers of plowshares could, with time and as required, make swords as well. But now we can no longer risk emergency improvisation of national defense; we have been compelled to create a permanent armaments industry of vast proportions. Added to this, three and a half million men and women are directly engaged in the defense establishment. We annually spend on military security more than the net income of all United States corporations.

This conjunction of an immense military establishment and a large arms industry is new in the American experience. The total influence—economic, political, even spiritual—is felt in every city, every State house, every office of the Federal government. We recognize the imperative need for this development. Yet we must not fail to comprehend its grave implications. Our toil, resources and livelihood are all involved; so is the very structure of our society.

In the councils of government, we must guard against the acquisition of unwarranted influence, whether sought or unsought, by the military-industrial complex. The potential for the disastrous rise of misplaced power exists and will persist.

We must never let the weight of this combination endanger our liberties or democratic processes. We should take nothing for granted. Only an alert and knowledgeable citizenry can compel the proper meshing of the huge industrial and military machinery of defense with our peaceful methods and goals, so that security and liberty may prosper together.

Akin to, and largely responsible for the sweeping changes in our industrial-military posture, has been the technological revolution during recent decades.

In this revolution, research has become central; it also becomes more formalized, complex and costly. A steadily increasing share is conducted for, by, or at the direction of, the Federal government.

Today, the solitary inventor, tinkering in his shop, has been overshadowed by task

forces of scientists in laboratories and testing fields. In the same fashion, the free university, historically the fountainhead of free ideas and scientific discovery, has experienced a revolution in the conduct of research. Partly because of the huge costs involved, a government contract becomes virtually a substitute for intellectual curiosity. For every old blackboard there are now hundreds of new electronic computers.

The prospect of domination of the nation's scholars by Federal employment, project allocations, and the power of money is ever present—and is gravely to be regarded.

Yet, in holding scientific research and discovery in respect, as we should, we must also be alert to the equal and opposite danger that public policy could itself become the captive of a scientific-technological elite.

It is the task of statesmanship to mold, to balance, and to integrate these and other forces, new and old, within the principles of our democratic system—ever aiming toward the supreme goals of our free society.

v

Another factor in maintaining balance involves the element of time. As we peer into society's future, we—you and I, and our government—must avoid the impulse to live only for today, plundering, for our own ease and convenience, the precious resources of tomorrow. We cannot mortgage the material assets of our grandchildren without risking the loss also of their political and spiritual heritage. We want democracy to survive for all generations to come, not to become the insolvent phantom of tomorrow.

vi

Down the long lane of the history yet to be written America knows that this world of ours, ever growing smaller, must avoid becoming a community of dreadful fear and hate, and be, instead, a proud confederation of mutual trust and respect.

Such a confederation must be one of equals. The weakest must come to the conference table with the same confidence as do we, protected as we are by our moral, economic, and military strength. That table, though scarred by many past frustrations, cannot be abandoned for the certain agony of the battlefield.

Disarmament, with mutual honor and confidence, is a continuing imperative. Together we must learn how to compose differences, not with arms, but with intellect and decent purpose. Because this need is so sharp and apparent I confess that I lay down my official responsibilities in this field with a definite sense of disappointment. As one who has witnessed the horror and the lingering sadness of war—as one who knows that another war could utterly destroy this civilization which has been so slowly and painfully built over thousands of years—I wish I could say tonight that a lasting peace is in sight.

Happily, I can say that war has been avoided. Steady progress toward our ultimate goal has been made. But, so much remains to be done. As a private citizen, I shall never cease to do what little I can to help the world advance along that road.

vii

So—in this my last good night to you as your President—I thank you for the many opportunities you have given me for public service in war and peace. I trust that in that service you find some things worthy; as for the rest of it, I know you will find ways to improve performance in the future.

You and I—my fellow citizens—need to be strong in our faith that all nations, under God, will reach the goal of peace with justice. May we be ever unswerving in devotion to principle, confident but humble with power, diligent in pursuit of the Nation's great goals.

To all the peoples of the world, I once

more give expression to America's prayerful and continuing aspiration:

We pray that peoples of all faiths, all races, all nations, may have their great human needs satisfied; that those now denied opportunity shall come to enjoy it to the full; that all who yearn for freedom may experience its spiritual blessings; that those who have freedom will understand, also, its heavy responsibilities; that all who are insensitive to the needs of others will learn charity; that the scourges of poverty, disease and ignorance will be made to disappear from the earth, and that, in the goodness of time, all peoples will come to live together in a peace guaranteed by the binding force of mutual respect and love.

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

The VICE PRESIDENT. The Senator's time has expired.

Mr. PROXMIRE. Mr. President, I ask unanimous consent for 5 additional minutes.

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

The Senator from Wisconsin is recognized for 5 minutes.

Mr. PROXMIRE. First, I commend the Senator from Arizona for his characteristically fair and thoughtful speech. I think what he has said this morning may put into better balance the presentation I made the other day. I believe it is proper to recognize the great contributions our military has made, and the many excellent officers who have subsequently worked for contractors.

My point is this: In the last 10 years, the number of Army and Air Force generals, Navy admirals, full colonels, and Navy captains working for the 100 biggest contractors has tripled. The number working for the 10 biggest contractors has also increased threefold.

The difficulty is that these officers go from positions in the Pentagon where they have great authority and close relationships with others who remain, in some cases having been responsible for the promotions of many of those who may deal with them. They go to work for contractors in a context in which the zeal of the contracting officer in the Pentagon is of the greatest importance—in fact, it is now of much greater importance than it should be.

This is true because most of our military procurement is noncompetitive. It is subject to Federal control either by the Budget Bureau or the Congress. The result is waste that we have documented over and over again.

I made an earlier speech on the reforms I thought we ought to seek to achieve in military procurement and spending. This Senator has pointed out a number of things that we must do if we are to get our military spending under control. In addition, I believe that we need a far more effective budget review, that we need a system of zero-based budgeting, that we need to provide steps to review the nonnegotiated contracts and to increase the amount of truly competitive bidding. I made a number of further recommendations along this line in the earlier speech. I felt that the names of the officers working for the 100 biggest defense contractors, and the fact that so many more are doing so than have done so in the past, and the relationships

which have existed, was a reinforcing reason why we should have far better control over military spending than we have at the present time. I agree enthusiastically with the Senator from Arizona that we must rely, of course, on the ability, the competence, the force, and the strength of our military forces.

Mr. GOLDWATER. Mr. President, if I might reply, I am very happy that the Senator from Wisconsin has permitted this colloquy to take place. I think it is long overdue, and I hope that between the two of us and others who might like to join in subsequent remarks, we can put the matter in proper perspective.

I understand fully what the Senator is getting at, and I am happy to be able to report to him that the Armed Services Committee, under the able guidance of the Senator from Mississippi (Mr. STENNIS), has divided itself into subcommittees this year, so that the budgets, when presented on the floor of the Senate, will be presented in a more intelligent and far better understood fashion.

I, too, am concerned about the increased number of officer retirements in the last 8 years. I could stand here for hours and recite the names of personal acquaintances of mine who left the military because of low morale at the Pentagon, and I shall make further remarks later on the superintendency of Robert McNamara at the Pentagon, which I think we will eventually find to be at the root of all the problems we are talking about.

The Senator from Wisconsin very properly mentioned, I believe, that officers do leave the military and go to work for civilian establishments doing business with the Government; but I could compile a rather lengthy list—I do not think it would be material to this discussion, though it would come very close—of former Members of this body, the House of Representatives, and the administrative agencies of our Government, including one who slept very well at night while President Johnson was in the White House, who have been elevated to very profitable positions, not necessarily because they had the background, but because they were once U.S. Senators, Representatives, or civilian employees.

I wrote and published a very interesting book once. BARRY GOLDWATER, pants salesman, could never have sold it, but against my background as a Senator, it sold well.

If there is an old school tie, I think we should be just as concerned whether those involved be former Senators and Representatives or civilian employees, or whether it be the military. I really do not think there is reason for concern, if we correct certain other little matters, budget items and things of that sort. I believe we should be just as concerned about the former Director of Transportation going to work for one of the country's biggest railroads, though I do not suggest there is any wrongdoing; I think there is none.

Mr. PROXMIRE. Mr. President, I agree with the Senator from Arizona as to the undesirability of the situation developing where those who have

served in Government, whether as Senators, Representatives, departmental officers, or members of the military, are in a position where they can exercise undue influence.

I might point out one example which the Senator gave in his speech. I thought it was an excellent example: the TFX. Here we have a classic example of what I protest.

Mr. Gilpatrick was a lawyer for General Dynamics. He was closely associated with General Dynamics over the years. Then as Undersecretary of Defense, he was in a position to decide—or at least had a great deal of influence to cause the Pentagon to determine—who got the contract. I think that was most unfortunate. To broaden the debate so as to include all former Government officials who work for defense contractors and all persons who have worked for defense contractors and then have come into the Federal Government to exert their influence is a very constructive addition. It reinforces the point the Senator from Arizona makes. This kind of almost inevitable conflict of interest makes it more essential than ever that we provide the congressional reforms including a willingness to reduce military spending and the budgetary controls we need.

Mr. GOLDWATER. I agree with the Senator from Wisconsin. I hope that we can in the future proceed, as we always have in the past, to adopt intelligent, honest policies and positions. I have been very much concerned about the other side, just as the Senator from Wisconsin has been concerned about the military side.

I sat in some of the hearings relating to the TFX when I was previously a Member of the Senate. It was amazing to me that three men, all civilians, could upset the views of 200 men, civilians, who had unanimously voted that the TFX contract should go to the Boeing Co., and decide that it should now go to another company. Fine as the company was, I must say it did not have a fine record of producing airplanes.

If the Senator will bear with me in the coming days, we can discuss this question more fully. I merely did not want the military to be made the sole scapegoat in this situation, when there are others.

Mr. PROXMIRE. I thank the Senator from Arizona.

S. 1809—INTRODUCTION OF A BILL TO EXTEND THE WAR ON POVERTY

Mr. NELSON. Mr. President, I introduce proposed legislation today to extend the war on poverty pending a comprehensive review by the Congress and the administration during this session of Congress.

This bill strikes a reasonable compromise between conflicting proposals, as to the length of the extension period, and it adds to the war on poverty two important new elements which cannot be ignored even temporarily.

First, it incorporates the most important change proposed by the Comptroller General as a result of the audit

by the General Accounting Office—the need for top level coordination by a Presidential agency of all Federal programs aimed at eradicating poverty.

Second, it supplies meaningful funds to a neglected section of the Economic Opportunity Act—the emergency food and medical services program—to make possible a really meaningful war on hunger, bringing together all the relevant agencies of the Government, in a way which guarantees that food will be delivered to the hungry despite the barriers of red tape which have frustrated our efforts in the past.

This bill does the following:

First. Extends the Economic Opportunity Act for 5 years and the appropriations authorization for 3 years at approximately the current level of funding. Three years is the shortest period of time possible to extend appropriations if we are to incorporate the “forward funding” principle which is acknowledged to be necessary if the poverty program ever is to be properly planned and administered.

Second. Directs the President to set up within 90 days the top level, governmentwide coordinating agency which the GAO audit found to be the biggest single lack in the present program, and provides \$800,000 to finance this effort.

Third. Authorizes \$1 billion in new appropriations for the emergency food and medical services program of the existing Economic Opportunity Act, which calls upon the Director of OEO, working through the Secretary of Agriculture and the Secretary of Health, Education, and Welfare, to “counteract conditions of starvation or malnutrition among the poor.”

Fourth. Gives Congress 60 days in which to consider proposed delegations or transfers of OEO programs to other agencies, with the transfer taking place unless one House passes a resolution of disapproval.

This is a carefully considered bill designed to continue a meaningful war on poverty while affording time to review past experience and consider new alternatives.

It is a workable compromise between suggestions made in the House, the Senate, the administration, the GAO, and among students of the war on poverty.

I will discuss these various features of the bill one by one.

Extension: The most important decision which the new administration has made in the area of poverty was the decision to request that the present program be extended in essentially its present form for some period of time, during which period the administration would have time to consider long-range improvements in the program and submit them to the Congress for consideration at detailed public hearings.

The soundness of this decision seems to be almost universally accepted. The only difference of opinion centers around the time of extension. The administration suggested 1 year. The previous administration suggested 2 years. In the House of Representatives, the Education and Labor Committee is conducting hearings on Congressman

PERKINS' bill calling for a 5-year extension.

I have listened to arguments in behalf of all these proposals. The first thing one learns is that you cannot think of a compromise merely in terms of the numbers 1, 2, 3, 4, or 5. You have to relate those numbers to established procedures in the Congress and the executive branch in order to assess their significance for the poverty program. In reviewing these factors, I have been impressed by the argument developed by Republican members of the House Education and Labor Committee as they considered the Elementary and Secondary Education Act amendments this year. They supported an extension of the ESEA program for 3 years because “3 more years of operation is desirable in order to encourage advance program planning.” The Republican members of the House committee said in their minority report that they “strongly supported” the principle of forward funding. This principle is equally if not more important in the war on poverty. If we are to have it, a 3-year extension is necessary.

The next budget proposal drafted by the President, for submission to Congress next January, will be for the fiscal year beginning July 1, 1970, and ending June 30, 1971. If this budget is to have “forward funding” features, to make possible advance planning, then it must also propose certain appropriations for the year July 1, 1971, to June 30, 1972. Thus, if we are to have forward funding and sound advance program planning, we must consider a 3-year extension—from June 30, 1969, when the present Economic Opportunity Act expires, until June 30, 1972.

I will say more later about the urgent need for advance planning and forward funding.

Hunger: Frankly, after reading the President's excellent message to Congress on February 19, urging action on an extension of OEO in its present form, I was inclined to offer a bill which would do that and very little else—in the interest of reaching quick, bipartisan agreement.

But my conscience simply will not allow me to introduce what purports to be a war on poverty bill, which does next to nothing about the crisis of hunger and malnutrition which has been portrayed on front pages all across America and which has shocked the Nation.

This is not a partisan issue, or a sectional issue, or an economic issue. I do not think there is a single American who believes that hunger must simply be tolerated as an inevitable condition in our generally affluent society.

Senator GEORGE MCGOVERN, who has taken the lead in alerting this Nation to the hunger crisis through a select Senate committee, has estimated that a meaningful attack on this problem will require an additional \$1 billion to \$1.5 billion a year. The administration has reportedly been urged by the President's Urban Affairs Council to wage a \$1 billion war on hunger apparently spread over a 4-year period. Those who once questioned or resisted prompt, massive action against hunger now seem to agree we can delay

no longer. The Department of Agriculture, Senators, Governors and local officials seem ready and anxious to act.

Therefore, any bill to extend the war on poverty must have a major section on hunger.

By making a billion dollars available to the emergency food and medical services program under the existing law, this bill would give the administration a tremendous degree of flexibility in mobilizing a coordinated attack on hunger.

Furthermore, by placing responsibility in OEO, we would guarantee that the attack on hunger would be systematically fitted into the government-wide war on poverty at the local as well as the national level.

If there is anything we have learned in our anti-poverty efforts in recent years it is that none of these problems can be attacked by itself. As urgent and vital as food is, it makes no sense merely to give food to an undernourished child without considering the circumstances which made the child undernourished.

Hungry children need food, first and foremost. But they also need education. They need decent shelter. They need a stable home life. Their parents need an income. The community in which they live may need new services. That gets us into programs such as Headstart, manpower training, comprehensive health services, legal services, the Job Corps, community organization—the full range of programs now operated by OEO—plus others operated by Federal agencies.

It is especially important that residents in local communities have a role in the administration of food distribution and other poverty programs. This is best assured by giving responsibility for the program to the Office of Economic Opportunity so that local efforts will be coordinated by local Community Action agencies. If we want to make Community Action agencies meaningful and effective, we must give them resources to manage and meaningful work to do.

Everyone I know—the President, the GAO, the present leadership of OEO, the independent students of the poverty program—supports the basic idea that OEO should be an innovative agency, to break new ground, to get action in areas neglected in the past, to prod other agencies into facing problems too long ignored.

A logical place to use this innovative power of OEO is in the quest for a solution to the scandal of hunger in the richest and most favored nation on earth.

Delegation authority: The Economic Opportunity Act presently gives the President authority to delegate OEO programs to other agencies. The President has proposed to transfer the Headstart program to a new child development office under the Secretary of Health, Education, and Welfare, and to transfer the Job Corps to the Labor Department. These proposed delegations have provoked considerable controversy. It is understandable, of course, because large numbers of people are involved in and deeply committed to these programs. They cannot avoid concern when proposed delegations to other agencies are accompanied by suggestions that budgets

be drastically cut—as in the case of the Job Corps—or by implications that the program might be combined with other programs which might not be compatible—a situation which some believe exists in the case of Headstart.

However, the idea of “spinning off” successful poverty programs to older, established departments seems to have been implicit in the philosophy of the Economic Opportunity Act from the very outset, and friends as well as foes of the poverty program—including the Congress and the previous administration—have also proposed and carried out such “spinoffs.”

The crucial question seems to be how the program is to be carried out—not who carries it out.

With the Headstart program, for instance, the essential point is that it continue to be operated through local Community Action agencies. It is only when local groups, including representatives of the poor have control of the Headstart programs that the program's administrators can be effectively persuaded to pay adequate attention to the needs of the community. If the administration provides ironclad assurance on this point, and intends that a delegation to the Department of Health, Education, and Welfare strengthen the Headstart program, then it would be difficult to argue that such a delegation would be harmful to the program.

After all, the administration is responsible for administering the programs which the Congress authorizes. If we are to hold the administration accountable for the efficient and effective operation of these programs, we must give the administration reasonable leeway in developing the most effective administrative structure.

One thing Congress should insist upon, however, is a clearcut description of how the administration proposes to administer the program, and the right to say “yes” or “no” on a specific proposal. That right would be guaranteed to the Congress under the 60-day rule contained in this bill. The legislative language, incidentally, is patterned after the Executive Reorganization Act.

Forward funding: Sound administration of the very complex program undertaken by the OEO depends on sound planning. But since the program's inception congressional funding has been consistently late. The fiscal year begins July 1. It is crucial to know by April how much money will be available by July 1, if the complex administrative arrangement between poverty groups, volunteers, old line school, welfare and employment agencies, local, State and Federal Governments are to be carefully and responsibly worked out. Everyone recognizes it is especially important when working with the poor that the Government meet its obligations as promised.

What has happened? Have we appropriated funds for OEO in April? In June? In July? No. The earliest date for an OEO appropriations bill was October 7, back in 1964. Since then the dates run like this: October 31, 1965; October 27, 1966; January 2, 1968; and October 11, 1968.

During fiscal year 1968—when the appropriation did not come until January, that is, 6 months into the fiscal year—71 local Community Action agencies were forced to shut down or were forced to operate entirely with volunteers or local funds. VISTA volunteers went without pay and over 6,000 Headstart children were forced from the Headstart program that had to be terminated, according to testimony from R. Sargent Shriver, then OEO Director.

The problems of the fall of 1967 are only the most dramatic examples of the difficulties of operating a program on a month-to-month basis under continuing resolution. It is irresponsible. It is wasteful.

The problem of operating an innovative new program without any assurance of funding is bad enough at the national level, but it is especially destructive at the local level. Here is a comment I received recently from George W. Hicks, acting director of the Southern Oklahoma Community Action Foundation, Inc., in Ardmore, Okla.:

A great weakness is one that Congress could alleviate, and that is the short funding policy that OEO has had to face in the past. There have been times when OEO could not meet a payroll, and the program has been extended mainly on a year to year basis. Under these circumstances, it is difficult to fund programs and incorporate long range planning into their successful completion.

In order to break through this fiscal barrier the bill I am introducing today would provide for a 3-year extension of the poverty program and allow us to begin this year with forward funding for the poverty program.

Forward funding is that procedure, already adopted by Congress for virtually all education appropriations, whereby funds for a given program are appropriated a full year in advance so that a full year of careful planning is possible. It would allow, for the first time, adequate leadtime for careful local planning. I hope that the Senators will consider the proposal carefully.

As I said at the outset, this bill is an effort to find a solid middle ground on which the Congress and the administration can build solidly in the months to come.

The Senate Subcommittee on Employment, Manpower, and Poverty will begin hearings on this bill Wednesday, April 23, 24, and 25.

In these hearings, we will deal with the war on poverty as a high level matter of the greatest national urgency. We intend to invite some of the most outstanding spokesmen this Nation has, to give their opinion on whether this effort should be continued at approximately the present level of funding, pending a long-range comprehensive review by both the Congress and the administration.

We do not see this as a partisan issue. Neither do we see it as an issue which need divide the administration and the Congress. The President has proposed that the war on poverty be renewed pending the development of long-range proposals. He has proposed certain administrative changes to take place in the meanwhile. The Congress and the executive branch have different responsibilities

ties under our constitutional system, but this bill provides a way in which they can work together constructively in the months to come toward eliminating the scandal of poverty from this generally affluent nation of ours.

I am confident that the conscience of the Nation will express itself on this issue in the weeks ahead, and make clear that we must maintain—and steadily improve—our efforts to remove poverty from this land.

Mr. President, the nationwide protest against the Labor Department action in closing 57 Job Corps centers all across the country continues. Letters and telegrams from public officials, civic leaders, labor unions, conservation organizations, and deeply concerned individuals continue to pour into offices of Senators and Congress and into the White House.

I ask unanimous consent that another group of these urgent messages, received since I made my remarks here in the Senate yesterday, be printed in the *RECORD*. I also ask unanimous consent to have printed in the *RECORD* a section-by-section analysis of the bill as well as the bill.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill, messages, and section-by-section analysis of the bill will be printed in the *RECORD*.

The bill (S. 1809) to provide for the continuation of programs authorized under the Economic Opportunity Act of 1964, to authorize advance funding of such programs, to require notice to Congress prior to delegation of any program to another agency, and for other purposes, introduced by Mr. NELSON, was received, read twice by its title, referred to the Committee on Labor and Public Welfare, and ordered to be printed in the *RECORD*, as follows:

S. 1809

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

EXTENSION OF ECONOMIC OPPORTUNITY ACT

SEC. 2. (a) Section 161 of the Economic Opportunity Act of 1964 is amended (1) by striking out "for which he is responsible", and (2) by striking out "three" and inserting in lieu thereof "eight".

(b) Sections 245, 321, 408, 615, and 835 of such Act are each amended by striking out "three" and inserting in lieu thereof "eight".

(c) Section 523 of such Act is amended by striking out "two" and inserting in lieu thereof "seven".

AUTHORIZATION OF APPROPRIATIONS

SEC. 3. (a) For purposes of carrying out the Economic Opportunity Act of 1964, there are hereby authorized to be appropriated such amounts as may be necessary for the fiscal year ending June 30, 1970, and each of the next two fiscal years. Of the amounts appropriated pursuant to this subsection for each such fiscal year, the sum of \$2,180,000,000 shall be allocated, subject to the provisions of section 616 of such Act, in such a manner that—

- (1) \$280,500,000 shall be for the purpose of carrying out part A of title I;
- (2) \$721,800,000 shall be for the purpose of carrying out part B of title I;
- (3) \$46,000,000 shall be for the purpose of carrying out part D of title I;
- (4) \$1,032,700,000 shall be for the purpose

of carrying out title II, of which \$338,000,000 shall be for the Project Headstart program described in section 222(a)(1), \$60,000,000 shall be for the Project Headstart program described in section 222(a)(2), \$50,000,000 shall be for the Legal Services program described in section 222(a)(3), \$90,000,000 shall be for the Comprehensive Health Services program described in section 222(a)(4), \$15,000,000 shall be for the Family Planning program described in section 222(a)(7), and \$3,800,000 shall be for the Senior Opportunities and Services program described in section 222(a)(8);

(5) \$12,000,000 shall be for the purpose of carrying out part A of title III;

(6) \$34,000,000 shall be for the purpose of carrying out part B of title III;

(7) \$16,000,000 shall be for the purpose of carrying out title VI; and

(8) \$37,000,000 shall be for the purpose of carrying out part A of title III;

If the amounts appropriated pursuant to this subsection for any such fiscal year are not sufficient to allocate the full amounts specified for each of the purposes set forth in clauses (1) through (8), then the amounts specified in each such clause shall be prorated to determine the allocations required for each such purpose.

(b) In addition to the sums authorized to be appropriated pursuant to subsection (a), there are further authorized to be appropriated for the fiscal year ending June 30, 1970, and each of the next two fiscal years—

(1) the sum of \$1,000,000,000 to be used for the Emergency Food and Medical Services program described in section 222(a)(6) of such Act; and

(2) the sum of \$100,000,000 to be used for part B of title V of such Act.

(c) Notwithstanding any other provision of law, unless expressly in limitation of the provisions of this section, funds appropriated for any fiscal year pursuant to the provisions of this section shall remain available for obligation until the end of such fiscal year.

EMERGENCY FOOD AND MEDICAL SERVICES PROGRAM

SEC. 4. The President shall transmit to the Congress, within 90 days after appropriations are made available pursuant to section 3(b) of this Act, a report setting forth the actions which have been taken, and the plans to be implemented during the remainder of the fiscal year, for carrying out the Emergency Food and Medical Services program described in section 222(a)(6) of the Economic Opportunity Act of 1964, including arrangements which the Director of the Office of Economic Opportunity makes with the Secretary of Agriculture and the Secretary of Health, Education, and Welfare for using such appropriations in accordance with the purposes of such Emergency Food and Medical Services program.

ADEQUATE LEADTIME

SEC. 5. (a) Part A of title VI of the Economic Opportunity Act of 1964 is amended by adding at the end thereof the following new section:

"ADVANCE FUNDING"

"SEC. 622. For the purpose of affording adequate notice of funding available under this Act, appropriations for grants, contracts, or other payments under this Act are authorized to be included in the appropriation Act for the fiscal year preceding the fiscal year for which they are available for obligation."

(b) In order to effect a transition to the advance funding method of timing appropriation action, the amendment made by subsection (a) shall apply notwithstanding that its initial application will result in the enactment in same year (whether in the same appropriation Act or otherwise) of two separate appropriations, one for the then

current fiscal year and one for the succeeding fiscal year.

REQUIRED TRANSMITTAL TO CONGRESS OF ANY PLAN PROPOSING DELEGATION OF A PROGRAM TO ANOTHER AGENCY

SEC. 6. Section 602(d) of the Economic Opportunity Act of 1964 is amended by inserting before the semicolon at the end thereof a comma and the following: "but the delegation of administrative responsibility for any of the programs authorized by this Act shall not be effective prior to the end of the first period of 60 calendar days of continuous session of Congress (as defined in section 906 of title 5 of the United States Code) after the date on which a plan proposing the delegation arrangements is transmitted to the Congress by the President and shall not be effective if, between the date of transmittal and the end of the 60-day period, either House passes a resolution disapproving such plan".

CREATION OF ECONOMIC OPPORTUNITY COUNCIL

SEC. 7. (a) Subsection (b) of section 631 of the Economic Opportunity Act of 1964 is amended by deleting "and" at the end of clause (3), by deleting the period at the end of clause (4) and inserting in lieu thereof a semicolon and the word "and", and by adding at the end thereof the following new clause:

"(5) evaluating the overall effectiveness of Federal programs and activities in eliminating poverty in the Nation."

(b) Subsection (e) of section 631 of such Act is amended to read as follows:

"(e) Of the sums appropriated for carrying out this Act for each fiscal year, there shall be reserved from the funds available for this title the sum of \$800,000 for the activities of the Council in carrying out the purposes of this section."

(c) The President shall, within ninety days after the enactment of this Act, designate the members and the Executive Secretary of the Economic Opportunity Council, as provided for in section 631 of the Economic Opportunity Act of 1964.

PARTICIPATION OF CHILDREN IN HEADSTART PROJECTS

SEC. 8. Paragraph (1) of section 222(e) of the Economic Opportunity Act of 1964 is amended by adding at the end thereof the following new sentence: "Nothing in this Act shall be construed to prohibit the participation in Headstart projects of children who are not from low-income families if contributions are made from other sources sufficient to cover the added costs of including such children."

TECHNICAL AMENDMENT REGARDING TIME OF APPROPRIATIONS OBLIGATION

SEC. 9. (a) Section 242 of the Economic Opportunity Act of 1964 is amended by inserting after the first sentence thereof the following new sentence: "Funds to cover the costs of the proposed contract, agreement, grant, loan, or other assistance shall be obligated from the appropriation which is current at the time the plan is submitted to the Governor."

(b) All obligations under the Economic Opportunity Act of 1964 which have been heretofore recorded substantially as provided in the amendment made by subsection (a) of this section are hereby confirmed and ratified.

The material, presented by Mr. NELSON, follows:

SECTION-BY-SECTION ANALYSIS OF "ECONOMIC OPPORTUNITY AMENDMENTS OF 1969"

(A bill introduced by Senator GAYLORD NELSON, Chairman of the Senate Subcommittee on Employment, Manpower, and Poverty.)

Section 1. Short Title: Section 1 of the bill provides that this legislation may be cited by the short title of "Economic Opportunity Amendments of 1969".

Section 2. Extension of Economic Opportunity Act: Section 2 extends the duration of the authority of the Director of the Office of Economic Opportunity to carry out programs under the Economic Opportunity Act for five years beyond the existing law's expiration date of June 30, 1970.

Section 3. Authorization of Appropriations: Section 3(a) authorizes the appropriation of such amounts as may be necessary for fiscal years 1970, 1971, and 1972 for carrying out the Economic Opportunity Act.

Out of the amounts appropriated for each such fiscal year, the bill provides that the sum of \$2,180,000,000 must be allocated as follows:

(1) \$280,500,000 for part A of title I (Job Corps).

(2) \$721,800,000 for part B of title I (Work and Training for Youth and Adults).

(3) \$46,000,000 for part D of title I (Special Impact Programs).

(4) \$1,032,700,000 for title II (urban and rural community action programs), of which \$338,000,000 shall be for the Project Headstart program, \$60,000,000 for the Follow Through program, \$50,000,000 for the Legal Services program, \$90,000,000 for the Comprehensive Health Services program, \$15,000,000 for the Family Planning program, and \$3,800,000 for the Senior Opportunities and Services program.

(5) \$12,000,000 for part A of title II (Rural Loan programs).

(6) \$34,000,000 for part B of title III (Assistance for Migrant, and other Seasonally Employed, Farmworkers and Their Families).

(7) \$16,000,000 for title VI (Administration and Coordination).

(8) \$37,000,000 for title VIII (Domestic Volunteer Service Programs—VISTA).

Section 3(b) authorizes these additional appropriations for each such fiscal year (over and above other appropriations for OEO programs):

(1) \$1,000,000,000 for the Emergency Food and Medical Services program (section 222(a) (6) of the Act) and

(2) \$100,000,000 for part B of title V (Day Care programs).

Section 4. Emergency Food and Medical Services Program: Section 4 requires the President to send to the Congress a report concerning the actions taken and the plans made for carrying out the Emergency Food and Medical Services program (section 222(a) (6) of the Economic Opportunity Act). The report must be transmitted within 90 days after appropriations for the program are made available under section 3(b) of this legislation. The arrangements which the Director of the Office of Economic Opportunity makes for carrying out his functions through the Secretary of Agriculture and the Secretary of Health, Education, and Welfare are to be set forth in the report.

Section 5. Adequate Leadtime: Section 5 amends the Economic Opportunity Act to provide for advance funding of programs under the Economic Opportunity Act by authorizing the inclusion of the appropriation for a particular fiscal year in the appropriation Act for the preceding fiscal year.

Section 6. Required Transmittal to Congress of Any Plan Proposing Delegation of a Program to Another Agency: Section 6 amends section 602 (d) of the Economic Opportunity Act (which now provides that, with the approval of the President, the Director of the Office of Economic Opportunity may enter into arrangements with the heads of other agencies to delegate his powers to such agencies) to add the requirement that the delegation of administrative responsibility for any program under the Act shall not take effect until 60 days after the President has submitted to the Congress a plan setting forth the delegation arrangements. If either House of Congress passes a resolution of disapproval within the 60-day period, the delegation plan shall not be effective.

Section 7. Creation of Economic Opportu-

nity Council: Section 7(a) amends section 631 of the Economic Opportunity Act—which provides for the establishment of an Economic Opportunity Council in the Executive Office of the President—to include, among the Council's responsibilities, that of evaluating the overall effectiveness of Federal programs and activities in eliminating poverty in the Nation.

Section 7(b) amends section 631(e) of the Act, which now provides that the President shall reserve such amounts as may be necessary for the purposes of the Economic Opportunity Council, to set aside the specific sum of \$800,000 annually to enable the Council to carry out its activities.

Section 7(c) requires the President, within 90 days after the enactment of this legislation, to designate the members and the Executive Secretary of the Economic Opportunity Council.

Section 8. Participation of Children in Headstart Projects: Section 8 adds language to section 222(a) (1) of the Act to provide that nothing in the legislation shall be construed to prohibit the participation in Headstart projects of children who are not from low-income families, provided contributions are made from other sources sufficient to cover the added costs of including such children.

Section 9. Technical Amendment Regarding Obligation of Appropriations: Section 9 contains a technical amendment to the Economic Opportunity Act to make clear that a proposed contract, agreement, grant, loan, or other assistance under the Act is obligated at the beginning of the 30-day period afforded the Governor of the State for his consideration, rather than at the end of that period.

INTERNATIONAL UNION
OF OPERATING ENGINEERS,
Washington, D.C., April 10, 1969.

The Honorable GAYLORD NELSON,
U.S. Senate, Washington, D.C.

SIR: Recent news stories regarding proposed cutbacks in the Job Corps program have caused serious concern among the members of our union. Our membership of 360,000 has supported the concept of a "later-day CCC" since first proposed in Congress a number of years ago. We were very pleased to see the idea become a reality in the Job Corps Civilian Conservation Centers.

Not only have we supported the Job Corps in principle, we have supported it in action. Since 1966, our International Union has provided training as heavy equipment operators for sixty-five to seventy Corpsmen annually at Jacobs Creek, Tennessee. In July of 1968, we extended this program to the Conservation Center at Anaconda, Montana where we have a trainee census of about fifty. We have placed almost all of the Jacobs Creek graduates in union jobs across the country, and anticipate placing some one hundred more graduates from Jacobs Creek and Anaconda this summer. I am attaching typewritten copies of several of the many letters received by the Center staff from young men who have gone to work and become taxpayers instead of "tax eaters."

While not all Job Corps graduates can tell as significant a story, there is one overriding reason that this program should remain intact. About sixty per cent of the Job Corps Civilian Conservation Center entrants have reading achievements below grade level 3.5, making them—for all intents and purposes—functionally illiterate. Where will they go? Our society cannot afford to carry them forever and they are not capable of caring for themselves.

I earnestly solicit your assistance in maintaining the conservation centers so that we, along with others, may continue to help these youngsters who want to help themselves.

Very truly yours,

HUNTER P. WHARTON,
General President.

MILWAUKEE, WIS.,
April 11, 1969.

Senator GAYLORD NELSON,
Senate Office Building,
Washington D.C.:

The announcement to be made today to close the Clam Lake Job Corps Conservation Center is being viewed with great alarm by the Milwaukee public schools and Milwaukee citizens. This is the site of a valuable job training and full-credit educational program for disadvantaged Milwaukee youths and is the only one of its kind in the country sponsored by the Forest Service, Department of Labor, OEO Job Corps, and the Milwaukee schools. This important Clam Lake project gives much needed help in solving one of the large city problems of the potential dropout. Your help to save the Clam Lake project in Wisconsin will be greatly appreciated.

RICHARD P. GOUSHA,
Superintendent of Schools.

APRIL 11, 1969.

Senator GAYLORD NELSON,
Senate Building,
Washington, D.C.

DEAR GAYLORD: Strongly urge continued active support of Blackwell Job Corps. Important to take these young men from their environment long enough to help them develop respect for themselves. What better way to make useful citizens for our country. We have had them in our home and witnessed the solid results of Blackwell efforts.

DAVE FROMSTEIN.

PUXICO, Mo.,
April 7, 1969.

The Honorable GAYLORD NELSON,
Senator from Wisconsin,
Senate Office Building,
Washington, D.C.

MY DEAR MR. NELSON: There is increasing concern in our community regarding reports of extensive cuts in the Job Corps Program. This program, which seems to draw much controversy in some quarter, has proven to be a great value to both the young men involved in it, and to the people of our community through the work being done at the Mingo Job Corps Center near here.

At this center, young men from ages 16-21, considered to be a most critical age period in their lives, are given training that prepares them for gainful employment. Here, they are given a sense of their own worth as individual human beings. The Center's record of achievement has been very high, showing that over 50% of the young men have been reclaimed from the role of hopeless welfare recipient, to that of productive worker and taxpayer. Their basic educational levels have been raised, and at the same time they are absorbing needed vocational training. The average length of time spent here is 7.4 months for each young man.

In addition to their education, these young men are learning to give of themselves in service to the community. Their assistance at various times has been invaluable in helping to fight fires; in repair and painting of our City Hall and Public Library building; and in the building and improvement of area recreational facilities, which in turn provides a much needed place for city people to come and spend their weekends and vacation time. Their attendance at church has been good, and some have become members. Several of them have expressed a wish to remain in the area after their training is over, for fear that if they return to their old environment, pressures there will cause them to fall back into their old way of life. All this is achieved at a total cost of about \$4,000.00 per year for each person.

There are also many benefits to this community besides the obvious economic ones. The Center has helped teach a complacent all white community to accept people of different racial and ethnic backgrounds. Some who were opposed to the Center in the begin-

ning are now involved in volunteer efforts to help these young men.

For these and other reasons, we are sure that you can see the need for such a program as the Job Corps. We urge you to use your influence especially in behalf of the Mingo Job Corps Center. To many of us, it shines as a ray of hope in a troubled world.

Respectfully yours,

HOLLAN FANN,
Executive Vice President, Puzico State
Bank, Puzico, Mo.

THE AMERICAN FORESTRY ASSOCIATION,
Washington, D.C., April 10, 1969.

The PRESIDENT,
The White House,
Washington, D.C.:

On behalf of The American Forestry Association and its 65,000 members, we urge continued support for the Job Corps Conservation Centers. On numerous occasions staff members of this Association have visited the Job Corps Centers and reported on the excellent work being done. Not only are conservation objectives being realized but underprivileged young men are being educated and trained to become productive members of society. How much is a boy worth? We recognize your overall budget problems but the Job Corps should be continued and even expanded if at all possible.

WILLIAM E. TOWELL,
Executive Vice President,
American Forestry Association.

WAUBENO, WIS.,
April 11, 1969.

Senator GAYLORD NELSON,
Senatorial Office Building,
Washington, D.C.:

We the Waubeno Lions Club of Waubeno Wisconsin do hereby endorse the Job Corp program of the Blackwell Civilian Conservation Center we request your assistance in assuring its continuance respectfully.

WAUBENO LIONS CLUB,
Waubeno, Wis.

CITIZENS COMMITTEE ON
NATURAL RESOURCES,
Washington, D.C., April 10, 1969.

President RICHARD M. NIXON,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: We were stunned at the news release as of this date indicating the closing of approximately 60 per cent of the Job Corps Conservation Centers because of a hundred million dollar reduction in funds for the Office of Economic Opportunity.

You will recall that at the time the original Economic Opportunity Act was passed, the amendment that required 40 per cent of the enrollees in the Job Corps to be in the Conservation Centers was offered by Congressman John P. Saylor, Republican from the 22nd District of Pennsylvania. In his supporting commentary Congressman Saylor spoke of the outstanding Republican tradition in the conservation of our natural resources.

The Job Corps Conservation Centers have served the dual role of rehabilitating young men and refurbishing our country's natural resource base. The Conservation Centers have received the most educationally, culturally, and economically deprived enrollees of the entire program. Despite this handicap, however, this phase of the program has been an outstanding success.

To discontinue the Conservation Centers now would be a tragic waste of money and natural and human resources. Such a program is not born without the agony of trial and error. The experience achieved in this most difficult of learning processes will have been lost.

We most respectfully urge the earliest possible reconsideration of this decision and

sincerely hope that you will direct the continuance of this important undertaking.

Yours very truly,

SPENCER M. SMITH, Jr.,
Secretary.

NATIONAL RECREATION AND PARK
ASSOCIATION,
Washington, D.C., April 10, 1969.

HON. GAYLORD NELSON,
Chairman, Senate Subcommittee on Employment, Manpower and Poverty, Old Senate Office Building, Washington, D.C.

DEAR SENATOR NELSON: Thank you much for alerting us to the Job Corps Conservation Centers. The enclosed is a copy of a telegram sent this day to President Richard M. Nixon.

Sincerely,

SAL J. PREZIOSO,
President.

APRIL 10, 1969.

President RICHARD M. NIXON,
The White House,
Washington, D.C.:

It is important that the Job Corps Conservation Centers be continued especially in these times. They are doing much needed work in parks, forests and other public reservations and providing wholesome environment and valuable training for thousands of young people. Our young people are in need of and want more of this work.

SAL J. PREZIOSO,
President,
National Recreation and Park Association.

CITY OF GLOBE,
Globe, Ariz., April 11, 1969.

HON. GAYLORD NELSON,
Chairman, Subcommittee on United States Senate, Washington, D.C.

DEAR HONORABLE NELSON: It is very disturbing news to the people of our community to learn that the San Carlos Job Corp Center, Arizona is to be closed. I would like to bring to your attention some facts, of which I am aware, concerning this Center.

Out of the 82 Conservation Centers throughout the United States, San Carlos ranks 9th LOW in cost per man year. Approximately 1,500 young men have entered this Center, with a present enrollment of 190. An estimated 60 of these are from our State of Arizona. Economic input to the communities in annual staff wages is \$42,000, annual corpsmen wages, \$60,000, operational supplies and services, \$527,000. Appraised value of work accomplishments in progress includes, Retarded Children Home, Community Flood Control, Christmas toys for needy and cemetery cleanup, amount to \$1,008,000. The Job Corps Center employ some 52 people, of which 26 are from the local community. I might also point out the Center's involvement in the various organizations such as Elks, Chamber of Commerce, Little League, Rotary, etc. and affiliated with all local churches.

Your review and reconsideration in the closing of the San Carlos Job Corp Center, Arizona, will be greatly appreciated.

Sincerely yours,

E. ROSS BITTNER,
Mayor.

ASHLAND AREA
CHAMBER OF COMMERCE,
Ashland, Wis., April 11, 1969.

Senator GAYLORD NELSON,
Senate Office Building,
Washington, D.C.

DEAR SENATOR NELSON: The Ashland Area Chamber of Commerce wishes to inform you that the Board of Directors have passed a resolution opposing the closing of the Clam Lake Job Corp Center, Clam Lake, Wisconsin in Ashland County, that the administration has decided to close before the planned Congressional study of the poverty program which is scheduled to begin hearings on the poverty program in May.

We believe it would be most unfortunate to close Clam Lake Job Corp Center on moral basis, and what it is doing to help school drop-outs, young people who cannot read or write, lack of any trade or skill, training in conservation and other projects and programs. Much of this training to these underprivileged cannot be measured like a product, but are learning to obtain some knowledge of reading and writing, trades and conservation.

This program at Clam Lake Job Corp Center is helping youngsters into developing our youthful human resources. These youngsters should not be put back into their former environment they left and to run at will with no opportunity for their future.

The closing of Clam Lake Job Corp Center would just add greater disillusionment to these youngsters. Certainly it is the feeling that careful study should be made as to the operations of the Center, but investigations carried on to come up with carefully planned produced and developed suggestions for improvement.

Your personal efforts and consideration to the Administration opposing the closing of the Clam Lake Job Corp Center would be appreciated.

Sincerely,

ROBERT E. EGAN,
President.

GILLET PUBLIC SCHOOLS,
Gillett, Wis., April 11, 1969.

HON. JOHN BYRNES,
Senator WILLIAM PROXMIER,
Senator GAYLORD NELSON.

GENTLEMEN: Last night on the news report it was rumored that the Blackwell Job Corps Center might be closed as an economy measure by the Nixon Administration. I hope that this decision has not been made, and if it has, that it be not irrevocable.

You see, I take my political science class to Blackwell each year to show them an example of a poverty program that does work. I made a trip beforehand to study the camp and was very much impressed first with the attitude of both the personnel and the trainees—secondly, with the educational methods being used. I talked with dozens of the boys privately and what they told me showed definitely that they were learning and above all they had regained hope. They were willing to accept the challenge of becoming working members of the community. I have never in all my 17 years of teaching seen a more dynamic learning situation. It would be a disaster to close this camp.

I think and I am sure most of my colleagues in the teaching profession would echo my opinion, that what is needed is tax reform to earn more money rather than cuts in spending on essential, worthwhile programs. Is congress again going to allow the vested interests their tax havens. If so, they run the risk of a tax payers revolt from the middle income citizens such as this country has never seen. The sentiment is that strong.

Sincerely,

CHARLES R. GRUENTZEL.

NATIONAL WILDLIFE FEDERATION,
Washington, D.C., April 11, 1969.

The PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: The National Wildlife Federation protests in the most vigorous manner possible the proposed budget reduction which will result in emasculation of the Job Corps conservation program.

The Job Corps conservation program parallels, to some considerable extent, the old Civilian Conservation Corps of the 1930's which did so much for conservation and for the men who were enrolled. Many of these persons later became national leaders. Like it, the present Job Corps conservation program is having a significant and beneficial

April 15, 1969

impact upon natural resources programs while, at the same time, teaching the enrollees skills and abilities wherein they can become independent.

I am attaching a copy of a recent issue of National Wildlife magazine, which now goes to some 400,000 associated members of the Federation, that contains a feature article about this program.

We can name a host of programs less worthy than the Job Corps conservation centers, and this reduction only leads us to believe even more strongly that you are being given extremely bad advice on natural resources matters.

Sincerely,

THOMAS L. KIMBALL,
Executive Director.

WOMEN IN COMMUNITY SERVICE,
Des Moines, Iowa,
April 11, 1969.

To: Secretary of the Department of Labor, Washington, D.C.; Chairman, Labor Department Committee, House of Representatives; Chairman, Labor Department Committee, Senate of the United States; Chairman, Subcommittee on Poverty.

Subject: Closing of Job Corps Centers.

GENTLEMEN: We urgently request that you reconsider the closing of the Job Corps Centers for the following reasons:

I. Economic:

1. Job Corps Centers are already equipped to rehabilitate and train hard-core poverty young people. It seems poor stewardship of funds to equip other locations for a similar-type training when these are already in operation.

2. In view of the uncensored and unlimited spending on military and on such projects as AEM, Ultra-sonic plane exploration and others, that it would be appropriate to be a little more generous in spending for the youth of this nation.

II. Meeting the needs of hard-core poor:

1. The proposed city training program for high school dropouts will not meet the needs of young people who need to be out of their home environment in order to effect attitude changes and provide motivation to become self-sustaining.

2. Proposed dropout programs for cities will omit the rural youth of whom there are many in Iowa who need residential living training programs.

3. We feel that the prospect of closing three of the four Women's Centers in this area represents unequal treatment of women as there are already so many more men's centers in Job Corps.

We urge you to delay final decision on the closing of Job Corps to permit more time for study and exploration of the needs and investigating the results and benefits which Job Corps has produced.

Thank you for your kind consideration.

Respectfully,

Mrs. W. T. JOHNSON,
Project Director.

MOST PRECIOUS BLOOD,
Glidden, Wis., April 11, 1969.

The Honorable GAYLORD NELSON,
U.S. Senate,
Washington, D.C.

DEAR SENATOR NELSON: This letter is intended to encourage you and support you in whatever efforts you may be able to make on behalf of the Job Corps program here and across the country.

Granted that economies must be made in the expenditure of public monies, and that urban blight is desperately in need of removal. But rural America merits concern too. And the reconstruction of present and future citizens which the Job Corps program is accomplishing is a boon both to urban and rural America.

I've served on Community Relations Council for Clam Lake Job Corps Center and I've conferred with people like Mrs. Lavine of

Superior with the six Benedictine Nuns and the Christian Brothers who served out there during last summer in the education department. These are the people whose evaluation of the program ought to be considered before any action is taken to reduce or abandon the program. Not only these but also those who are earnestly involved in the conservation and development of our natural resources should be consulted. Last, but not least, closing down the Center at Clam Lake will mean closing out employment for several families in this area and consequently an appreciable economic blow to our struggling business community.

Please, then, do make your influence felt in high and low places in order to prevent or mitigate measures which might otherwise be taken to close out this beneficial program.

I am,

Very truly yours,
Msgr. GERALD F. MAHON.
P.S.—Enclosure might interest you, too!

WINSLOW, ARIZ.,
April 11, 1969.

Senator GAYLORD NELSON,
U.S. Senate Office Building,
Washington, D.C.

SENATOR: I don't know whether or not it is fitting that I should be writing to you and bothering you with the busy schedule you have.

But I no longer can sit quiet and see the Office of Economic Opportunity sent down the drain. The idea of closing down such a large number of Job Corps Centers is without any foundations at all. One day an announcement comes out that the federal government is sending in millions of dollars to riot torn areas. And by gawd within the next few days the news comes out that Job Corps centers are being closed. Is there any better way to prevent more riots in our cities than to train the residents of these areas to be proud and to work for our country.

How in the world can they turn out over 30,000 youths half trained or not trained at all? There are youths all across the United States waiting to be contacted for the chances to make themselves better. These young men and women have volunteer to be trained and to learn. How can we stop this movement now.

Sir, please continue your fight for not only Job Corps but for all the OEO programs. No other agency can do the work OEO is now doing and can do in the future with more support and money.

We the poor people need the poverty program. How else can we achieve a real victory over poverty with all the money worries of the white-middle class structure? Please hear the plead of the children who need the Head Start Program, the teenagers who need the NYC Program and Job Corps, Legal Services and Foster Grandparents help the poor, community action is suppose to fight for the poor in all cases where it is needed (even though it isn't true in our county since the community action program is run by the middle class power structure), and the VISTA Volunteers who dedicated one year of their lives to help the poor. Sir all these programs need to be continue. Why lay a foundation to the house and then decide to build the house somewhere else? It just doesn't work. Thank you for taking the time to consider the programs and fight for all our programs.

Sincerely yours,

DAN CRONIN.

MILWAUKEE CHURCH WOMEN UNITED,
Milwaukee, Wis., April 14, 1969.

Senator GAYLORD NELSON,
Washington, D.C.:

Convinced of worth of Job Corps program through our involvement your commendable support appreciated.

Mrs. GEORGE C. WAYMAN.

KINGMAN, ARIZ.,
April 14, 1969.

GAYLORD NELSON,
U.S. Senator,
Washington, D.C.:

I believe that Job Corps is the only way the underprivileged minorities have of getting a better education. I hope you can keep the program as it is.

ZEKE MESA.

TOWNSHIP OF WATERSMEET,
Watersmeet, Mich., April 11, 1969.

HON. GAYLORD NELSON,
U.S. Senate,
Washington, D.C.

DEAR SENATOR NELSON: I have just heard that not only the appropriations for the Job Corps program being drastically cut, but that many of the existing Centers are to be closed by July 1. Included in the list to be closed was the Ojibway Job Corps Center, located at Marenisco in Gogebic County, Michigan.

The Ojibway Civilian Conservation Center has done a good job in educating and providing work skills to the young men fortunate enough to have been assigned there. They have completed many worthwhile projects including a number of benefit to this community. In addition to the primary purpose, of aiding these young men, the Ojibway Center has provided employment for a number of local people and its expenditures for operation have been a help to our local economy.

I am hopeful that this worthwhile program and any cuts in it will be carefully considered. Should the closing of some Centers become necessary, we urge that the Ojibway Center remain in operation.

Sincerely yours,

FRANK BASSO,
Township Supervisor.

GLOBE, ARIZ.,
April 11, 1969.

HON. GAYLORD NELSON,
U.S. Senate.

DEAR SIR: I've been in Globe 34 years, ex U.S. Marine, truck driver, miner, salesman, cook, restaurant manager, railroad laborer, meat cutter and university graduate, attended Portland State, session at Stanford University at Palo Alto, and am of Mexican descent. (I've had their problem and had their feelings.)

I believe one of the greatest things to happen to Globe and this area was the establishment of the San Carlos CCC. Not only because of the boost in the economy but because of the opportunity for a boy of a disadvantaged area or family to change his total environment. We are looking for a change and chance to make better citizens and develop patriotism. This is happening at the San Carlos CCC.

The San Carlos CCC has a program geared to the needs of the non-English speaking. It's the only one like it in this region. One-third of our enrollment is from Arizona, (Phoenix, Tucson, Nogales), about 40% of enrollment is of Mex. descent. Let's not turn them away—

Respectfully,

JOE P. CANCHILA.

CHILLICOTHE, OHIO.

DEAR SENATOR: Please continue your good work in defense of the Job Corps.

JOSEPH A. CUDDY.

INDIANAPOLIS, IND.,
April 11, 1969.

Senator GAYLORD NELSON,
U.S. Senate,
Washington, D.C.:

Local women volunteers—Jewish, Protestant, Catholic, black, and white urge Job Corps retained as is.

Mrs. LOUIS H. FINK.

DETROIT LAKES, MINN.

HON. GAYLORD NELSON,
Senate Office Building.

DEAR SIR: I believe the Tamarack Job Corps Center in our area has been well managed and a benefit for students and teachers involved.

As a member of the community council since its inception, I have seen how not only students—but local citizens have learned to become more tolerant towards the needs of others.

I believe it would be a good center to retain if there is a cutback in the program.

Sincerely,

GERALD PRICE.

WEST ALLIS, WIS.,
April 10, 1969.GAYLORD NELSON,
Senate Office Building,
Washington, D.C.

DEAR SENATOR: Congratulations. I was very happy to see your stand as reported in this evening's Milwaukee Journal on the Job Corps. I know that you have been interested for a long time in the basic humanistic issues facing this country. Last year you spoke and wrote about our need to examine our priorities, today your stand again pointed out that you were sincere.

It does not seem to me that \$100 million taken from the Job Corps is going to save anybody anything. Ask these jokers if they know the cost of maintaining people in institutions, jails, etc.? Private industry has been asked to start to do its share in training people, and they are falling far short. We not only need the Job Corps, we need to get twice as many as 32,000 young men into programs like this.

Of course what is a few million when we have to talk in the billions about getting to the moon or building a stupid ABM system? Please, in the name of God, and for the sake of human beings, keep up your fight.

Sincerely,

NANCY FLINTROP.

APRIL 11, 1969.

HON. GAYLORD NELSON,
U.S. Senate,
Washington, D.C.

DEAR SENATOR NELSON: I sincerely hope your subcommittee will reconsider the possibility of closing so many of the Job Corps Centers.

I have no first hand knowledge of other centers, but I do know what the Clinton Center is doing for the young women who come here.

First, as a paid OEO employee, and now as a volunteer in the poverty program, I have been closely associated with Job Corps personnel and some of the corps women.

The girls at the Clinton Center are not merely trainees—the people of Clinton have welcomed the girls as an integral part of our community life. Certainly, they are learning vocations that will enable them to be self-supporting, but more important, they are learning how to be human beings.

Yes, it is costly, and I'm sure there are many ways in which costs can be cut, but in heaven's name reconsider before closing these centers. Welfare roles will increase if these young people are turned back into the streets. Either way, we taxpayers will still pay, but let us at least give these young people something to hope for.

Sincerely,

Mrs. L. D. ORSER.

CLINTON, IOWA.

CASS LAKE, MINN.,
April 12, 1969.HON. GAYLORD NELSON,
Chairman, Subcommittee on Employment,
Manpower, and Poverty, U.S. Senate,
Washington, D.C.

DEAR SENATOR NELSON: Thousands of people will be bitterly disappointed if the Job

Corps Centers are closed as announced this week.

We have had an opportunity to see the Lydick Lake Civilian Conservation Center in action and to see how they can turn an illiterate, unemployable person into a confident employable man with skills that will make him a life-long asset to this country. There were student teachers from St. Cloud State College here this spring who were surprised at the effectiveness of the teaching methods used.

We have also seen the mixture of negroes, Spanish speaking Americans, Chippewa Indians and Caucasians living and working in harmony at the Center and in our small communities near the Center.

As well as providing these young men with the education they need and their vocational training, the Center is important to this area. It has been depressed for at least 50 years—we have been here for the past 30 and so know the problems. Closing of the Center will create hardship in the area.

Mr. Clem Plattner, editor and publisher of 3 county newspapers, has observed and written about the Center. His opinion and the articles he has written would be of value to you in your subcommittee hearings. His address is Walker, Minn. 56484.

I strongly urge that the Civilian Conservation Centers be maintained—but that review be made of the whole OEO program to reduce expenses where it does not impair the quality of the programs.

Respectfully yours,

Mrs. CARL COOMBS.

MARION, ILL.,
April 11, 1969.

HONORABLE CONGRESSMAN: We know the closing of Crab-Orchard Job Corps center would be a mistake.

We know that a lot of good is being done and we think the Job Corps Corpsmen need our help. Also we know that moving this center would effect many families in this area who would have to go else where to seek employment. As you know this is concerned a low income area.

Any influence you would have in helping to keep Crab-Orchard Job Corps Center open would be greatly appreciated. We feel like they have a lot of good projects that needs to be completed.

Thanking you in advance for your help.

Sincerely yours,

Mr. and Mrs. CARL E. TURNER.

CORVALIS, OREG.,
April 12, 1969.Senator GAYLORD NELSON,
U.S. Senate,
Washington, D.C.

DEAR SENATOR NELSON: We have heard with dismay of the proposed cut in the Job Corps and Headstart. We believe such programs are vitally needed and serve an important purpose. We urge you and your subcommittee to do all in your power to stop these cuts and to keep both of the programs under O.E.O.

We also urge you to vote "NO" on the A.B.M. system.

Sincerely,

TOM and PEGGY HERBERT.

ASHLAND, WIS., April 11, 1969.

DEAR SENATOR NELSON: I am by no means very good at words, but I wish to strongly protest the closing of the Clam Lake Job Corps Center. As a tax paying citizen, I have helped to improve that center and black-top the roads. Now will all this just turn out to be another waste? What of the young men who desperately need the training they can only receive through an agency such as this?

I read in the paper this morning where President Nixon has found a \$36,000 job for an old friend. I certainly wish he would do something for the people of Northern Wis.

Mr. Nixon took office in Jan. and my husband was laid off last week—the first time in 6 years.

I don't know what one family can do by way of a protest like this, but I feel the Job Corps Center should stay in operation. It did bring a little money into this area and our poor boys need this training.

Sincerely,

Mrs. JOSEPH NELSON.

April 11, 1969.

HON. GAYLORD NELSON,
Congressional Building,
Washington, D.C.

DEAR SENATOR: I would like to voice my extreme disfavor of Mr. Nixon's closing the Job Corps Centers.

In my opinion, this is the most worthwhile project this government has undertaken in years.

Please convey my attitude to the appropriate people.

Thank you,

EUGENE G. NEWHOUSE, D.D.S.

RHINELANDER, WIS.,
April 11, 1969.Senator GAYLORD NELSON,
Senate Office Building,
Washington, D.C.

DEAR SENATOR NELSON: I was upset when President Nixon announced that he planned on closing half of the Job Corps Centers. I feel that Job Corps is too important to phase out.

Would you please try and stop this? We must not cut social programs to pay the bills of the military complex.

Thank you.

Sincerely,

JAMES D. CURTIN.

April 10, 1969.

HON. GAYLORD NELSON,
U.S. Senate,
Washington, D.C.

DEAR SENATOR NELSON: The threatened closing of the Clam Lake, Wisconsin Job Corps Center would be about as tragic as the rape of the northern Wisconsin virgin pine by the timber barons.

Since northern Wisconsin has been denuded by the timber barons, it was only through the efforts of the Civilian Conservation Corps, the U.S. Forest Service and recent work by the Job Corps that has proven of inestimable value in reconstructing our long-lost timber and water resources.

Inasmuch as many of the Job Corps enrollees are the disadvantaged blacks who might be a problem source in the city slums, just consider how much more value they are to their country to be in the great outdoors being constructive instead of being confined to city slums and thinking only of destruction.

Very truly yours,

THOMAS M. ANICH.

LEWISTON, MAINE,
April 12, 1969.The Honorable GAYLORD NELSON,
Senate Subcommittee on EMP, U.S. Senate,
Washington, D.C.

DEAR SENATOR NELSON: Many thanks for your letter expressing your views to do something constructive about the Poverty Program, especially in reference to the closing of the Job Corps Centers in many areas.

The decision to close the nearby Poland Spring Center was an irrational afterthought. This type of decision-making is irresponsible, and loaded with politics. It is based on emotional judgment and unfounded fact.

The total poverty program is sound. It is the only positive way to aid the young unfortunate youngster that has indicated his willingness to get out of his environment and do something for himself. But if the present Administration is going to make

hasty decisions such as the closing of this particular Center, this alone adds to the "failure and rejection" aspect that these youngsters have been subjected to in their formative years. All they get is rejection.

As to the cost . . . I froth with anger when I see billions spent on defense; on systems that "may not work"; on the immoral war in Vietnam. As a taxpayer, and a heavy one this year, I cannot justify paying my hard earned dollars for the kinds of defense spending that could be used toward helping our unfortunate citizens get a lease on life. The costs of Poverty versus the costs of defense . . . who are we kidding?

Thank you for asking my views. I shall be happy to come to Washington and testify that these Centers should be increased, not eliminated. That the effort to make these centers more productive be tried, rather than discarded. That more "good old American ingenuity" be used to think positively about these programs rather than drop them in the junk heap.

Senator Muskie is a dear friend. My qualifications, if needed, can be confirmed by a call to his office anytime. If I can be of further assistance by writing or phoning at my own expense, please call on me.

Thank you again.

Respectfully,

LAWRENCE J. WARD.

CHATHAM, MASS.,
April 13, 1969.

Senator GAYLORD NELSON,
Washington, D.C.

DEAR SIR: This is regarding Job Corps. Please know that I am one who has great respect for our fine President. It is therefore hard to understand why a decision concerning a slum problem was made so quickly and without regard for individual Job Corps centers.

The center at Wellfleet, Mass., is considered one of the best in the country. It has a large group of volunteer workers—men and women of intelligence and love for the boys in the camp.

They are giving them more than reading lessons. They are lifting their morale—lifting their thinking and outlook toward more constructive learning—and we feel that much good is being accomplished.

We hope that the Wellfleet Center may remain.

I am enclosing an editorial from the Cape Cod Standard Times.

Yours very truly,

Mrs. EDITH C. DEERING.

[From the Cape Cod Standard-Times]
IN OUR OPINION: WHY IS WELFLEET
PICKED TO CLOSE?

Why is the Wellfleet Job Corps Center being closed in the Nixon crackdown for economy's sake?

Why this particular center among the 59 centers to get the ax when it has admittedly been doing an excellent job and is well accepted in the area?

What were the criteria used in making the decision? And how does the administration justify closing a good camp when, as some Congressmen have pointed out, some bad ones out of 82 rural centers are being kept open?

These are only a few of the searching questions that the administration will face when the Job Corps program comes up for scrutiny in Congress soon. The decision to close the rural centers supposedly to save \$100 million is bound to touch off a controversy in Congress. The plan now seems to be to establish new mini-training-centers for untrained youths in some 30 urban areas at a cost of about \$30 million.

The Job Corps program has come under increasing fire in the last few months as some Congressmen grumbled at the comparatively high cost of maintaining a youth in a Center

until he completed training and obtained a job. And some of the centers found it difficult to win community acceptance for the poverty-stricken youths from the cities who came to the rural areas. In some places, such conflicts developed that the centers had to be closed.

The Wellfleet center, however, had a different story to tell. Community acceptance was good with many area citizens volunteering to help and work with the Corpsmen. In fact, the Wellfleet Center could easily have been developed into a showcase for the program.

No one can question the goals and motivation behind the Jobs Corps program. It is a takeoff on the Civilian Conservation Corps program which was so successful during the depression years in the 1930s.

The idea is to take a youth who lacks skills and training to hold a job and to teach him good work habits, upgrade his educational background, and do this in a good wholesome environment away from the filth and danger and crime-ridden streets of the big cities.

Now, however, the administration is choosing this moment to dump thousands of these youngsters back on the streets just when a long, hot summer is in the offing. It seems like slamming the door of opportunity in their faces just when it had been opening up.

Certainly the administration must seek to cut the budget wherever it can. But it must realize, too, that there are human values to be considered.

The Job Corps may need pruning and cutting. But why start with Wellfleet, one of the better examples of the effort to save youths from a bleak life at a bare level of existence.

Our representatives in the Congress must give the cutback order the most searching examination. There's no point in closing Wellfleet while keeping worse camps open.

WELFLEET, MASS.,
April 11, 1969.

DEAR SENATOR NELSON: May I add my strong protest on the closing of the Wellfleet Job Corps. I have worked there, as a volunteer in the reading program, and as a member of the Community Relations Council. This center has had an excellent record of achievement, and has been of great help in many ways to the community. I have known, on a personal level, many of the Corpsmen, and am impressed at the progress they have made, in learning, and in being motivated to help themselves.

It is a gross breach of faith on the part of our government to recruit these young people with the promise of two years of education and training—and new entrants are still arriving here—and then summarily turn its back on them. And it is not intelligent to turn over 30,000 young people loose in our cities in June, angry, frustrated, and disillusioned. How to make instant radicals! And some of them literally have no place to go.

If we can spend billions in Vietnam—and even for ABMs—surely we can spend a few million to salvage young lives, well worth saving. How can anyone have faith in our government when it behaves in this fashion?

Sincerely,

HELEN J. STETSON.

NORTH EASTHAM, MASS.,
June 12, 1969.

HON. GAYLORD NELSON,
Senate Office Bldg.,
Washington, D.C.

DEAR SENATOR NELSON: This letter is to urge you to do everything in your power to see that reconsideration is given to the closing of the Wellfleet Job Corps.

This Corps has been outstandingly successful. I have been a volunteer in the reading program from the start. It would be unforgivably shortsighted to allow the money that has been spent on this set-up to go for naught, to say nothing of allowing 100 boys to go back to their environment disillusioned

and discouraged in June. You want Law and Order. Is this the way to get it?

May I count on you?

Very truly yours,

EVELYN DICKIE.

CLINTON, IOWA,
April 12, 1969.

GAYLORD NELSON,
Senate Office Building,
Washington, D.C.

DEAR MR. NELSON: I understand that you are chairman of the Senate Committee responsible for review with the Department of Labor of the decision to close approximately half the Job Corps installations including the one at Clinton, Iowa. I don't know what the arguments are for this closing. I have heard it said that the Job Corps was not needed, that it was unsuccessful and that it was too expensive. None of these arguments make sense. All fall to take the reality of life in the United States today into consideration.

I am familiar only with this one installation. It's philosophy was to renew the lives of the young women who came here so that they might be useful, self-respecting citizens. These young women had been damaged and defeated by their environments. Within those environments they were unable to use what little opportunity came their way. Have you ever seen the hovels of DeRidder, Louisiana, Greenboro, Alabama, the reservation dwellings of Pine Ridge and Cheyenne-Crossing, South Dakota, or the slum ghettos of Houston, Texas, and Little Rock, Arkansas? If you have, you don't need anyone to tell you why a change in environment is necessary if rehabilitation is to take place. Trade schools which attempt to teach a skill have failed again and again for a large number of the young who are reaching out for a second chance at the Job Corps centers. To say that the Job Corps, or some modification which aims at the objective of rehabilitation of persons, is not needed is to say that this nation can afford to continue with its wide distance between the hard core unemployed and the Senator in Washington. I do not believe democracy can survive under these circumstances, indeed I do not see our present situation in this nation as an example of successful democracy.

The argument of success is a strange one. Every one seems to set up their own criterion for success so I will join the parade. Compare the attrition rate at the Women's Job Corps installations with the attrition rates for women in colleges, universities, trade schools. There is no way to measure or compare the amount of change required of the girl entering college, etc., with the change required of the girl entering the Job Corps. But I have taught girls in professional schools for many years and I never saw one who could not sit at a table with white people and eat because the experience was just too strange. I have seen this with the girls at our Job Corps.

Cost? What can't a nation afford . . . even afford of waste . . . that affords the waste in the Pentagon (know, documented waste in relation to accepted goals). Why hasn't it been dismantled because of the waste? Or that swept-wing super-sonic plane? Why is there any question in a nation that cannot afford to rehabilitate its young as to whether such a debacle should be repeated? Compare the cost of the Job Corps with what it will cost per girl to maintain them on welfare or in prison. And there is this question about the waste of what has gone into these stations for three years.

I trust you will give much agonizing thought before you recommend such a destructive move as to turn out young people who have accepted the opportunity to start again.

Sincerely yours,

ELAINE RUTH.

AMERICAN FEDERATION OF LABOR
AND CONGRESS OF INDUSTRIAL
ORGANIZATION,
Washington, D.C., April 15, 1969.

The PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: The proposed drastic cutback in the Job Corps is completely unjustified in view of the achievements of this program for so many of our disadvantaged young people.

The Job Corps concept—as a national program—is basically sound. It has provided useful work experience, a chance to get a basic education and an opportunity to live in a new and healthy environment for young people who come from the bleakest cultural and physical environments.

The Job Corps has, in effect, been a human reclamation program. It has taken thousands of young people off the streets, away from meaningless lives full of frustration and anger and has returned them to society as useful, productive citizens. Whatever its shortcomings, the positive results of this program speak for themselves.

We in the AFL-CIO have ample evidence of the great value of the Job Corps through the experience of several of our affiliated unions, several of whom have sponsored and operated Job Corps camps. We know that this program is reaching and helping young men and women from the poverty group. Through the Job Corps, these young people are becoming productive citizens employed at decent jobs with decent pay.

To take away this option for a better life that is now open to these disadvantaged young people would be a cruel blow directed at a group who have already known more than their share of failure and disappointment at the hands of the larger society.

We strongly urge that you withdraw your proposed cutback in the Job Corps so that it can continue to serve the disadvantaged youth of the country.

Sincerely,

GEORGE MEANY,
President.

NICOLET SPORTSMAN CLUB,
Wabeno, Wis., April 11, 1969.

Senator GAYLORD NELSON,
Washington, D.C.

With splendid record of Blackwell Conservation Center urge you make every effort to keep in operation.

HAROLD PICHOTTA,
Treasurer.

NEW BRUNSWICK, N.J.,
April 15, 1969.

HON. GAYLORD NELSON,
U.S. Senate,
Washington, D.C.:

As the closest neighbor of the Kilmer Job Corps Center and a former critic but now an enthusiastic supporter because of the visible results, I would consider it a privilege to be allowed to testify before your committee as to why these centers should be retained. From a selfish standpoint, we would benefit from this closing but from a humanitarian viewpoint and for the good of the nation, the centers now in operation should not be closed. A GAO report does not take into consideration the most important factor—the human one.

Mrs. HENRY FLEINCHÉ.

MADISON, Wis.,
April 15, 1969.

Senator GAYLORD NELSON,
Senate Chamber Building,
Washington, D.C.:

This is regarding the future of the Job Corps about which we are very concerned. As people who have worked with the strengths and weathered the struggles of Job Corps women in the residence extension program at

the YWCA we want to tell you how valuable this program has been in influencing the lives of many young women we have seen the growth of self confidence, pride, and the ability to function independently on a job in the 25 women we have counseled over the past year and a half. We feel that success can be measured only on an individual level and we are therefore confident that the Job Corps has been successful.

If there is anything that can yet be done to salvage the Job Corps program we urge you, as voters of Wisconsin and as citizens concerned about the lives of underprivileged youngsters, to do all that you can.

JOB CORPS SYWCA STAFF.

GLOBE, ARIZ.,
April 14, 1969.

HON. GAYLORD NELSON,
U.S. Senate,
Washington, D.C.:

San Carlos Job Corp Center in Arizona was 8th in efficiency out of 82 camps. There are 19 other camps to remain open that rank below San Carlos. I would like to protest against the possible closing of San Carlos Job Corps Center.

E. R. BITTNER,
Mayor of Globe.

PORTLAND SECTION, NATIONAL
COUNCIL OF JEWISH WOMEN,
Portland, Oreg., April 15, 1969.

Senator GAYLORD NELSON,
Chairman, Senate Subcommittee on Education and Labor, Senate Office Building,
Washington, D.C.:

We 650 Oregon women appalled at the heartless cut in Job Corps program. Who will help them achieve now with poverty in the midst of plenty? We urge you to restore this training program to help provide minimum standard of living for young people with no opportunity of success in their own communities. Will these men and women be supported in jails or by welfare funds? The American dream is for the poor too, if we help make it come true.

Mrs. MAX FORSE,
State Legislative Chairman.

NEW YORK, April 13, 1969.

Senator GAYLORD NELSON.

DEAR SIR: Knowing how the Job Corps operates, let me say it is one fine program. At this moment my observation has been at Blue Joy Marionville Penna. The teachers, have been devoted to this way of helping Boys, Read, Write, also learning a way to earn a living.

Please do all you can to keep this Job Corps, in operation. It is real worthy and worth any consideration you may further.

Sincerely yours,

Mrs. WM. WURTENBURG.

CLINTON, IOWA,
April 11, 1969.

Senator GAYLORD NELSON,
U.S. Senate,
Washington, D.C.

DEAR SENATOR NELSON: Thank you for your recent letter.

We implore you to do everything in your power to prevent the tragic cutback in the Job Corps, which includes the shutdown of the Clinton Job Corps Center for Women, in operation for less than three years.

Nine hundred women, mostly of minority groups, will be forced back into a lifetime of poverty and ignominy, and the loss in human potential will be incalculable.

What has happened to our national values if we permit this arbitrary action by Secretary of Labor George Shultz? No consideration was given to the successes, which at Clinton are considerable—no visits were made. It is a purely political decision by the Republicans designed to take away from those least able to object: the poor, black, and uneducated.

That Center was making progress, real progress, toward overcoming those problems that may yet overtake our country.

Sincerely,

JAY TINSMAN,
LINDA TINSMAN.

GLOBE, ARIZ.,
April 12, 1969.

My name is Medardo Gonzales, 36 years of age, father of seven, American and New Mexican, by birth Spanish-American by descent, a veteran of the Korean conflict, Arizonian by chance, and a voter by choice.

As a concerned citizen and voter, I am writing to protest the closing of the 57 Job Corps Centers in general, and the San Carlos Job Corps Center in particular.

What is to become of the thousands of disadvantaged youths whose only hope for a niche in society lies in Job Corps? Can we, and must we, as human beings deny these young men and women, on whose shoulders the future of our country depends, the chance to become better and more useful citizens? Are we going to turn them out into the streets and ghettos with no hope of obtaining employment because we have denied them the right to learn and earn? Have we as a righteous nation ever denied the underprivileged of the world? Are we going to start now? We cannot and we must not let these young people down! Therefore, I am asking for your support in helping these young people. These are the future voters and citizens of this great nation!

Because of its unique Special Education program, San Carlos is one of the few, if not the only center, to offer a program of education designed to fit the needs of non-English corpsmen of Spanish descent. At the same time they are learning a skill so they may become employable. They are also learning the meaning of being a first-class citizen, and developing a feeling of pride in being bi-lingual. They are finding out that theirs is a dignified and respected culture and that they should not feel inferior because of language and cultural barriers. What more can we ask of Job Corps? What answer do you give the corpsmen who ask: "Will I be transferred to a center where I can continue learning English?"

Can you, as an influential and respected American, in good conscience condone this act? Or do you care?

MEDARDO GONZALES.

ASHLAND, WIS.,
April 11, 1969.

Senator GAYLORD NELSON,
Senate Office Building,
Washington, D.C.

SIR: Yesterday we went on a tour of the Clam Lake Job Corps Conservation Center. The Principal explained to us the lack of formal education, background of economic poverty, and sometimes trouble with the law that is typical of these boys. Then he took us on a tour of the buildings and we had dinner there. We met several of the corpsmen and found them very courteous; and we enjoyed their company.

Last night in the Ashland Daily Press there was an article on the front page announcing the closing of the Job Corps camp by July 1st. It does not seem right that the corpsmen should be sent home to the troubled situations that they came from. Although they may be doing well in Job Corps, if they are sent home before completing their training, it may all be in vain. Moreover, thousands of other similar youth in our nation desperately need the training opportunity which at this time only Job Corps seems to be providing.

We learned that many of the graduates from this program have found good jobs with the skills they learned there. But skills are not all that is gained in Job Corps. They learn responsibility in classes and on their jobs,

and they learned to get along with the other fellows there.

In conclusion, we would like to say that it is our opinion that the Clam Lake Job Corps Center and all others across the nation should not be shut down, as they are of great value to the individual Corpsman as well as to the economy and welfare of the entire nation!

Most sincerely,

(All addresses, Lancaster, Wis.:)

Nancy Hall, Pam Martin, Ken Gelhaus, Pastor, Dennis Baillie, Thomas Henry, Warren Crews, Arthur Tobias, Valerie Crews, Mrs. Martha McLean, Lee Kirschbaum, Diane Stick, Sherry Meighan, Loyce Jerrett, Kathy Graney, Cheryl Saylor, Julie Baillie, Donna Ames, Ruth Anderson, and Jan Federly.

CLINTON, IOWA,
April 13, 1969.

Senator GAYLORD NELSON,
Senate Office Building,
Washington, D.C.

DEAR MR. NELSON: As Chairman of the Senate Committee on Labor, please do all you can to save the Clinton Job Corps Center! We do not care if the Department of Labor takes over from OEO. We can see where changes and improvements need to be made. And just maybe many, many of the Clinton citizens could help in making or suggesting such changes. Only come see for yourself the tremendous center you got going here, the quality of work done, the equipment, space, personnel poured into this center—and judge if this should all be given up after only 3 years. How can you tell if anything better can take its place? You will still be working with people and government money—why not work at doing this better?

I am a registered Republican, a woman who benefits in no way economically from the Job Corps. But I see human potential every day in those girls. I with many other women, give volunteer help at the Center to counsel, have the girls in our homes, shop with them, take them on trips, try to be a home-away from home for them. Most of them do care and do not drop out. Please give us a chance. What can one of us do to help you and your committee to reconsider this plan?

Sincerely

FLORENCE DEMPSEY.

KINGMAN, ARIZ.,
April 14, 1969.

GAYLORD NELSON,
U.S. Senator,
Washington, D.C.:

These children in Job Corps have a chance to learn good discipline and become good citizens where otherwise would remain as underprivileged and a burden to their communities. Give them a chance.

MARY ANN FRANK.

MELLEN, WIS.,
April 10, 1969.

DEAR SENATOR NELSON: Apparently the Nixon administration, in an effort to cut government spending at any cost, is contemplating the elimination of certain projects that have provided reasonable opportunities for underprivileged Americans, while simultaneously aiding the economic structure of numerous American communities. Among these proposed cutbacks, as reported today, April 10, 1969, on radio station WATW, Ashland, is the possible closing down of certain Job Corps sites, including the camp nearest to our community, the Clam Lake Job Corps.

If the camp at Clam Lake is closed, then several of the citizens of Mellen and other areas will be out of work, the youths from poverty-stricken homes who abide at the local Job Corps will be deprived of a chance for self-improvement, the surrounding com-

munities will lose several hundreds of thousands of dollars of annual commercial income, and the solid buildings and modern facilities of the camp will be vacated.

Although we appreciate Mr. Nixon's concern about the gigantic proportions of the annual U.S. budget, please, Mr. Nelson, do not allow the poor people of this nation to continue to suffer unnecessarily at the expense of preserving the "good record" of the present administration.

We appreciate your time and effort spent to remedy this situation.

Sincerely,

Mrs. ANNABELLE POPE.
Mrs. HELEN KOIWISTO.

KINGMAN, ARIZ.,
April 14, 1969.

GAYLORD NELSON,
U.S. Senator,
Washington, D.C.:

I have noticed the good work that Job Corps is doing in Kingman and urge that the Job Corps be continued here.

BETH THOMSON.

KINGMAN, ARIZ.,
April 14, 1969.

GAYLORD NELSON,
U.S. Senator,
Washington, D.C.:

If our young men and women are to be self-sustained, we urge that Job Corps continue.

TERRY CROCKER.

KINGMAN, ARIZ.,
April 14, 1969.

GAYLORD NELSON,
U.S. Senator,
Washington, D.C.:

Job Corps is doing a wonderful job in helping the underprivileged and urge you to continue this good work in Kingman.

GIL MILLIKEN.

MARION, ILL.,
April 12, 1969.

Senator GAYLORD NELSON,
Senate Office Building,
Washington, D.C.

DEAR SENATOR NELSON: We think the closing of Crab Orchard Job Corps Center would be a mistake. We feel it would have a tragic effect on this area. (Already a low income area.) Families will have to leave to find employment elsewhere.

Worst of all is what it would do to the boys. We know how much they have been helped. Each of us has the right to develop to our best potential. How can these boys do this without help and training? They have the right to become useful and dependable citizens. This they cannot do without proper help. If not trained and educated they will, for the rest of their lives, be problems and dependents for our government. Where better can they receive this training than at Crab Orchard National Wildlife Refuge, where already planned training is available and one is close to nature which reflects the love of God.

Some of these boys have attended our church and have been guests in our home, so we write from first hand information. Boys have been and can be helped here. We do not feel training can be done nearly as successfully in the ghetto area as in this location. Many projects of great help to the community have been planned and begun. To discontinue them would be a waste of both time and money. Again we say money is not the most important issue, but the lives of the boys.

Enclosed is a clipping from our newspaper which expresses the feelings of others in our area.

Thank you for your help in keeping Crab Orchard Job Corps Center open.

Respectfully yours,

Mr. and Mrs. JOHN T. BROWN.

OFFICIAL SAYS: CLOSING CRAB ORCHARD CENTER WOULD BE MISTAKE

The chairman of the Citizens Advisory Committee of the Crab Orchard Job Corps Civilian Conservation Center said today he thought the federal government would "definitely be making a mistake" to close the center.

"It has done a wonderful job for the boys," said Rue Starr Sr.

Reports are that the Nixon administration plans to close 57 centers, including Crab Orchard, in 30 states as part of a \$100 million economy move.

Speaking of the Job Corps program as a whole, Starr said that "of 90,000 boys run through the Job Corps, about half are gainfully employed, are in school or in the service. When you balance that against \$100 million, you don't have much."

"The people should do something to help save the Job Corps," said Starr.

Carbondale Mayor David Keene said there was nothing official on the Crab Orchard Center closing but that if it happened, "it would be a tragedy not only for this area but for the boys. I am going to do everything possible to keep them from closing it."

"Some schools are graduating students who can't read and write. The Job Corps is teaching these boys to read and write and without that in this day and age, you go on the scrap heap."

The Crab Orchard Center, with 101 boys, is located in the Crab Orchard National Wildlife Refuge.

Assistant center director Clayton Bubb said he was told by the national office in Washington and the regional office in Minneapolis that there was nothing official on the closing of the Crab Orchard center, which is administered by the Bureau of Sports Fisheries and Wildlife of the Department of Interior.

He said the center had enjoyed excellent relations with nearby towns and had participated in several projects.

"I would hate to see it closed," said Arch Mehrhoff, manager of the Crab Orchard refuge, who handles some of the work assignments for the corpsmen.

"They have made a major contribution to improvements in camping and picnic areas and I have work scheduled for them for the next year," said Mehrhoff.

The center opened in June 1965.

CLINTON JOB CORPS CENTER,
Clinton, Iowa, April 10, 1969.

TO: GAYLORD NELSON:

I am a Corpwoman at the Clinton Job Corps Center, Clinton, Iowa. I am writing to protest the closing of the Centers. Don't let them close the door of opportunity to us. Help us fight this unpatriotic move. We want to be responsible adults, so don't let them take our chance away.

Thank you.

Sincerely yours,

MIGUELINA ALVAREZ.

GLOBE, ARIZ.,
April 14, 1969.

Senator GAYLORD NELSON,
Chairman, Subcommittee on U.S. Senate,
Washington, D.C.:

We, the corpsmen of the San Carlos Job Corps conservation center in Globe, Ariz., wish to thank and to express our gratitude for your support in the future of Job Corps and our center. We do not understand why Mr. Shultz wants to close San Carlos when, 1. Only eight centers in the Nation operate at lower cost than ours. 2. Only seven centers in the Nation have corpsmen who have made faster reading (educational gains) than us. 3. Only eight centers graduated a higher percentage of corpsmen than ours. 4. Only 13 centers have a longer length of stay than ours (we are 7.1 now and many have completed a full two years). 5. We have fifty percent Spanish speaking corpsmen and 30-

45 do not speak English at all when they first arrive. San Carlos is one of the few centers in the national able to teach English as a second language. 6. No center in the Nation has enjoyed better community relations than San Carlos, it has always been excellent. 7. We have completed over a million dollars worth of recreation, conservation, and community development and we have learned to take pride in our work and training. We know you will do everything possible to make these facts known to Mr. Shultz.

CORPSMAN COUNCIL, SAN CARLOS CORPS CENTER.

GLOBE, ARIZ.,
April 14, 1969.

HON. GAYLORD NELSON,
U.S. Senate Office,
Washington, D.C.:

Washington closing national 9th ranked San Carlos with bilingual program for non English Mexican Americans. Why?

CRUZ SALAS.

OIL IMPORTS, PROFITS, AND TAXES

Mr. PROXMIRE. Mr. President, I should like to reply to some of the points made by the distinguished Senator from Louisiana (Mr. LONG) yesterday. To do so, I ask unanimous consent that I may speak for 15 minutes in the morning hour.

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

Mr. PROXMIRE. Mr. President, I rise to provide further information for the Senate on the issue that the Senator from Louisiana (Mr. LONG) raised yesterday concerning the amount of foreign oil being permitted to enter the United States and the amount of taxes paid by the oil industry. On yesterday there was sharp disagreement between the Senator from Wisconsin and the Senator from Louisiana.

I enjoyed the debate very much. One thing about being in this kind of debate with the Senator from Louisiana is that one does not have to worry about false senatorial courtesy. I think that is most wholesome and helpful. I hope that the Senator from Louisiana will continue to be as frank and as open today as he was yesterday.

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

Mr. PROXMIRE. I yield.

Mr. LONG. Mr. President, as far as I can determine, I breached no rules with regard to my good friend the Senator from Wisconsin. I admire the Senator. I am fond of him. I love him. My sentiments do not change even when I find him in error. However, loving him as I do, I feel it my duty from time to time to correct him when I find him falling into error.

Mr. PROXMIRE. Mr. President, I said that one does not have to worry about any false, I repeat, false, senatorial courtesy.

Mr. LONG. I thank the Senator.

Mr. PROXMIRE. I am sure the Senator is sincere in expressing his affection. It is reciprocated.

Mr. LONG. I thought it was appreciated.

Mr. PROXMIRE. It certainly is, and I think that the Senator knows it.

Yesterday, the Senator indicated that about 25 percent of the domestic demand for petroleum was being filled by foreign oil. Quite frankly, I am unable to find any documents to support this estimate.

I have analyzed the figures published by the Oil Import Administration, which is directly responsible for the oil import program and I could not find a figure for foreign oil imports which came close to 25 percent.

Imports into districts one to four are limited to 12.2 percent of estimated domestic production. District five, the west coast, is treated differently, as the Senator from Louisiana rightly pointed out. Imports into district five equal the difference between the amount that can be produced domestically and the total demand in that district.

According to the Oil Import Administration, total demand for petroleum in 1968 was 12,837,000 barrels a day. This includes districts one to four and district five. Excluding residual oil, which is imported without limitation, we had a total demand of 11,114,000 barrels a day. Imports for 1968, including residual oil totaled 2,525,000 barrels a day. Imports excluding residual oil totaled 1,502,000 barrels a day.

Based on these figures, if we include residual oil which is imported without limitation because domestic refiners did not find it profitable enough to produce sufficient amounts, we arrive at imports for 1968 of 19.7 percent of domestic demand. However, this is not a realistic appraisal of the situation.

WITHOUT RESIDUAL OIL 13.5 PERCENT IMPORTED

Residual oil imports should be excluded from the total figures because domestic refiners could not or would not produce such a low profit item and, thus, it had to be decontrolled. Imports into the entire United States, districts one to five, excluding residual oil, totaled only 13.5 percent of domestic demand in 1968.

However, even this percentage of foreign oil imports is too high, if we are to view the oil import situation realistically. Assuming for the purposes of argument that the oil import program is really designed to protect our national security and is not designed merely as another price-support mechanism for the oil industry, we ought to exclude Canadian oil from the amount of imports. Canadian oil which enters our country by pipeline is more secure than the domestic oil being pumped from the wells offshore in many States including Louisiana. As the Senator from Louisiana has already indicated, these wells are very vulnerable to submarine attack, yet, no one says that production from these wells should be curtailed in the interests of national security.

WITHOUT RESIDUAL OR CANADIAN-ONLY 9 PERCENT IMPORTED

If we exclude Canadian oil coming into the United States by pipeline and residual oil, we find that we import less than 9 percent of our total domestic demand for oil. Even if we include residual

imports, foreign oil only consists of 15.8 percent of our total demands. This is almost 10 percentage points or 40 percent less than the 25 percent mentioned by the Senator from Louisiana.

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. PROXMIRE. Mr. President, I now yield to the Senator from Louisiana.

Mr. LONG. Mr. President, the Senator made the statement that we did not produce residual fuel oil. The reason we do not produce residual fuel oil is, the Senator stated, that it is a low-profit item. Is the Senator sure that is the reason that we do not do it?

Mr. PROXMIRE. That is the principal reason.

Mr. LONG. Let me say to the Senator that the principal reason why we do not produce the residual fuel oil is that the U.S. oil is of a relatively light nature, a relatively high gravity. We can use all of the oil produced, and we make a lot of No. 2 fuel oil. It does not pollute the atmosphere. But it is cheaper to use residual and residual is commercially competitive with coal. However, if one is a producer of oil or coal, he is still competing for the fuel market.

When one brings in residual, insofar as it is used, it is burned over a boiler. They use it to generate power. When one uses the residual and burns it under a boiler, it results in either one of two things. It results either in the loss of a job to a coal miner or a man in the oilfield. However, in either event, the fuel oil competes with the No. 2 fuel oil.

Insofar as that is done, we have eliminated employment. However, if an oil producer were to look at the market, he would have to conclude that while it is true that he must compete with the coal people for the same purpose that residual oil was produced, that is part of the market that is being lost. That is part of the relatively uncontrolled imports.

I have figures from the U.S. Tariff Commission dealing with this matter. I ask unanimous consent that the tabulation be printed at this point in the RECORD.

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

U.S. CRUDE OIL PRODUCTION AND FOREIGN OIL IMPORTS

[In thousands of barrels daily]

TABLE 1.—DISTRICTS I TO IV

	1967	1968
U.S. Crude oil production.....	7,737	7,878
Imports (controlled):		
Crude oil.....	769	964
Unfinished oil.....	64	60
Other products.....	128	192
Total.....	961	1,216
Imports (uncontrolled): Residual.....	1,065	1,133
Total imports.....	2,026	2,349
Aggregate U.S. production plus total imports.....	9,763	10,227
Controlled imports as percent of aggregate.....	9.84	11.89
Uncontrolled imports as percent of aggregate.....	10.91	11.08
Total imports as percent of aggregate.....	20.75	22.97

U.S. CRUDE OIL PRODUCTION AND FOREIGN IMPORTS—
Continued

[In thousands of barrels daily]

TABLE 2.—DISTRICT V

	1967	1968
U.S. crude oil production.....	1,073	1,217
Imports (controlled):		
Crude oil.....	359	326
Unfinished oil.....	32	20
Other products.....	49	55
Total.....	440	401
Imports (uncontrolled): Residual.....	13	18
Total imports.....	453	419
Aggregate U.S. production plus total imports.....	1,526	1,636
Controlled imports as percent of aggregate.....	28.83	24.51
Uncontrolled imports as percent of aggregate.....	.85	1.10
Total imports as percent of aggregate.....	29.68	25.61

TABLE 3.—DISTRICTS I TO V

	1967	1968
U.S. crude oil production.....	8,810	9,095
Imports (controlled):		
Crude oil.....	1,128	1,290
Unfinished oil.....	96	80
Other products.....	177	247
Total.....	1,401	1,617
Imports (uncontrolled): Residual.....	1,078	1,151
Total imports.....	2,479	2,768
Aggregate U.S. production plus total imports.....	11,289	11,863
Controlled imports as percent of aggregate.....	12.41	13.63
Uncontrolled imports as percent of aggregate.....	9.55	9.70
Total imports as percent of aggregate.....	21.96	23.33

Mr. LONG. Mr. President, in districts 1 through 4, controlled oil imports under the 12.2 were 9.84 in 1967 and 11.89 in 1968. They are up.

Then, the uncontrolled part was 10.9 percent in 1967 and 11.08 in 1968, for a total of 20.75 in districts 1 through 4. Total imports as a percent of the aggregate U.S. crude production plus imports were 22.77 in 1968.

In district 5, in 1967, the controlled imports were 28.83, and they were 24.51 in 1968. I assume that was larger because of Alaska coming in strongly in that area. The uncontrolled was 0.85 percent in 1967, and 1.1 in 1968, for a total of 29.68 in 1967, and 25.61 in 1968.

Now take the total for the entire United States. It works out this way: Controlled in 1967, 12.41; uncontrolled, 9.55. That makes a total of 21.96.

Take the next year, 1968: Controlled, 13.63; uncontrolled, 9.70. That makes a total of 23.33, which is getting pretty close to the 25 percent I mentioned yesterday.

The members of the staff of the Committee on Finance who compiled these figures and obtained this information for me and study these matters for the committee say the projection they have made this year is that it will be 25 percent, which is partly gone already. We try to estimate these things as best we can, and our projection is that this year it will be 25 percent of the market for oil.

Mr. PROXMIER. Mr. President, I strongly disagree with a number of points made by the Senator from Louisiana.

In the first place, I am relying on the agency that has responsibility for the

importation of oil, that issues licenses, and that should have the facts—the Oil Import Administration. The figures I read are the figures they gave.

In the second place, as I pointed out, and as the Senator made clear in his explanation of the technology of oil, the fact is that residual oil has been decontrolled. There are technological reasons for it as well as profit reasons. I think profit reasons are important, also. What I am talking about is the importation of oil from abroad that competes and has a really significant effect on the price of gasoline and the price of home heating oil.

I am sure there is some degree of overlapping and competition between residual oil from abroad and No. 2 oil here, but not much. Residual, by and large, is used by big industry and some large apartments, but the home heating oil is the principle oil used in home heating.

Further, Mr. President, when we consider the Canadian import, the fact is that competing oil import adverse to our national defense is a modest percentage; as I have said, approximately 9 percent.

Mr. President, to proceed, I should like to clear up some other misconceptions on the part of the Senator from Louisiana.

END OF OIL IMPORT PROGRAM WOULD LOWER OIL PRICES

The Senator indicated that, once the American markets were opened to foreign crude oil, prices would rise above the \$1.75 mid-Eastern price because we would become dependent upon that oil. I find it hard to accept that argument. It assumes that the OPEC—Organization of Petroleum Exporting Countries—countries could control the total amount of oil produced. The OPEC has tried twice already to control the amount of oil produced by its member countries, but has failed because there is too much excess oil in the world markets. Should the market for that oil become larger by opening up the U.S. market to such oil, competition might drive the price down even more. I do not think it necessarily would, but it might; and this was the testimony of some of the witnesses before the Hart subcommittee.

The incremental cost of producing more oil from existing pools is minimal. I cannot believe that these countries of such diverse backgrounds could band together, trusting each other only to produce a certain amount of oil. More likely is that these countries might cut their prices in an attempt to gain a larger share of the market and thus the world price of oil could conceivably continue to go down.

I might add, as I have indicated, that this was the unanimous conclusion of the economists who testified before Senator Hart's Subcommittee on Antitrust and Monopoly.

As I have said, I think these witnesses could be wrong. I have taken a more moderate position. But, certainly, the end of the Oil Import Act, which I do not call for, the modification of it, would have the effect of driving down the prices to the consumer in this country, and driving them down sharply.

OIL IMPORT PROGRAM DESIGNED TO INCREASE PRICES

I think that the basis for the oil import program was very eloquently stated in two editorials in the New York Journal of Commerce. I ask unanimous consent to have them printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. PROXMIER. I should like, however, to point out two paragraphs which summarize the oil import program's true purpose. Remember, this is the New York Journal of Commerce speaking, not the Senator from Wisconsin:

In no instance . . . has the contradiction between the government's anti-inflation and protectionist policies been more flagrantly exposed than in the oil import quotas which continue to penalize many users for the benefit of a relatively few producers.

It is high time this whole mock and dumb-show was abandoned, and if not in the interests of the national welfare, then at least in the interests of national credibility. National security is not now, never was, and never could be a valid excuse for this travesty. Not unless one is willing to accept the explanation that an armed hold-up was committed because the aggressor felt he needed more money and to exonerate him.

Now, this is not the position of the Senator from Wisconsin. I take a more moderate position. This is the position taken by the Journal of Commerce.

I think one can make a case for limiting oil imports for national defense reasons, but I think the present program leaves out of account the Canadian oil available to us, which is much more available than some oil offshore.

It leaves out of account the difference in the Venezuelan oil available to us. It is true that is not as easily available as continental oil, but it is far more accessible than mid-Eastern oil. It leaves out of account the experience we had in World War II, when we were able to greatly diminish the amount of oil consumed domestically by gas rationing, and we can do that again. It leaves out of account the fact that we now live in a nuclear age and the prospects that any war that could cut off oil from this country for any period of time would have to be a confrontation between a nuclear power, probably Russia, and this country. Such a war would not last a matter of months or weeks. It would be over in a matter of hours or days.

Furthermore, it leaves out of account that by not using as much foreign oil, we do use up our own limited resources more rapidly; and this could diminish rather than increase our ability to defend ourselves by diminishing this valuable and limited resource.

Mr. President, on the basis of this, I would not cut off the oil import program. I think that before we act on it, we should wait for the report of the Shultz committee, which is now studying the oil import program. Secretary Shultz has been appointed by President Nixon to study and report on the national defense justification of the oil import program.

I think, also, we should give real consideration to the possibilities of oil shale, which some people tell us is worth trillions of dollars and could supply enor-

mous oil reserves, far more than we could need for many years. It is true that we need a technological breakthrough. Some people point out that by spending \$1 billion or less, which is far less than the oil import program costs us in a year, we could make real progress in making this resource available. So the national defense justification for the oil import program is very vulnerable indeed.

In summary, then, the oil import program's surest purpose is to enable the oil industry to continue to fix prices.

Professor Steel undercut the economic rationale of the program when he pointed out that even if prices for domestic oil dropped to \$2 a barrel—one estimate of the price of middle eastern crude oil delivered to the United States—95 percent of our domestic production would still be economical.

If I may paraphrase him, we are spending between \$2 billion and \$7 billion a year to keep 5 percent of our wells in production, and that depends on which source one takes. The Department of Interior reports that oil imports are costing us \$2 billion. The figure from the chief economist of the Hart committee, John Blaine, is \$7 billion. My estimate is that it is somewhere in between. Regardless, it is costing billions of dollars a year to keep just 5 percent of our wells in production. Many people feel that does not make sense. In fact, most people who are not connected with the oil industry do not think it makes sense.

OIL TAXES LOW—PROFITS HIGH

The Senator from Louisiana made mention of the profits of the oil companies and the taxes that they paid. He indicated that they paid a much higher rate than appears from merely quoting the Federal income tax paid.

First, let me deal with oil company profits. I ask unanimous consent that report on oil company profits for 1968 from the Oil Daily be printed in the RECORD at the conclusion of my remarks as yesterday's Wall Street Journal article which indicates that Standard Oil of Indiana expects record high profits for the coming year.

The PRESIDING OFFICER. Without objection it is so ordered.

(See exhibit 2.)

Mr. PROXMIRE. As these reports show, the oil industry is a very healthy one indeed. Fourteen Senators, in a letter to the Attorney General, pointed out "that in 1968 the combined net profits of the 12 largest U.S. oil companies was just a fraction under \$5 billion. Each of those 12 companies, moreover, has set new profit records in each of the last 4 years. Just 4 years ago, the profits of these 12 companies totaled \$3.7 billion. During that short span of time, they have, thus, increased their profits by just under \$1.3 billion—a 33.5-percent increase." I ask unanimous consent that the letter be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 3.)

Mr. PROXMIRE. Mr. President, this is not a poverty-stricken industry. Now, let us move on to the claim that the oil industry pays more than its share of taxes.

I ask unanimous consent that the tax table published in U.S. Oil Week of the Federal taxes of the largest refiners be printed in the RECORD at the conclusion of my remarks. The figures are very interesting.

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

(See exhibit 4.)

Mr. PROXMIRE. Mr. President, the usual Federal corporate income tax is 22 percent on earnings of up to \$25,000 and 48 percent on earnings over \$25,000. The figures published by U.S. Oil Week show that the average income tax paid by the large oil companies in 1967 was 8.8 percent, although they earned over \$7.25 billion. The figures are even more enlightening when we get down to specific companies. Atlantic Richfield which earned over \$410 million in the past 5 years paid not 1 red cent in Federal income tax. Texaco which led the recent price increase in order to get a larger depletion allowance and, thus, cut its taxes still further paid on 1.9 percent of its income in Federal income taxes in 1967.

Don Bartlett of the Cleveland Plain Dealer who is one of the best investigative reporters in the business has looked into the amount of taxes paid by the oil companies. I ask unanimous consent that two of his articles on this subject be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 5.)

Mr. PROXMIRE. Mr. President, why do the oil companies pay so little in Federal taxes? The reason is simple. They are the beneficiary of more tax loopholes than any other industry. They have the oil-depletion loophole which bears no relation at all to actual capital investment and has allowed oil companies to recover the cost of drilling their wells 19 times over. They write off against ordinary income about 90 percent of the intangible drilling and development costs. In any other business they would have to capitalize these expenses. They are entitled to carved out production payments which enables the oil companies to avoid even more taxes by shifting income from year to year as needed. There are more loopholes such as the 14-point Western Hemisphere allowance, but rather than spend time now explaining them all I commend Don Bartlett's article for a description of them.

All these tax breaks are said to be designed to encourage domestic exploration and development. Yet, the Treasury Department-commissioned study found that for every \$1 of discovered reserve over \$10 in tax revenue was lost because of the depletion allowance alone. This does not take into consideration the revenue loss due to expensing and other tax loopholes. And it does not include, as I pointed out in my analysis of the costs of the oil import program that the program costs the American economy about \$2.1 billion more each year than the oil industry is spending on domestic exploration.

My distinguished colleague, Representative WRIGHT PATMAN, of Texas, esti-

mated that 40 percent of depletion was taken for foreign drilling. If national security is, indeed, the reason for all these gigantic tax breaks, why should we allow foreign depletion allowances? Additionally, why should we allow oil companies to write off disguised royalty payments to foreign countries, such as Saudi Arabia, dollar for dollar against U.S. taxes owed? This is the "golden gimmick." In effect, it forces the American taxpayer to bear 50 percent of the cost of foreign taxes paid to these countries. It does not make sense in either economic terms or in terms of our national security.

The Senator from Louisiana and others say that the oil companies pay a higher rate of taxes than is shown by the Federal income taxes they do or do not pay. This is true. But then, so do other industries. Even if we take into account foreign and State taxes, the oil companies do not pay as high a percentage of their revenue in total taxes as small businesses earning less than \$25,000 a year pay in just Federal income taxes. And, of course, they paid much less than most other big businesses. In 1967, the oil companies paid only 21.9 percent of their income in Federal, foreign, and most State taxes—including severance taxes. And that was the highest percentage it has paid in years.

This excludes local taxes—property taxes—but all industries pay property taxes. I have never seen an instance where the oil industry had to pay higher property taxes in relation to the value of their property than other industries. Indeed such a tax would be of questionable constitutionality. It is true that I exclude the excise tax involved when we drive into a filling station and tell the operator, "Fill her up." My assumption is that those taxes are paid by the consumer. In the debate yesterday, I felt that the Senator from Louisiana realized that was a tax with a different impact than income tax, where the effect is on the stockholder, than the excise tax which is shifted to the consumer.

I must conclude, as did almost all the academic witnesses before Senator HART's committee, that the oil companies are the beneficiaries of gigantic but undeserved Government favors. The Government enables them to fix prices through the oil import program and the market proration systems. The Government allows them to escape paying their fair share of the taxes we all must bear.

Finally, the Government provides all sorts of free services for the oil companies, such as statistical, geological work, and the Interstate Oil Compact Commission, which effectively exempt the oil industry from antitrust action.

I am delighted to yield to my good friend from Louisiana who has been very patient. There is no question that he is extremely competent in this area. He knows it thoroughly. I may say one more thing. If anybody can do a good job with a weak case, it is the distinguished Senator from Louisiana. He pointed out yesterday that he knew much more about this matter than I, and he may be right. However, allowing for his rhetorical superiority, if anyone would just look at the merits of the debate that emerged from the little discussion had

yesterday, he would have to come to the conclusion that the oil industry is getting away with murder.

EXHIBIT 1

[From the New York Journal of Commerce and Commercial, Apr. 4, 1969]

NOT THROUGH THE NOSE, PLEASE

The morality of pricing in the United States is a subject that has never failed to intrigue us. Actually—if this land were as purely a capitalistic society as Russian school children are taught to believe it is—that phrase would be meaningless. If the demand for particular goods or services were outrunning the supply, their prices would rise. If the demand was short, they would fall. Morality would not be involved. That was what we were all taught in freshman economics.

But despite living in a country saddled with a Puritan heritage we were not taught (in the years the editors went to school) that notwithstanding whatever play the free markets were supposed to exert, some prices were "moral" and some weren't. Some price increases outraged Congress while some decreases outraged it even more. Only as we grew older did we discover that while high prices on some items were "good," on others they were definitely "bad." Only from reading the papers, or better still, the Congressional Record, did we learn that these appellations had less to do with the market than with a sense of morality ambiguously defined.

For example, high coffee or cocoa prices were "bad" because these items were produced abroad, and the cost of them upset that most sacred of all creatures, (so we thought), the American housewife. But high prices on onions, Maine potatoes, meat, grains, butter, almost all other domestically-grown foodstuffs, securities, motorcycles and the like were "good" because, the American housewife notwithstanding, they served the interests of other Americans almost as sacred as an American housewife if not more so.

So when the price of onions futures declined to a certain point, Congress banned any further such trading, apparently forgetting the American housewife altogether. The idea, which failed dismally, was to keep onion prices up. Then various administrations, faced with price increases in steel, aluminum or the like went into action to keep other prices down, gaining public approbation thereby but not much else.

All this would be relatively simple if it could all be boiled down to a formula that might be stated in these terms: If the item in question is produced here and consumed here, the nation need not be concerned about the American housewife. If, on the other hand, it is produced exclusively abroad but consumed here, the housewife must be protected no matter what the cost to what otherwise might be national policy.

All well and good. But what about items that are produced both here and abroad? Who then becomes the sacred cow? Well, in the case of crude oil it ought to be obvious. Refiners in Montreal were able to produce gasoline at \$1.26 less per barrel than the price in Boston. The price of heating oil in Montreal is less by \$1.68 per barrel than that in Boston.

Now considering the fact that much of the crude oil passing through the Montreal refineries comes from the Middle East, why should this be? Is the distance from the producing areas to the refineries so much shorter? Far from it. Much of the oil going to Montreal is brought there via a pipeline from Portland, Maine. In other words, it passes right through the high-price area without stopping, and cannot be distributed within this area. Canadians may get their oil at much lower prices, but not the citizens (in-

cluding the semi-sacred housewives) of the Northeast. Why?

The answer must by now be dreadfully familiar. Every resource that oil producers in the Southwest, plus all the votes they can command in Congress, is concentrated on preventing anyone in the Northeast from using Middle Eastern oil imported via a point very close to Portland at prices even approximating those current in East Canada.

In no instance known to us has the contradiction between the government's anti-inflation and protectionist policies been more flagrantly exposed than in the oil import quotas which continue to penalize many users for the benefit of a relatively few producers.

It is high time this whole mock and dumb-show was abandoned, and if not in the interests of the national welfare, then at least in the interests of national credibility. National security is not now, never was, and never could be a valid excuse for this travesty. Not unless one is willing to accept the explanation that armed hold-up was committed because the aggressor felt he needed more money and to exonerate him.

Now some may feel we have borne down much too hard on this issue. They may feel that the oil import quota system was actually introduced as a national defense measure, not as an out-and-out protectionist device to reward the few at the expense of the many.

If this is the case, and if these people really do believe the national security is at stake: if they really believe that notwithstanding the new strikes on the North Slope of Alaska, in Canada and elsewhere nearby, this country is virtually lost without continued drilling in the Southwest, why not try to reach a sensible solution?

Why not adopt one suggestion now before Congress? Why not let Washington buy up all new domestic sources at the point discovered, which is the cheapest way of storing oil reserves? We have our doubts about this, too. Still and all, everyone would then know where the subsidy was going and who was getting it. And then everyone could judge the validity of the TVE claim for protection and decide it on its merits. If anyone had to pay, all Americans would pay—not just a selected geographical list of them and not through the nose.

[From the Journal of Commerce, Mar. 26, 1969]

OIL VIA THE ENTREPOTS

To read some of the recent denunciations of Occidental Petroleum's proposals for a refinery in a foreign trade zone which may or may not be created in Machiasport, Me., one might think that the idea is as nefarious as any that has come down the pike in many years.

If the zone is created, it is said, and if the company establishes a 300,000-barrel-per-day refinery, it can draw crude oil from Libya, refine it, then "export" half or more of the refined products into adjacent New England consuming centers, thereby foiling the government's oil import quotas, forcing reduction in the high delivered costs of New England's fuel oil and otherwise trampling on settled federal policies.

This sounds like great stuff for people who don't know what foreign trade zones are, who figure that the wealth of independent oil producers somehow transduces every other aspect of the national welfare and who are convinced that some kind of plot must be involved in any effort to protect shivering New Englanders from whatever may result from the subsidized efforts of Texas and Oklahoma wildcatters to find some more oil for the Northeasterners who neither need oil from these sources nor want it.

What is needed in the Northeast is a constant source of residual oil that is reason-

ably competitive in price. By "reasonably competitive" we don't mean to accept the price standards set by the oil independents in the Southwest. We mean by standards relative to the cost of oil brought in from elsewhere; and elsewhere can mean from anywhere, the editors not being among those who feel religiously that this area of the United States somehow owes a lucrative living to those who, having already the advantage of a 27½ per cent depletion allowance, somehow figure the nation owes them more.

Now, is it that to which the whole Machiasport proposal adds up? It adds up only to a practice in vogue for hundreds of years in Europe and for over 30 years in the United States.

What is officially called the "foreign trade zone" in this country is, in Europe, the free port or entrepot, which has been in usage there for six centuries. It involves a concept that does not try to get around rigid trade barriers as much as it does to minimize the impact of these barriers as between raw materials and processed (or semi-processed) goods.

Raw materials brought into a European free port or an American foreign trade zone are not subject to the usual customs levies. But when they come out again in processed form the story is different. If they are sent abroad in that form, no duty is paid here. If they are sent into the United States markets, the duty paid is the same as the duty due if the same products had been imported in that precise form from overseas.

What is the loss incurred by the United States in terms of customs revenue? The answer is indicated by the figures for fiscal 1967—the latest available for this type of operation. In that year, imports into U.S. foreign trade zones amounted to \$86 million in value. Shipments into U.S. customs territory plus foreign ports totaled \$89 million which, if you ask us, was pretty small potatoes.

Since the United States finally allowed foreign trade zones in 1937, some 13 zones (or sub-zones) have been authorized. Several originally established have since been abandoned, but among those remaining most in this country provide for processing, and by some reputable companies, too.

These include such firms as Dow Chemical and Union Carbide. Business activities within the zones embrace such items as machinery, pharmaceutical and soft drink production (New York), batteries (New Orleans), conversion of foreign-built trucks into campers (Seattle), the manufacture of women's clothes (San Francisco); power tools (Mayaguez, P.R.), petrochemicals (Penuelas, P.R.), and telephone cables (Honolulu), with three more petrochemicals operations slated for Bay City, Mich. and possibly another at Bayway, N.J., where Humble Oil is reported considering an installation.

So the Machiasport project is not unique—even in terms of the oil quotas. With the single exception of Union Carbide's authorization to import 40,000 barrels of crude per day into Pinellas, all petrochemicals projects, including that at Taft, La., are being held up pending the Nixon Administration's study of oil import quotas.

Privately it is being said that implementation of Occidental Petroleum's Machiasport project would blast so large a hole through the oil import quotas that it would effectively demolish the entire structure. This is being advanced as a prime argument against the project, on one hand, and in support of it on the other. We stand with the latter. The program was never anything more than a crude device for the escalation of domestic oil prices for the benefit of the few and at the expense of consumers. We would be glad to see it go. If the Machiasport or any other similar project hastens the day when it does collapse, so much the better for it.

EXHIBIT 2

[From the Oil Daily, Feb. 3, 1969]

EARNINGS REPORTS

	1968 net	Percent change
American Petrofina.....	\$16,280,600	+16.1
Atlanta Richfield.....	148,861,000	+14.5
Cities Service.....	121,000,000	+5.3
Continental Oil.....	150,000,000	+10.2
Creole Petroleum.....	239,700,000	+11.1
Diamond Shamrock.....	34,615,000	-18.1
Getty Oil.....	98,000,000	-17.1
Gulf Oil.....	626,000,000	+10.2
Hess Oil & Chemical.....	28,000,000	+40.0
Imperial Oil.....	100,000,000	+5.3
Marathon Oil.....	83,326,000	+12.8

EARNINGS REPORTS—Continued

	1968 net	Percent change
Midwest Oil.....	\$13,500,000	+5.1
Mobil Oil.....	428,000,000	+11.1
Murphy Oil.....	8,200,000	-2
Phillips Petroleum.....	136,800,000	-16.6
Shell Oil.....	312,100,000	+9.6
Sinclair Oil.....	76,800,000	-19.5
Skelly Oil.....	40,269,000	-4.2
Standard (Calif.).....	451,800,000	+10.4
Standard (Ind.).....	309,400,000	+9.6
Standard (N.J.).....	1,275,000,000	+10.4
Standard (Ohio).....	70,000,000	+4.3
Sun Oil.....	164,400,000	+5.3
Texaco Inc.....	835,530,000	+10.8
Union (Calif.).....	151,200,000	+4.3

1968 EARNINGS REPORTS; COMPARISONS

	1968 net	1967 net	Percent change	1966 net	1965 net	1964 net
American Petrofina.....	\$16,280,600	\$14,028,100	+16.1	\$10,662,689	\$4,614,000	\$1,551,000
Atlantic Richfield.....	148,861,000	130,861,000	+14.5	113,484,000	90,111,000	47,076,000
Cities Service Co.....	121,000,000	127,800,000	+5.3	120,100,000	100,500,000	84,513,000
Continental Oil Co.....	150,000,000	136,100,000	+10.2	115,700,000	96,200,000	100,100,000
Creole Petroleum.....	239,700,000	215,800,000	+11.1	207,900,000	220,628,000	227,657,000
Diamond Shamrock Oil & Gas.....	34,615,000	42,245,000	-18.1	34,369,000		
Getty Oil Co.....	98,000,000	118,166,000	-17.1	98,038,000	11,765,000	13,729,000
Gulf Oil Corp.....	626,000,000	568,000,000	+10.2	505,000,000	427,000,000	395,000,000
Hess Oil & Chemical.....	28,000,000	20,000,000	+40.0	15,500,000	13,000,000	11,700,000
Imperial Oil, Ltd.....	100,000,000	95,000,000	+5.3	92,000,000	86,000,000	79,072,000
Marathon Oil.....	83,326,000	73,858,000	+12.8	68,826,000	60,071,000	60,376,000
Midwest Oil Corp.....	13,500,000	12,847,000	+5.1	11,280,000	10,901,000	10,821,101
Mobil Oil.....	428,000,000	385,400,000	+11.1	356,100,000	320,100,000	294,200,000
Murphy Oil Corp.....	8,200,000	8,218,000	-2	8,431,000	6,373,000	4,253,824
Phillips Petroleum Co.....	136,800,000	164,000,000	-16.6	144,500,000	127,700,000	115,018,000
Shell Oil Co.....	312,100,000	284,800,000	+9.6	255,200,000	234,000,000	198,200,000
Sinclair Oil Corp.....	76,800,000	95,400,000	-19.5	93,800,000	76,700,000	58,700,000
Skelly Oil Co.....	40,269,000	42,016,000	-4.2	36,962,000	33,996,000	25,551,000
Standard (California).....	451,800,000	409,400,000	+10.4	401,243,000	391,000,000	345,000,000
Standard (Indiana).....	309,400,000	282,200,000	+9.6	255,000,000	219,300,000	194,851,000
Standard (New Jersey).....	1,275,000,000	1,155,000,000	+10.4	1,090,000,000	1,035,675,000	1,050,000,000
Standard (Ohio).....	70,000,000	67,100,000	+4.3	56,936,000	49,711,675	43,767,777
Sun Oil Co.....	164,400,000	156,100,000	+5.3	100,574,000	85,520,000	68,507,000
Texaco, Inc.....	835,530,000	754,386,000	+10.8	692,065,000	636,698,153	577,361,048
Union Oil (California).....	151,200,000	145,000,000	+4.3	134,200,000	119,200,000	98,600,000

[From the Wall Street Journal, Apr. 14, 1969]

INDIANA STANDARD EXPECTS 1969 PROFIT TO SET NEW HIGH—NATURAL GAS DISCOVERED ON ALASKA'S NORTH SLOPE BY PAN AM PETROLEUM UNIT—MIDDLE EAST OUTPUT TO RISE

NEW YORK.—Standard Oil Co. (Indiana) predicted record net income for 1969 and reported it has discovered natural gas on Alaska's North Slope.

In forecasting a new earnings high, John E. Swearingen, chairman, wasn't specific, but he told the New York Society of Security Analysts "we expect to meet our objectives" this year. He noted that Indiana Standard's earnings have risen an average of 11% annually the last five years, and said that the company has a goal of an 8% to 10% annual growth rate in net income.

In 1968, the big oil company reported a 10.2% rise in net income to \$309.5 million, or \$4.37 a share, on revenue of nearly \$4 billion.

Pan American Petroleum Corp., wholly owned producing subsidiary of Indiana Standard, reported in Tulsa that its Kavik No. 1 well, about 60 miles southeast of Alaska's Prudhoe Bay in the Arctic, has tested natural gas at rates from 3.5 million to 12.5 million cubic feet daily, through various openings.

Atlantic Richfield Co. and Humble Oil & Refining Co., chief subsidiary of Standard Oil Co. (New Jersey), announced last summer two discovery wells in the Prudhoe Bay area that may prove to have found the largest oil field in North America. British Petroleum Co. also has announced discovery of oil at Prudhoe Bay. But since that time all producers had been declining to announce results or data on North Slope wells until the Pan American announcement.

Indiana Standard had admitted the Kavik No. 1 well sustained a "blow out" on March 17, but had declined to speculate on the

meaning of that blowout. A blowout is generally considered to be an uncontrolled release of gas or oil pressure.

OTHER NORTH SLOPE DISCOVERIES

Atlantic Richfield holds a 50% interest in Pan American's Kavik No. 1 and in about 16,000 acres of leases surrounding the well. The well currently is at about 4,300 feet and has a projected depth of 10,000 feet, Pan American said. In New York, Mr. Swearingen declined to add any comment to the Pan American announcement.

Problems of transporting natural gas from the Arctic raise questions about the economic feasibility of a gas discovery there. However, a gas discovery can sometimes indicate oil will be found at a greater depth.

Mr. Swearingen also told analysts of plans to substantially increase Indiana Standard's Middle East oil production. And he noted, "While the foreign profit contribution was modest last year we expect considerable gains in the future from foreign sources." Entering the black for the first time in 1968, the company's earnings outside North America totaled \$27.6 million. Indiana Standard began foreign operations about 10 years ago.

BOOST IN PRODUCTION

Gross oil production from the El Morgan field offshore from Egypt in the Gulf of Suez is expected to reach 300,000 barrels a day this year, Mr. Swearingen said. Last year gross production there averaged 180,000 barrels daily, of which Indiana Standard's share was 59,000 barrels daily. Egypt's government-owned oil agency holds the remaining interest in the field.

Indiana Standard plans to place in production next year its third oil field in the Persian Gulf of Iran, he said. The Fereidoon field is expected to initially have a gross production rate of 100,000 barrels daily, he said. That's

nearly equal to gross output of 102,400 barrels daily last year from the company's other two Persian Gulf fields, of which Indiana Standard's share was 51,000 barrels a day.

Mr. Swearingen said that the group of which Indiana Standard is a member has completed 20 gas wells in the Leman Bank field offshore from Britain in the North Sea and is installing a production platform in the Indefatigable field. Indiana Standard will have about a 31% share of scheduled output from the two fields of 800 million cubic feet a day by the group, he added.

"With our chemical business firmly established, and with foreign (oil) operations in the profit column, we now are in position to consider moving into new areas," Mr. Swearingen stated. But he noted the company has deferred proposed merger with Cerro Corp., large copper and silver mining concern, to "permit additional evaluation of political developments in Peru." He declined to add to that statement when asked to outline what conditions would have to prevail in Peru for the merger to be completed.

EXHIBIT 3

DEAR MR. ATTORNEY GENERAL: We are writing to express our deep concern about the recent price increases in gasoline and crude oil. As you are perhaps aware, Texaco raised its wholesale price for gasoline 6/10 of a cent a gallon on February 24. Within 7 days, 13 other major oil companies followed, each raising their wholesale gasoline prices by either 6/10 or 7/10 cents a gallon.

Because of the stringent laws against price fixing, we think that the fact that all these oil companies raised their prices by almost the same amount at the same time merits close consideration. This is particularly true because gasoline prices were raised at a time of the year when consumption is relatively low and prices are traditionally at their lowest ebb.

We are especially concerned because gasoline price rises affect practically every consumer in the country. They have no choice; they must buy gasoline.

Such a price increase affecting a commodity so widely used in our economy has a devastating inflationary impact. Paul W. McCracken, Chairman of the Council of Economic Advisers, in a letter to Senator Proxmire, just confirmed former Chairman Arthur M. Okun's estimate that the 1c a gallon increase in the retail price of gasoline will cost the consumers \$800,000,000 a year.

This action by the oil companies comes at a time when the greatest single economic problem facing our nation is inflation, and at a time when virtually all of the major oil companies have earned record high profits.

You may be interested to know that in 1968 the combined net profits of the 12 largest U.S. oil companies was just a fraction under \$5 billion. Each of those 12 companies, moreover, has set new profit records in each of the last 4 years. Just 4 years ago, the profits of these 12 companies totalled \$3.7 billion. During that short span of time, they have, thus, increased their profits by just under \$1.3 billion—a 33.5% increase.

These figures speak for themselves. Now, no matter what the apologists for the industry might say, this is certainly no time to try to fatten profits still more by an irresponsible price rise. It is important to note in this connection that the inflationary impact of an oil price rise is much larger than a price rise by any other industry. Almost none of the price increase comes back to the Federal Government in taxes. This is true because of the privileged tax treatment received by oil companies. In 1967, for example, Texaco, the instigator of this latest price rise, paid federal income taxes of only 1.9% of its net income.

The Senators whose names are listed above

have, for some time now, been concerned with the combined effect of oil import restrictions and oil industry supply and pricing decisions on independent wholesalers, retailers, and consumers, particularly in the Northeast.

You may recall that we wrote to the Department of Justice on September 27, 1968 voicing our concern about price increases both in the cost of gasoline and home heat-

ing oil. In light of the facts outlined in that letter, and the circumstances surrounding the most recent price increases in an area of such enormous impact on consumers, small businessmen and the national economy in general, we urgently recommend that the Department of Justice immediately undertake an investigation to ascertain whether these price rises have been coincidental or collusive and whether they constitute part of

any long-range pattern of collusive or predatory practices.

WILLIAM PROXMIER, ALBERT GORE, THOMAS J. DODD, VANCE HARTKE, FRANK E. MOSS, HARRISON A. WILLIAMS, STEPHEN M. YOUNG, CLAIBORNE PELL, EDWARD M. KENNEDY, THOMAS J. MCINTYRE, GAYLORD NELSON, JOSEPH D. TYDINGS, EDWARD W. BROOKE, and EDMUND S. MUSKIE.

EXHIBIT 4.—FEDERAL TAXES OF LARGEST REFINERS

[Dollar amounts in thousands]

	Net income after tax	Federal tax	Per- cent	Foreign, some States' tax	Per- cent	Profit after tax		Net income after tax	Federal tax	Per- cent	Foreign, some States' tax	Per- cent	Profit after tax
Standard (New Jersey):							Marathon:						
1962	\$1,271,903	\$8,000	0.6	\$423,000	33	\$840,903	1962	\$36,064	\$2,200	0	\$205	0.5	\$37,889
1963	1,584,469	69,000	4.3	496,000	31	1,019,469	1963	50,058	(?)	0	933	2	49,125
1964	1,628,555	29,000	1.7	549,000	33	1,050,555	1964	63,220	(?)	0	2,844	4	60,376
1965	1,679,675	82,000	4.9	562,000	33	1,035,675	1965	97,416	(?)	0	37,345	38	60,071
1966	1,830,944	116,000	6.3	624,000	34	1,090,944	1966	130,927	2,400	1.8	59,700	45.9	68,826
1967	2,098,283	166,000	7.9	700,000	33	1,232,283	1967	138,520	3,700	2.7	60,962	44	73,858
Gulf:							Getty: 1967						
1962	488,351	19,389	3.9	128,871	26	340,091	1967	132,762	3,687	2.8	10,909	8.2	118,166
1963	540,065	30,870	5.7	137,842	25	371,353	Union:						
1964	607,343	52,443	8.6	159,782	26	395,118	1962	59,421	8,000	13.5	5,500	9	45,921
1965	655,727	53,559	8.1	174,935	26	427,233	1963	73,028	13,100	17.7	6,000	8	53,928
1966	813,868	90,008	11.0	219,098	26.9	504,762	1964	87,564	13,300	15.2	7,200	8	67,064
1967	955,968	74,142	7.8	303,539	31.8	578,287	1965	119,214	15,604	13.2	8,840	7	94,770
Texaco:							1966	170,782	18,398	10.7	10,144	5.9	142,240
1962	546,371	13,000	2.3	51,700	9	481,671	1967	163,820	10,400	6.3	8,457	5.2	144,963
1963	615,768	10,250	1.6	58,850	12	455,668	Sun:						
1964	660,761	5,500	0.8	77,900	11	577,361	1962	66,395	1,200	0	13,400	20	53,195
1965	726,198	10,000	1.3	79,500	11	636,698	1963	79,976	1,300	1.9	17,460	22	61,216
1966	845,466	32,500	3.8	103,100	12	709,866	1964	88,577	2,400	2.7	17,670	20	68,507
1967	892,986	17,500	1.9	121,100	13.5	754,386	1965	113,405	10,300	9.0	18,220	16	84,835
Mobile:							1966	131,544	16,600	12.6	14,370	10.9	100,574
1962	379,339	8,300	2.1	128,700	33	242,339	1967	146,946	24,700	16.8	13,670	9.3	108,576
1963	437,352	23,000	5.2	142,500	32	271,852	Conoco:						
1964	464,660	27,700	5.9	142,800	30	294,160	1962	73,477	1,065	1.4	3,335	5	69,077
1965	508,016	33,900	6.6	154,000	30	320,116	1963	99,665	9,143	9.2	3,157	3	87,365
1966	555,412	23,200	4.4	176,100	31.7	356,112	1964	112,009	8,725	7.7	3,175	2	100,109
1967	594,593	26,900	4.5	182,300	30.7	385,393	1965	142,051	6,865	4.8	39,035	27	96,151
Standard (California):							1966	204,632	24,670	12.0	64,330	31.4	45,632
1962	348,181	5,800	1.6	28,600	8	313,781	1967	241,362	30,031	12.4	62,369	25.8	148,962
1963	356,568	2,900	0.8	31,600	8	322,068	Cities Service:						
1964	393,188	8,300	2.1	39,600	10	345,288	1962	84,143	20,773	24.7	3,185	3	60,185
1965	455,425	9,000	1.9	55,200	12	391,225	1963	101,976	20,188	21.4	4,283	4	77,505
1966	515,118	29,800	5.7	61,300	11.9	424,018	1964	105,299	19,819	18.9	967	0.9	84,513
1967	513,067	6,000	1.2	85,400	16.6	421,667	1965	137,068	31,973	23.3	977	0.7	104,118
Standard (Indiana):							1966	194,456	51,760	26.7	902	0.4	141,794
1962	168,843	3,105	1.8	3,381	2	162,420	1967	165,289	32,347	19.6	5,105	3.1	127,837
1963	208,022	22,182	10.6	2,748	1	183,092	Sunray DX:						
1964	204,817	8,486	4.1	1,480	0.7	194,851	1962	41,203	3,850	9.3	1,152	3	36,201
1965	263,098	39,578	15.0	4,248	2	219,272	1963	48,223	4,321	8.9	1,374	2.9	42,528
1966	300,531	49,672	16.5	255,869		255,869	1964	34,716	12,407	0	1,330	3.9	35,793
1967	366,847	74,021	20.2	10,576	2.9	282,250	1965	41,445	980	2.4	1,597	3.9	38,868
Shell:							1966	57,372	10,025	17.3	1,754	3	45,593
1962	173,555	7,200	4.1	8,680	5	157,675	1967	74,526	17,672	23.7	2,390	3.2	54,464
1963	211,575	19,100	9.0	12,623	5	179,852	Ashland:						
1964	213,575	2,800	1.3	12,585	5	198,190	1962	24,324	6,201	25.8	2,799	11	15,324
1965	274,507	26,600	9.6	13,876	5	234,031	1963	28,769	10,556	37.7	104	0.3	18,109
1966	313,085	46,100	14.7	11,785	3.7	255,200	1964	36,385	9,672	26.8	2,977	8	23,735
1967	342,022	44,940	13.1	12,233	3.6	284,849	1965	50,594	15,500	30.6	2,440	5	31,594
Phillips:							1966	69,324	20,830	30.0	5,570	8	42,924
1962	158,320	48,000	30.3	3,365	2	106,955	1967	72,212	23,718	32.8	3,952	5.5	44,542
1963	160,954	52,000	32.2	3,491	2	105,463	Tidewater:						
1964	152,197	32,229	21.2	4,950	3	115,018	1962	35,191	228	0.6	2,387	6	32,576
1965	165,876	31,745	19.1	6,415	4	127,716	1963	42,795	1,630	0	3,384	8	39,474
1966	218,382	59,163	27.0	7,595	3.4	151,624	1964	40,508	377	13.7	4,426	11	35,705
1967	227,766	52,255	22.9	11,496	5	164,015	1965	60,397	58	0.1	3,783	6	56,556
Sinclair:							1966	80,542	3,350	4.1	5,301	6.5	71,891
1962	57,936	1,200	0	10,586	18	47,350	Skelly:						
1963	85,731	1,119	0	10,201	12	75,230	1962	22,674	1,260	5.7	250	1	21,164
1964	66,444	1,311	0	10,827	15	58,736	1963	27,479	3,025	7.7	275	4	24,179
1965	96,072	4,100	4.4	15,299	15.9	76,673	1964	26,601	785	1.2	275	2	25,551
1966	123,232	13,996	11.3	14,892	12	94,344	1965	39,995	5,625	14.0	375	0.9	33,995
1967	130,017	10,585	8.1	24,060	18.5	95,372	1966	42,762	5,300	12.3	4,500	1.1	36,962
Standard (Ohio):							Pure:						
1962	37,235	9,275	25.0	3,738	10	24,222	1962	27,680	12,546	0	1,276	4	28,950
1963	54,008	15,225	28.1	4,896	9	33,887	1963	28,582	11,212	0	27	0.01	29,767
1964	70,252	21,150	30.2	5,334	7	43,768	1964	32,282	1,600	0	164	0.5	31,518
1965	82,848	26,300	31.7	6,386	8.3	49,712	Richfield:						
1966	84,481	21,200	25.0	6,345	7.5	56,936	1962	36,615	6,000	16.6	0	0	30,615
1967	101,496	29,200	28.8	8,412	8.3	63,884	1963	29,767	1,300	4.4	773	3	27,894
Atlantic:							1964	26,255	1,629	0	5,249	21	21,455
1962	61,110	0	0	14,844	24	46,266	Total:						
1963	56,747	0	0	12,734	22	44,013	1962	4,198,331	169,492	4.0	838,954	19.9	3,194,770
1964	61,081	0	0	14,005	22	47,076	1963	4,921,577	304,985	6.2	951,255	19.3	3,663,037
1965	105,299	0	0	15,188	14	90,111	1964	5,175,289	235,931	4.5	1,064,540	20.5	3,874,447
1966	127,384	0	0	13,900	12.7	113,484	1965	5,814,326	403,687	6.9	1,199,659	20.4	4,209,420
1967	145,259	0	0	15,254	10.5	130,005	1966	6,810,244	585,300	7.6	1,450,358	21	4,709,595
							1967	7,225,880	637,875	8.8	1,581,034	21.9	5,006,971

1 Credit.

2 Marathon Oil's 10K filing with the SEC doesn't reveal how much Federal income tax Marathon paid in years prior to 1967.

3 Getty income for 1967 includes companies previously listed as Tidewater and Skelly.

4 State income tax.

Note: Figures for some companies have been changed from last year's table in Oil Week because of amended filings by refiners where income taxes have been changed due to altered tax status. U.S. income tax figures reported in 10K statement of income files may exclude capital gains on extraordinary items.

EXHIBIT 5

[From the Cleveland (Ohio) Plain Dealer,
Mar. 26, 1969]

**PEW TAX-FREE TRUST GETS OIL PROFITS
TAX FREE**

(By Donald L. Barlett)

WASHINGTON.—One of the nation's 10 largest tax-exempt foundations has received millions of dollars from an oil company that pays no federal income tax.

The oil company reported profits of more than \$26 million from 1960 to 1967 without incurring any income tax liability.

Partners in the tax-free alliance are:

General Crude Oil Co., a Houston-based firm that once claimed a \$300,000 tax refund from the government while recording multimillion dollar profits.

The Pew Memorial Trust of Philadelphia, controlled by the Pew family, founders of Sun Oil Co. The trust's assets have grown from \$50 million in 1948 to more than \$300 million today.

At the same time General Crude was funneling millions of untaxed profit dollars into the giant tax-free Pew trust.

An elderly, retired Euclid couple—with an income of \$3,894.39 in 1967—paid \$82 in federal income tax.

The man, 79, and his wife, 75, reported a pension income of \$2,882 and interest from savings bonds and a savings account of \$1,012.39.

In a plea to Rep. Charles A. Vanik, D-22, for reforming the income tax system, the couple wrote:

"Because of the awareness by the general public of a need for the Congress to take action toward the inequities in taxation we beg to submit our complaint.

"Most of us oldsters, in our retirement years, cannot help but look upon the present tax structure as very, very unfair, and we are looking to those in a position to remedy the unequal system in the coming sessions."

The tax paid by the Euclid couple was owed, in part, on the \$1,012 in interest income they received from their savings bonds and a bank savings account.

If they had received the \$1,012 in dividends from General Crude stock, they would have paid income tax on it.

For individuals, interest from savings accounts and dividends from stock are both treated as income and are taxable.

But the Pew Memorial Trust—as a tax-exempt foundation—receives its dividends tax-free.

How is it possible for a family with a near poverty-level income to pay tax on interest from its savings when a corporation with profits in the millions owes no tax and a foundation with dividend income in the millions pays no tax?

In a report filed with the U.S. Securities and Exchange Commission (SEC) for 1967, the latest year for which complete statistics are available, General Crude stated:

"Due to differences in reporting taxable and financial earnings, principally the excess of statutory depletion allowed for tax reporting purposes in excess of cost depletion for financial reporting, the company incurred no federal income tax expense for the year ended Dec. 31, 1967."

Translated from the language of accounting, this means:

Because of the long controversial 27½% oil depletion allowance, General Crude Oil Co. owed the federal government no income tax even though its profits for the year amounted to \$5.5 million.

Under the depletion allowance, an oil company pays no tax on 27½% of its income from wells. The tax-free figure is limited to 50% of a company's net income.

The U.S. Treasury loses billions of dollars in taxes each year as a result of the depletion allowance and a string of other special

tax privileges granted the petroleum industry.

In the case of General Crude Oil Co., the tax-free profits are poured into the tax-exempt Pew Memorial Trust.

The more than \$300 million in assets of the trust are made up largely of stock in Sun Oil Co. and Minerals Development Co.

Minerals Development is an investment and holding company controlled by the Pew family.

A report filed with the SEC in May 1968 stated that Minerals Development Co. owned about 68% of the stock of General Crude.

All the capital stock of Minerals Development, in turn, is held in trust by the Glenmede Trust Co. of Philadelphia as trustee for the Pew Memorial Trust.

In 1965, the last year for which an Internal Revenue Service (IRS) return is available, the Pew tax-free trust reported \$4.5 million in income. The revenue included:

\$3.4 million from Sun Oil Co. stock.
Just under \$1 million from Minerals Development Co. stock.

At the time, the trust valued its Sun Oil holdings at \$223.8 million and its Mineral Development interests at \$46.8 million.

While pouring \$3.4 million in tax-free dividends into the Pew Memorial Trust in 1965, Sun Oil was taxed at a rate averaging 9.0%.

For the five-year period from 1963 through 1967, Sun Oil listed profits of \$561.1 million and federal income tax liability of \$55.3 million—a 9.8% tax rate.

Corporations outside the petroleum industry—including many Cleveland businesses—pay taxes at rates ranging from 40 to 50%, a Plain Dealer survey showed.

Halle Bros. Co., a major Cleveland department store, in 1967 reported a profit before taxes of \$1,809,700 on income of \$65,948,902. The store's federal income tax bill was \$835,000—or 46.1% of its net income.

From 1963 to 1967, Halle's net income before taxes totaled \$11,224,938. Its taxes were \$5,013,600—and average rate of 44.6%.

The New York Times in 1967 paid \$10,662,000 in taxes on net income of \$20,782,138—a 51.3% rate.

Most individual taxpayers, who supply the treasury with 73% of its federal income tax revenue, are taxed an average of 10 to 20%.

General Crude has reported no tax owed in recent years and in 1960 even claimed a refund on taxes paid previously.

The company stated in a document submitted to the SEC in 1962:

"A net operating loss of approximately \$934,000 for federal income tax purposes in 1960 was used to obtain a refund of approximately \$300,000 in federal income taxes paid in 1957, 1958 and 1959."

The company's 1960 "operating loss" was only for tax purposes. General Crude reported a profit for the year of \$2.2 million and paid out \$1.9 million in dividends.

The operating loss and subsequent refund stemmed partly from the tax benefits peculiar to oil companies.

Most of General Crude's oil production is centered in Texas, but it has oil interests in Canada, Alaska, Australia and Barbados.

Kenneth E. Montague, president of General Crude, in reciting his company's accomplishments in the tax-free year of 1967, told stockholders:

"I am pleased to report that 1967 was a year of solid growth and progress for General Crude Oil Co.

"Operating and financial results rose significantly and established all-time highs in many areas. These new records include, among others, net earnings, cash flow, gross income, capital expenditures, production volume and new-well completions."

The company paid \$2 million in dividends to stockholders, a major portion of which went to Minerals Development Co.

Although Minerals Development has other holdings in addition to its General Crude

stock, specific financial details concerning the interest and size of the company are unknown because it is a privately owned corporation.

But public records disclose a close relationship among General Crude, Minerals Development, Sun Oil and the Pew Memorial Trust.

Item. Allyn R. Bell Jr. is president of the Glenmede Trust Co. in Philadelphia, the trustee for the Pew trust. He also is a director of General Crude and vice president of Minerals Development.

Item. Joseph Newton Pew III is president and treasurer of Minerals Development, a director of General Crude and vice president of Glenmede Trust Co.

Item. The Glenmede Trust Co. was organized in Pennsylvania in 1956.

The notice of incorporation was signed by J. Howard Pew, Joseph Newton Pew Jr., Mary Ethel Pew and Mabel Pew Myrin.

Item. J. Howard Pew, chairman of the board of Sun Oil Co., stated at the time the Glenmede trust company was founded it would primarily handle trusts of Pew family members and would not enter the general banking business.

Item. Offices of the Glenmede Trust Co. are in the Sun Oil Co. building at 1608 Walnut St., Philadelphia.

Item. Before taking over as president of General Crude in 1965, Montague was operating superintendent for Sun Oil Co.'s Gulf Coast production division.

Bell, the Glenmede president, declined to discuss Minerals Development Co.'s business activities, saying:

"We can't reveal any information about our customers' accounts. We are an agent for Minerals Development Co., but there are angles here that are not public."

Bell pointed out that most other foundations have individual officers responsible for managing foundation activities and answering public inquiries.

In case of the Pew Trust, a trust company acts as trustee and has the privilege of a secret bank-customer relationship.

Asked to describe Minerals Development Co., Bell told The Plain Dealer:

"Minerals Development Co. files a consolidated tax return as an operating company. For all practical purposes it is a holding company as far as General Crude is concerned."

Does Minerals Development pay federal income tax each year?

"There will be a tax liability for 1968," says Bell.

How much?

"I'm afraid I can't say."

A treasury official analyzing the unusual corporate-trust relationship, at the Plain Dealer's request, observed that any income tax paid by Minerals Development would be negligible and probably at a maximum rate of 7.5%.

The Pew family trust was set up in 1948 as the Pew Memorial Foundation with assets of \$50 million.

The assets then consisted of 800,080 share of Sun Oil stock donated by the four children of Joseph Newton Pew, founder of Sun Oil.

In 1957, the foundation was converted to a trust and the name changed to the Pew Memorial Trust.

Congressional critics contend that foundations—presently a major target of tax reformers—are used to amass large pools of money and maintain control of family businesses.

Many foundations, they say, set aside part of their investment income each year, building up assets instead of distributing the money in charitable contributions.

The rapid growth in both numbers and assets of foundations in the past 25 years has resulted in the accumulation of more than \$20 billion in untaxed and largely unregulated funds.

At a time when individuals with meager incomes are expected to pay some tax, the reformers say, foundation income also should be taxed.

It isn't only the tax-free billions that bother many congressmen. One critic, concerned about increasing irregularities, said that foundations:

Have broad opportunities for self-dealing business practices and even kickbacks.

Example: A company owned by a foundation buys goods from another company that makes yearly donations to the foundation.

Are used to perpetuate control of family businesses.

Example: A man who owns a company sets up a foundation, gives it controlling interest in his firm and then runs the company as chief executive officer of the foundation. When he dies, his children are named trustees of the foundation.

Are used to benefit friends or family members.

Example: A foundation loans millions of dollars tax free to friends of the man who set up the foundation. The money is used to buy stock in corporations and—on at least one occasion—enough stock to gain control of a company.

The Pew trust, in its 1965 IRS return, reported from its investments of \$4,517,479. Grants awarded totaled \$4,141,350.

Scores of contributions of \$5,000, \$10,000, \$15,000 and \$20,000 were made to charitable, religious, medical and educational groups.

There were larger grants like \$200,000 to the Philadelphia United Fund, \$140,000 to the United Presbyterian Foundation in New York and \$100,000 to the Institute for Cancer Research in Philadelphia.

Then there were donations like the \$25,000 grant to the Christian Anti-Communism Crusade at Long Beach, Calif.

The right-wing crusade is run by Dr. Fred Charles Schwarz, an Australian psychiatrist who preaches anti-communism with the fervor of an old-time revival minister, telling his congregations:

"The enemy is at the gate. Buckle on the armor of the Christian and go forth to battle."

The crusade conducts schools of anti-communism around the country, sells books and pamphlets ("How to Spot a Communist Trap") and anti-communist folk songs ("Poor Left Winger").

Allyn R. Bell Jr. preferred not to talk about the Glenmede Trust Co. and its management of the Pew family trust.

He did, though, have an observation on charity in general. Said Bell:

"Who can do this better. Do you think the government is better equipped to handle charity?"

Use of foundations to maintain family control of businesses.

Manipulation of businesses—in which a foundation has a major stock interest—to benefit the foundation at the expense of other stockbrokers.

[From the Cleveland (Ohio) Plain Dealer, Apr. 4, 1969]

WHO PAYS THE TAXES?

Individual taxpayers will supply the U.S. Treasury with about 73% of its federal income tax revenue this year. Corporations will put up the other 27%. It used to be 50-50, but that was 40 years ago.

It also was some 40 years ago the petroleum industry began receiving its special tax allowances.

The accompanying article is one of a series, started on March 16, in which The Plain Dealer is examining the tax status of the oil industry in relation to the changing economy and shift of tax burdens.

[From the Cleveland (Ohio) Plain Dealer, Apr. 4, 1969]

OIL FIRMS PAY "HALF-RATE" TAXES

(By Donald L. Barlett)

WASHINGTON.—Oil companies with profits in the billions are paying federal income taxes at about half the average rate of most American families and individuals.

This is one of several major findings in a nationwide Plain Dealer survey of the petroleum industry's federal income tax status in a modern economy.

Based on an analysis of the financial reports of 40 oil companies, The Plain Dealer study shows that in 1967 these companies paid federal income tax at an average rate of 8.2% of their net income.

Family and individual wage earners, currently facing 1968 tax bills inflated by the 10% surcharge, are taxed at rates ranging from 10 to 20%, with the average about 14%.

Many corporations outside the petroleum industry pay 40 to 50% of their profits in federal income tax.

Of the 40 companies surveyed by The Plain Dealer, 14 reported owing no tax at all. Eight others were taxed an average of less than 5% and 13 from 5 to 14%.

The largest of the 14 nontaxpayers was Atlantic Richfield Co. of New York, which reported a gross income of \$1.5 billion in 1967, a profit of \$130 million and no federal income tax owed.

In Painesville, O., a retired couple, both partially handicapped, with an income in 1967 of \$3,976 (excluding Social Security benefits), paid federal income tax of \$137.

Observed the woman, now 67 years old: "It seems a shame to squeeze these amounts out of oldsters who need this little to live on. I worked very hard in early years to lay away this principal to earn the interest for our old age."

"We own our own home and pay increasing real estate taxes. If my husband were not handy doing minor repairs, we would have this added expense."

The Painesville couple, like most families are paying income tax at rates far in excess of the country's richest oil companies.

The Plain Dealer's oil-tax findings are based on a sampling of financial reports filed with the U.S. Securities and Exchange Commission (SEC) by publicly owned companies.

A cross-section of companies selected at random for the analysis included:

Large, fully integrated companies, like Standard Oil Co. of New Jersey, which explore, produce, transport, refine and market petroleum products down to the retail level.

Diversified corporations such as the Signal Companies Inc. of Los Angeles, which, in addition to its oil and gas operations, has

	Total income	Net income before taxes	Federal income tax owed	Percent of profit owed in tax	Profit after taxes
New York Times.....	\$194,253,395	\$20,782,138	\$10,662,000	51.3	\$10,120,138
Cincinnati Economy Drug Co.....	29,829,966	1,441,942	735,883	51.0	706,059
Halle Bros Co.....	65,948,902	1,809,700	835,000	46.1	974,700
Fisher Fazio Costa Foods.....	151,476,836	4,505,400	1,831,600	40.6	2,673,800
General Crude Oil Co.....	19,897,000	5,500,000	None	0	5,500,000

[From the Cleveland (Ohio) Plain Dealer, Mar. 26, 1969]

PEWS CONTROL SUN OIL THROUGH WEB OF TRUSTS

The Sun Oil Co. of Philadelphia is one of the nation's 20 largest oil firms with assets of more than \$1.5 billion.

The company's oil holdings reach round the world and in 1967 it reported a net income after taxes of \$108.5 million on total revenue of \$1.1 billion.

It was a record year for profits—up 8% over 1966—and cash dividends paid to stockholders set another record: \$23.8 million.

Sun Oil was founded in 1886 by Joseph Newton Pew Sr.

More than three-quarters of a century later, the company is largely controlled by members of the Pew family through an assortment of trusts.

Sun Oil's growth has paralleled the Pew family's involvement in Republican party politics both in Pennsylvania and on the national level.

When Joseph Newton Pew Jr. died in 1963, leaving an estate of \$34 million, the New York Times observed:

"Operating behind the scenes, Mr. Pew frequently dictated party policies that were announced by others or incorporated into national platforms at election times."

In the 1956 presidential election campaign, 12 members of the Pew family gave \$216,800 to the Republican party. By contrast, 14 Rockefellers reported giving \$152,000.

[From the Cleveland (Ohio) Plain Dealer, Mar. 26, 1969]

Top 10 foundations

(Assets in millions of dollars)

Ford Foundation.....	3,580
Rockefeller Foundation.....	804
Duke Endowment.....	615
Mott Foundation.....	424
Lilly Endowment.....	390
Kellogg Foundation.....	375

Top 10 foundations—Continued

(Assets in millions of dollars)

Carnegie Corporation.....	336
Sloan Foundation.....	327
Pew Memorial Trust.....	303
Hartford Foundation.....	270

[From the Cleveland (Ohio) Plain Dealer, Mar. 26, 1969]

FOUNDATIONS FACE QUIZ

Tax-exempt foundations are growing so fast that no one knows exactly how many exist. Rough estimates place the figure from 20,000 to 40,000. The Internal Revenue Service—in the only study it ever made of the subject—found 30,200 last year.

A survey made in 1967 of 7,000 foundations with assets of at least \$200,000 showed that 57% were established in the 1950s, 24% in the 1940s and the others in the 1960s or before 1940.

Since the exact number of foundations is unknown, so are the total assets. But they are calculated at upwards of \$20 billion. The 10 largest foundations account for more than one-third of the total with \$7.4 billion.

The laws governing foundations are vague. There is little federal regulation. Few government investigators are assigned to probing abuses. All these things have resulted, Congressional critics say, in numerous irregularities, including the:

Use of tax-free foundation funds by corporations and individuals to escape payment of federal income tax.

Subsidizing of corporations in which the foundation has a vested interest, giving them an unfair advantage over competing businesses.

Hoarding of cash by foundations that each year take in more money than they pay out in grants and charitable contributions.

Awarding of grants for political and philosophical purposes rather than philanthropic.

electronics, aerospace, trucking and banking interests.

Small companies, like Aztec Oil & Gas Co. of Dallas, which are concerned primarily with exploring and drilling for oil and gas.

The gross income of the 40 oil companies studied amounted to \$61.1 billion in 1967.

Their total net income before taxes was \$7.7 billion and their federal income tax bill was \$635 million—or 8.2% of net income.

The companies reported \$1.7 billion owed in state and foreign income taxes.

The foreign taxes and some royalty payments—which tax reformers say the companies call taxes—are used as credits to reduce the U.S. income tax liability of the oil firms.

After payment of all income taxes, the companies retained 69.8% of their net income—a total profit of \$5.4 billion.

U.S. Treasury officials attribute the low average tax rate of the oil companies to the broad allowances and tax benefits granted to the petroleum industry.

One of the largest tax breaks, the long controversial oil depletion allowance, enables an oil company to keep 27.5% of its income from wells tax free. The figure is limited to 50% of the company's net income.

Another special tax privilege, the intangible drilling benefit, permits an oil company to write off upwards of 70% of its exploration, drilling and development costs.

An oil company deducts certain of these expenses as a cost of doing business in one year, while other corporations are required to make such writeoffs over the life of an asset.

In addition, the oil company may write off all expenses as losses in connection with dry holes—those wells that fail to produce any crude oil.

These and other tax privileges, along with some unique loopholes, provide the oil industry with the lowest federal income tax rate available to any business or industry except savings and loan institutions.

As a result, while many corporations and most families and individuals are being taxed at maximum rates, the oil industry each year is relieved of income tax payments running into the billions.

The tax benefits claimed by the oil companies were enacted into law under industry conditions and a tax system that have since undergone drastic changes.

The original allowance, adopted shortly after passage of the income tax amendment in 1913, enabled an oil company to recover only the actual costs incurred in the discovery of oil.

This meant that if a well cost \$10,000, a company could write off only that amount.

A few years later, the cost allowance was changed to the 27.5% depletion allowance.

Based on the prevailing taxes and industry costs, it was believed at the time that the percentage depletion figure would average out to the original cost allowance.

But some four decades later, a Treasury study shows that oil companies—through the depletion allowance—are recovering the cost of a well 18 times or more.

Using the Treasury's estimate, for a well that now costs \$100,000, the oil company recovers \$1.8 million.

Congressional tax reformers point to other changes that have occurred over the years. For example:

The depletion allowance was enacted when most of the industry's oil production was centered in the United States. Oil companies now receive the depletion allowance on huge quantities of oil produced around the world.

In the early part of the century, wildcatting was widespread, the risks considerable. Today, wildcaters account for little of the nation's oil. Improved geological studies, the pooling of company interests and other technological advances have reduced the risks.

With the growth of integrated companies, the depletion allowance enables these firms to subsidize their refining and marketing operations, providing an advantage over in-

dependent competitors that produce little oil and thus have none of the large tax benefits.

With companies already writing off intangible drilling and dry hole costs, the depletion allowance actually provides a double deduction.

The special tax privileges enjoyed by the oil companies are extended to individual oil investors.

A person with several million invested in oil properties may pay no income tax while a family with a modest income is taxed at the top rate.

The year 1967, used in The Plain Dealer survey because it was the latest year for which complete statistics are available, was not an unusual tax year for oil companies.

In the case of Atlantic Richfield, the company reported owing no federal income tax in 1965, 1966 or 1967. Total profits for the three years were \$333.6 million.

Prior to its merger with Richfield Oil Corp. in 1965, the Atlantic Refining Co. reported no income tax owed in 1962, 1963 and 1964.

The company's profits for the three years were \$137.3 million. Its total tax-free profits from 1962 through 1967 were \$470.9 million.

The giant of the petroleum industry, Standard Oil Co. of New Jersey, reported gross revenue of \$14.7 billion in 1967.

Standard's net income before income taxes was \$2 billion and its federal income tax liability was \$166 million for a rate of 7.9%.

The company's profits for the one year after all taxes were \$1.2 billion, enough to run the City of Cleveland for the next 10 years.

From 1962 through 1967, Standard registered a total net income before taxes of \$10.1 billion and listed its federal income tax bill at \$470 million.

This averaged out to a tax rate of 4.7%—or 3.5% under the Plain Dealer survey average for 1967.

During the six-year period, Standard Oil's profits after all taxes amounted to \$6.3 billion.

Only two companies in the tax study were taxed at rates exceeding 25%: Standard Oil Co. of Ohio (28.8%) and Ashland Oil & Refining Co. of Ashland, Ky. (32.8%).

Unlike other major refiners, neither Sohio nor Ashland is a large oil producer and each must buy crude oil from other companies.

As a result, the two firms do not have access to the larger depletion allowances, intangible drilling benefits and other tax privileges utilized by producers like Atlantic Richfield.

While many of the nation's oil companies are spared any federal income tax liability and others are paying income tax at a rate under 10%, many Cleveland businesses are taxed an average 40 to 50% of their net income.

Richman Bros. Co., a Cleveland-based manufacturer and retailer of men's clothes, reported a gross income of \$90.1 million in 1967.

The company's net income before taxes amounted to \$7.4 million and its federal income tax bill was \$3.5 million, a tax rate of 47.9%.

The Higbee Co., a major Cleveland department store, listed a net income before taxes of \$3.8 million on revenue of \$96.3 million.

The store reported a federal income tax liability of \$1.6 million, a tax rate of 41.4%.

Testifying on federal income tax inequities, Dr. Arthur W. Wright, a visiting research economist at Yale University, told the House Ways and Means Committee:

"Present tax policies toward natural resources provide a major route by which wealthy individuals and corporations escape liability for federal income taxes.

"As a result, our tax system, judged by publicly accepted standards, is less fair than it should be.

"Taxpayers with similar incomes should bear similar tax burdens. The effective tax rate should not depend on the source of one's income: earnings from minerals and earnings from other sources should be taxed alike."

TABLE OF DATA ON PLAIN DEALER OIL SURVEY
[Dollar amounts in thousands]

	Gross income	Net income before taxes	Federal income tax owed	Percent of profit owed in tax	Profit after taxes
Atlantic Richfield Co.	\$1,578,668	\$145,259	None	0	\$130,005
Belco Petroleum Corp.	18,505	8,025	None	0	7,665
General Crude Oil Co.	19,897	5,500	None	0	5,500
Texas Oil & Gas Corp.	13,986	3,705	None	0	3,705
Aztec Oil & Gas Co.	7,961	2,516	None	0	2,510
Consolidated Oil & Gas	4,894	2,427	None	0	2,427
Livingston Oil Co.	17,043	1,534	None	0	1,534
Mesa Petroleum Co.	6,188	1,390	None	0	1,390
Felmont Oil Corp.	5,749	779	None	0	779
Asamera Oil Corp.	4,754	576	None	0	576
Wilshire Oil Co. of Texas	5,204	392	None	0	392
Basin Petroleum Corp.	1,992	263	None	0	263
Westates Petroleum Co.	3,932	200	None	0	200
Texas American Oil Corp.	813	55	None	0	55
Reserve Oil & Gas Co.	11,322	1,936	\$11	0.6	1,924
Amerada Petroleum Corp.	218,675	103,979	887	0.9	58,461
Standard Oil Co. (Calif.)	3,788,912	513,067	6,000	1.2	421,667
Texaco, Inc.	5,398,976	892,986	17,500	2.0	754,386
Pennzoil Co.	92,481	16,296	337	2.1	15,959
Marathon Oil Co.	705,832	138,520	3,700	2.7	73,858
Murphy Oil Co.	199,187	9,255	307	3.3	8,218
Mobil Oil Corp.	6,473,083	594,593	26,900	4.5	385,393
American Petrofina Inc.	185,562	14,828	800	5.4	14,028
Kerr-McGee Corp.	423,834	39,351	2,395	6.1	34,350
Union Oil Co. of Calif.	1,700,869	163,820	10,400	6.3	144,963
Getty Oil Co.	1,160,258	140,422	10,747	7.7	118,166
Gulf Oil Corp.	5,174,464	955,968	74,142	7.8	578,287
Standard Oil Co. (N.J.)	14,740,648	2,098,283	166,000	7.9	1,232,283
Sinclair Oil Corp.	1,500,123	130,017	10,585	8.1	95,372
Tenneco, Inc.	1,806,456	159,812	13,604	8.5	146,208
Midwest Oil Corp.	39,975	14,214	1,467	10.3	12,693
Continental Oil Co.	2,254,805	241,362	30,031	12.4	148,962
Aberdeen Petroleum Corp.	690	151	19	12.5	130
Signal Companies, Inc.	1,514,437	73,480	9,162	12.5	49,136
Shell Oil Co.	3,674,174	342,022	44,940	13.1	284,849
Sun Oil Co.	1,173,250	146,946	24,700	16.8	108,576
Standard Oil Co. (Ind.)	3,586,394	366,847	74,021	20.2	282,250
Phillips Petroleum Co.	2,012,227	227,766	52,255	22.9	164,015
Standard Oil Co. (Ohio)	691,895	101,496	29,200	28.8	63,884
Ashland Oil & Refining Co.	904,975	76,289	25,053	32.8	44,959
Total and tax average	61,123,091	7,735,327	635,163	8.2	5,399,978

This table is based on financial information obtained from reports filed with the U.S. Securities and Exchange Commission in Washington, D.C. In those cases where applicable, the figures are from the company's consolidated tax return. Where possible, the net income is shown as income before State, foreign, and Federal income taxes. Because of this difference, it is not possible to subtract the Federal income tax owed from net income to arrive at the profit after taxes in all cases.

[From the Cleveland (Ohio) Plain Dealer, Apr. 4, 1969]

ATLANTIC MADE HALF-BILLION PROFIT IN 6 YEARS WITH NO TAXES

The Atlantic Richfield Co. and its predecessor, the Atlantic Refining Co., accumulated profits of nearly a half-billion dollars from 1962 to 1967 without owing a penny in federal income tax.

In February 1968, Atlantic Richfield in a joint venture with the Humble Oil & Refining Co., a subsidiary of Standard Oil Co. of New Jersey, made a major oil discovery on Alaska's North Slope.

At Prudhoe Bay, the companies drilled two wells and struck a field estimated to contain 10-billion barrels of oil—the largest field in North America.

The find insures a steady supply of crude oil for Atlantic Richfield's refinery and marketing outlets—and, in the words of one company executive: "a big increase in cash flow and profits."

But the Prudhoe Bay field is only one of about 20 similar geological structures on the North Slope.

Estimates of the oil in all these fields run as high as 50-billion barrels. Before Prudhoe, the largest U.S. find was the five-billion-barrel East Texas field in 1930.

Atlantic Richfield and Humble's leaseholdings in the Prudhoe Bay area cover some 90,000 acres.

After its sixth consecutive year of paying no federal income tax, the Atlantic Richfield Co. told stockholders in its 1967 annual report:

"We are pleased to report that Atlantic Richfield Co. earned \$130,005,000, or \$8.56 per share in 1967, a gain of 15% over the \$113,484,000, or \$7.21 per share, reported in 1966.

"Dividends were increased for the third time in as many years. On July 17, 1967, the Board of Directors raised the annual rate from \$2.80 to \$3.10 per common share."

Last month, the Justice Department approved the merger of the Sinclair Oil Corp. (assets of \$1.8 billion) into Atlantic Richfield (assets of \$2.4 billion).

It was one of the largest oil company mergers in U.S. history.

[From the Cleveland (Ohio) Plain Dealer, Apr. 4, 1969]

GETTY-OWNED OIL FIRM PAID TAXES AT 7.5 PERCENT RATE

Jean Paul Getty, 76, married seven times, a graduate at Oxford, is sometimes described as the richest American, a genuine oil billionaire.

He lives in a 73-room manor house called Sutton Place (which has a pay phone for guests) near London.

Getty works out of his Sutton Place sitting room, supervising his worldwide oil operations and offering advice to the economy minded.

The Getty Oil Co. is among 40 firms surveyed by The Plain Dealer in connection with the accompanying article on the petroleum industry's tax status.

Back in 1967, the frugal oilman warned British motorists that:

"A single faulty spark plug can add (\$36.40) to the fuel bill for an average motorist's annual mileage of 7,400.

"Similarly, an engine filter choked with dirt can cost another (\$16.80) in the course of a year, defective piston rings (\$14), faulty thermostat (\$8.40) and incorrect ignition setting (\$5.60)."

Getty, who spends most of his time now in England, made his first million in 1916, working with his father, a Minneapolis lawyer turned oil prospector.

The elder Getty died in 1930, leaving a \$15-million estate and the nucleus of the Getty oil empire.

While other businessmen avoided the stock market during the depression years, Getty and his associates quietly bought up large

blocs of oil securities at bargain basement rates.

His first stock purchases in the old Tide Water Associated Oil Co. were for \$2.50 a share. During 1932 and 1933, he acquired more than 740,000 Tide Water shares.

In 1967, when Tide Water was merged into Getty Oil Co., the original \$2.50 share was worth \$307.80.

For the six years from 1962 through 1967, Getty Oil Co. listed a total net income before taxes of \$556.9 million.

The company reported owing \$41.9 million in federal income tax for an average tax rate of 7.5%. Its total profits after all taxes were \$468.5 million.

Getty, individually and as trustee, owns some 12.5 million shares (selling at \$77 a share on the New York Stock Exchange), or about 62% of the outstanding stock in Getty Oil Co.

Mr. LONG. Does the Senator yield the floor?

Mr. PROXMIRE. I yield the floor.

Mr. LONG. I hope the Senator will remain in the Chamber because he will find he is mistaken on several points, even though he is a rapid reader and even though he did some homework last night.

Mr. President, the reason we have the oil import control program is not to try to get oil cheaper. We know we will have to pay more for it if we produce it here rather than obtain it on the world market. The reason we have the program is that we feel we should be able to provide for our requirements of an item that is absolutely essential to this Nation, and we should be able to produce it to the degree necessary to see us through whatever emergency may fall upon us.

Now a group was set up under President Eisenhower, and later another one was set up under President Kennedy. They made a study to see what the right level of imports should be to assure that the domestic production of oil would continue to be available in a time of national emergency. They came out with the level of 12.2 percent in zones 1 through 4, which would be about right. And because they cannot produce their own requirements in zone 5, they said let them have higher than 12.2 percent but try to make them rely on American production, if they could, even in that area. That accounts for the percentages.

The Senator talks about Canadian oil being available, and Mexican oil being available. The Senator does not know what he is talking about. How does the Senator know whether a war would not break out between the United States and Canada, and if so, why would Canada give us its oil to fight a war with Canada?

That could happen. Has the Senator ever heard of the War of 1812? Canada was on the other side and did pretty well when our invading army went up there to land troops in that place.

Mr. PROXMIRE. Is the Senator from Louisiana really serious about that?

Mr. LONG. It is not inconceivable.

Mr. PROXMIRE. Canada and the United States would engage in a prolonged war that would hold up our ability to produce oil in this country?

Mr. LONG. It is entirely conceivable to the Senator from Louisiana.

Mr. PROXMIRE. Well, let me tell the Senator, with the national defense argument for the oil import program hanging

from this kind of a ridiculous assumption, no wonder it is so widely challenged. Such a prolonged war—Canada versus the United States—is inconceivable to me.

Mr. LONG. Let me answer the Senator's question. It is entirely conceivable to the Senator from Louisiana that a war could occur between the United States and Canada and that if a war did occur between the United States and Canada, Canada would not deliver Canadian oil to the United States so that the United States could fight Canada with it. That just makes sense to me. Maybe not to the Senator, but that does make sense to me.

The second fact—the Senator says it makes no sense to him—20 years ago if the Senator had told me there was a possibility of war between the United States and Cuba, I would have said to the Senator, "Now, do you really think that there is any possibility of our wonderful Latin American friend, Cuba, going to war against the United States?" I would have said further, "Why, Senator, you must be dreaming to think that that could happen."

Yet, I think the Senator from Wisconsin would agree that is a distinct possibility today.

The Senator said that we cannot rely upon that Mexican oil to come across through a pipeline. In order to help Mexico, in order to help Canada, we put forth the assumption—

Mr. PROXMIRE. Will the Senator from Louisiana yield at that point for just one correction?

Mr. LONG. I yield.

Mr. PROXMIRE. The Senator from Wisconsin said nothing about Mexican oil.

Mr. LONG. They are in the same arrangement as Canada. That being the case, I thought the Senator would probably want to include that, too. They are getting the same consideration as Canada, relatively speaking. They are permitted to sell oil products of Mexico in the United States even though some of the oil here is from the 12.2 percent in zones 1 through 4.

If we had to go to war with Cuba, I think the Senator would agree that there could be a question as to whether Mexico would deliver its oil to us, because the Latins tend to sympathize with one another, even though one is a Communist power and the other is a non-Communist power. It would be extremely doubtful that we could get their oil. Furthermore, if we have to go to war with a big power like the Soviet Union, we are going to have to rely upon Canadian oil to fight the Soviet Union.

The Russians might say, "Look, Canada, if you insist on providing America with the last remaining fuel they will have to fight us with, we will bomb your cities and knock them out."

What commitment do we have from Canada that will assure us that we would get any oil from them to see us through a war with Russia when it would mean that Canadian cities would be blasted?

Mr. PROXMIRE. Is the Senator asking?

Mr. LONG. Yes.

Mr. PROXMIRE. Certainly, in a war between the United States and Russia, does the Senator really feel that that

would drag on for years considering the enormous nuclear capacities both nations possess?

Mr. LONG. Senator, it is possible. It is. I will tell the Senator why.

It is entirely possible that one of these days the United States will say, "Look, Russia, the thought just occurred to us that if we have a thermonuclear war between us, you would kill at least 100 million of us, and we would kill about 100 million or more, maybe of your people. It would be foolish to fight a war that way. Would it not be better to let the war be fought out to a conclusion by the use of weapons other than nuclear weapons and poison gas? We already have international agreements to prevent the use of poison gas. It makes good sense to say that we are not going to use nuclear weapons only because we know that if we do, you will use them against us. We think it might be better to reach a decision where we fight conventionally until one side thinks it has lost and the other side is fatigued."

Mr. PROXMIRE. Will the Senator yield right there?

Mr. LONG. We are fighting that way now in Vietnam where we have not used atomic weapons at all. General MacArthur would like to have used atomic weapons in Korea, but we would not let him do it. It is just that kind of logic, that we have been reluctant to resort to the use of nuclear weapons because we know that if we do, the other fellow will use them on us, if he has them. Does that not make sense to the Senator, or is the Senator upset about it?

Mr. PROXMIRE. How fantastic can we get? Now we base this oil import program that costs the American consumer billions a year on the weird assumption that we will fight a long, many-year non-nuclear war with Russia. After all, would we submit to defeat by the Soviet Union without the use of the nuclear weapons we have? Or would the Soviet Union submit to defeat by us without using their nuclear weapons? It is one thing to fight in Korea, or in North Vietnam, neither of which has nuclear weapons, and where we have limited political objectives, and something else to have a war with the Soviet Union. There is no question that such a terrible catastrophe would be a war of national survival.

Mr. LONG. The Senator is making an argument which has already been made. It has been considered. It was considered by President Eisenhower. It was considered by President Johnson, and it was also considered by President Kennedy. They all concluded that you were wrong, Senator. That is why we have the oil import control program, because we realize that it is possible we might have a war with the Soviet Union that would not be over within 24 hours, 48 hours, or 7 days. It is entirely possible that we might fight such a war with conventional weapons and let 200 million people survive.

Mr. PROXMIRE. I would be delighted to be enlightened by the Senator from Louisiana if he would supply me with the time and the report made by the Defense Department of the need for the oil import control program as a mat-

ter of national security. It is my understanding that the Defense Department has never made any such recommendations. The experts in the Defense Department who would be in the proper position to analyze whether it was necessary never had a chance to consider it from the standpoint of the national defense. The decision was made by the Interior Department.

Mr. LONG. Senator, I will make that available to you. I will make available to you all I can find on the subject. Of course, some of the stuff is classified, but what I can make available to the Senator I will be glad to make available. Some of it I cannot make available. Some of the discussion between military officers and people in the petroleum industry, discussing the very type of argument the Senator has in mind, some of that conversation was related to me verbally. I am a military officer of this country. I did fight in the last war. I have handled top secret information for the Government. I did serve on the Armed Services Committee and left that to go on the Committee on Foreign Relations. I am regarded as being competent to have that kind of information. But to make it public, or give it to someone else, presents a problem. But I would be glad to help give the Senator what I can.

Mr. PROXMIRE. I also was in the last war. I also was in the Army. I am also cleared for top secret and classified information. I will be delighted for the Senator to give me as much information as he can, but let me say to him that I have not seen any and I am confident that the Defense Department never made any such recommendations.

Mr. LONG. I can satisfy the Senator that they thought it was appropriate, including people in the Pentagon. Some will agree that if we go to war and have a "blow up" the whole thing will be over with before sundown of that day.

Mr. PROXMIRE. Well, if the Senator will yield—

Mr. LONG. Just a moment—just a moment—of course, there might be some sanity over here and some sanity over there, too. In fact, let me tell the Senator, if he wants to ask me—that I have served on the Armed Services Committee, as well as on other Senate committees. I worked with the distinguished Senator on the Armed Services Committee, presently in this Chamber, the Senator from Mississippi (Mr. STENNIS), but at that time, the Senator from Georgia (Mr. RUSSELL) was the chairman, a very fine man whom we all love; and I also served on the Committee on Foreign Relations for a number of years and had occasion to study some of those problems and ask the very same questions involving things like this.

If I, myself, had to advise a President, if, let us say, we were going to have to fight a war in Korea and we could not win it without resorting to thermonuclear weapons, I think I would advise him as follows: "Mr. President, if you must resort to nuclear weapons to prevent our being defeated, use them; but if you are going to use them, do not use them beyond the battlefields and do not use any-

thing but tactical nuclear weapons. Tell the enemy you are going to limit them to that. Tell the enemy you are going to use those weapons in that fashion, and you expect the enemy to use the weapons the same way. Do not use those weapons on the big cities, because, if you do, they are sure to use them on our big cities. When you kill 100 million of his people, he will kill 100 million of our people. It is not fair to kill all those people unnecessarily. We would do better to lose Korea than to have two-thirds of the population of the United States killed, just as two-thirds of their population would be killed."

Perhaps the Senator was not present when President Kennedy said in his message that President Eisenhower had made a mistake in relying too heavily on nuclear weapons. He thought we had better be in a position to face the threat either way; to hope that we could prevail by the use of ordinary usual types of weapons, and to avoid resorting to nuclear weapons, so that we could save that alternative and save that fateful decision as long as we could and not go that far. So he said he was going to build up the capability of this Nation to fight with conventional weapons.

Whether the Senator knows it or not, we have increased our capability in that area, and so has the Soviet Union. In other words, both of us think it is quite possible that we might have to fight a major war with conventional weapons. If such a war comes—and we hope it will not come—whoever has thermonuclear weapons available to drop on the others capital will pray that it will not be necessary, because if he did, he would know what it meant.

Now, if we were fighting a war in the category of using less than thermonuclear weapons and trying to destroy another country, estimates have been made that we could not get a single tanker to this country from Venezuela.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. LONG. I ask unanimous consent to have 10 additional minutes.

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

Mr. LONG. Does the Senator from Wisconsin know that?

Mr. PROXMIRE. Mr. President, I would like the Senator to reconsider the reasoning he is proceeding on. He is proceeding on the reasoning that if we had a war with Russia, she would threaten to obliterate Canadian cities with her enormous power; but, at the same time, she would have enough sanity and gentleness and restraint that she would not use nuclear weapons on this country. That gives a notion of the quality of the reasoning that relies on national defense to justify the oil import program.

Mr. LONG. If the Senator did not hear what I said, obviously he would say I was in error. I was trying to tell the Senator that we cannot rely on Canadian oil in a defensive emergency that might occur. We cannot rely upon it. I am saying that, if we were fighting the Soviet Union, the Soviet Union might tell Canada that if Canada insisted on providing the United States with the essential

oil, which was the last thing left to keep us going, she would bomb Canada. I did not say with thermonuclear weapons. I said "bomb." I did not say "bomb with thermonuclear weapons." I said "bomb."

If the Senator ever saw what we did to Hamburg and Berlin in World War II merely with conventional bombs, he knows we can do a pretty good job with those weapons.

But let us assume it was a thermonuclear war and Russia had proceeded to knock out all of our major refineries the first day, and the second day she knocked out everything she had missed the first day, and then proceeded to put bombs on our offshore wells, whatever ones we might be operating that were economical—and I shall meet the Senator on that point later. With all that supply gone, about the only thing that would let Uncle Sam continue so he could hang on the ropes and not go down for a 10 count, would be Canadian oil. At that point the Soviet Union would say, "Canada, you are the only one keeping the United States going, and if you insist on providing this oil for the United States, we will regard it as an unfriendly act, and we are going to deal with you, too." At that point Canada would say, as a matter of survival, "The United States is going to be exterminated, and they are threatening to exterminate us, too."

Canada would have to make the fateful decision as to whether she would not or would provide us with the oil at the cost of being exterminated, as Russia had exterminated the population of the United States.

So I say we cannot rely on Canada for the oil, especially if we do not have an agreement with Canada that she will provide the oil under such conditions—which we do not have. If the Senator thinks Canada will make an agreement to give us that oil under any conditions, I invite him to come in with an agreement of that kind. He ought to try to get such a treaty and bring it in, because we do not have such an agreement; and I predict that when the Senator does bring in such an agreement we will be paying a high price for it.

So much for that.

The Senator said something about the oil producing companies being effective—

Mr. PROXMIRE. Will the Senator yield on the question of Canadian oil exports to us?

Mr. LONG. I yield.

Mr. PROXMIRE. Is it not true that oil from Canada was exempted from the oil import program on the very ground I am talking about, because it was considered by this Government to be available in case of war and it is only recently that this initial decision has been modified?

Mr. LONG. That was not the real reason, Senator.

Mr. PROXMIRE. What was the real reason? Why was it exempted? After all, the reason for it, as the Senator has emphasized over and over again, is national defense.

Mr. LONG. The real reason is that Canada would have some very severe

imbalance of payments problems if we did not do that.

Mr. PROXMIRE. Which is more important? National survival or balance of payments?

Mr. LONG. I am telling the Senator the real reason. It was to help Canada.

Does the Senator know how much Canadian oil Canada is using for its own purposes?

Mr. PROXMIRE. About 40 percent, I would think. That is my guess, but it could be a little less than that. It is far less than half.

Mr. LONG. Would the Senator mind telling me why it is that Canada does not provide its own requirements of oil? She has plenty.

Mr. PROXMIRE. Because it is cheaper to import oil from Venezuela, into the east coast especially. That is why.

Mr. LONG. The point I am getting at is that the oil Canada is importing is for the most part world market oil which is being brought to the eastern seaboard, and she is buying that oil at the world market price. What Canada is producing in the West she is selling to us at our price. It does not make sense to let someone take advantage of us in that way and our not get anything for it.

Some people say that, in one sense, Canada is doing something for us and that we should subsidize her and help her out; otherwise she would have an unfavorable balance of payments and she would be in deep financial trouble. That is about the only advantage helping Canada has.

As far as relying on that oil is concerned, some people say we ought to have a common market on oil. Perhaps we should, but if we did, we should have an agreement that Canada would play the game by the same rules we have. We are not going to be able to play competitively with Canada if we let Canada play by her rules.

It is the same way in football. We play football with 11 men and Canada plays it with 12 men. Even if one had a better football team, the other team would kill that team if it were to play 60 minutes on the field when the other team had an extra man. That extra flanker would kill the other team, because that team would not have the defense to cover the 12th man. That is what we are talking about when we talk about having an oil agreement with Canada.

The Senator says we should not produce our requirements of oil because we ought to save all that oil and keep it in the ground, so that scarce oil would be available to us in the event this country should find itself in a war. May I suggest to the Senator that the first thing a man would do if he had an oil well that was not producing would be to take his lifting equipment and pumping equipment, and equipment of that nature, and use it elsewhere. The well would be sanded up, and it would cost a great amount of money to rework it and get it into production. He would move his equipment to the oil well that was still working a small profit over and above the cost of production. When it came to reworking that well, if he estimated that it would cost \$2,000 to rework the well and he would not get

more than \$1,500 before he got through reworking it, he would shut it down and let it get sanded up and go out of production. He might put concrete at the bottom of it, pull the pipe up, and sell it for whatever he could get, or put it to work where he had another well.

So those wells just would not be available to us. Those wells would go out of production soon. You would cannibalize, by taking parts from them for some other well that could stay in operation, and use that one until it was in the same condition, and then it would go off the stream.

The Senator says 95 percent of our wells are still economical. Let me show the Senate how illogical that is. It is true that where you have a well in the ground, and you have already drilled it, even if you have to sell the oil for a dollar, you could still go ahead and take the oil out of the well and keep operating until you had exhausted that particular well. But you could not afford to go and look for more oil. You could not afford to send the seismograph crews out. You could not afford to drill exploratory wells. You could not afford to risk venture capital to go and find more oil, if you were trying to compete against a \$1.75 world market. You could do some of that in the Gulf of Mexico, or you could do some of it off the shore of California. You could do some of it where the big find has been located in northern Alaska.

But with regard to these small upland wells, which are about the only ones we can rely upon still to be in production in the event of a real emergency, you could not afford to do that with regard to any of those, or at any rate very few of them, and those are the most essential ones.

Furthermore, these little refineries, which would be the last ones left after an enemy got through knocking out big refineries in New Jersey, the big refineries in Baton Rouge, and the big refineries in Lake Charles—they are the vital targets; they would knock those off in a hurry, in a big war. But after those big refineries are gone, we have more than 100 small refineries scattered throughout this country. An enemy would have great difficulty finding or destroying them. Those would be the first refineries to go out of business in the event we had no oil import control program.

The oil that would be available to those refineries is the same oil that is not economical to produce. That would be the last thing we would be able to hold on to, to defend our country.

The Senator says 95 percent of the wells could continue to produce. They would produce, but we could not afford to drill any more. They would gradually go out of operation, and we would only have a very few tidelands wells, which are a very poor security risk if we were counting on them to see us through the essential requirements in the event of a war.

The PRESIDING OFFICER. The Senator's time is expired.

Mr. LONG. I ask unanimous consent to have 3 more minutes.

The PRESIDING OFFICER. How many additional minutes did the Senator request?

Mr. LONG. I asked for 3 additional minutes.

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

Mr. LONG. Mr. President, yesterday I made the statement that the oil industry pays more taxes than the average for all manufacturing. The Senator from Wisconsin indicated that the industry paid about 17 percent as far as income taxes are concerned as compared with close to 50 percent for other industries. This statement, of course, quite adroitly avoids the point I later made, that in talking about taxes, you must speak in terms of the total taxes paid by the industry, recognizing that in the oil industry there are other taxes involved, such as local severance and production taxes, pipeline taxes, and property and ad valorem taxes.

When you make these valid considerations, you can then determine the rate of return on invested capital which is the meaningful comparative figure. For the 12-year average, 1955-66, all manufacturing industries had a rate of return on invested capital of 10.9 percent while the petroleum industry had a rate of return of 9.7 percent. Between 1963 and 1966, the Federal income taxes on oil increased from \$490 million to \$780 million; the State taxes, which include income taxes, production taxes, ad valorem taxes, severance taxes, and franchise taxes increased from \$630 million to \$720 million; other local taxes—principally property taxes—went up from \$480 million to \$550 million. Other taxes, which include payroll taxes, Federal lubricating oil taxes, and other miscellaneous taxes rose from \$400 million to \$450 million. Taking a particular year, in 1964 oil's taxes were equivalent to 4.82 cents for each dollar of total revenue as compared with 4.32 cents for all businesses. In 1965, oil's taxes amounted to 5.43 cents per dollar of gross revenue while other corporations paid only 4.62 cents per dollar.

On top of all this, it must be remembered that in 1966, for example, foreign taxes paid by oil companies totaled over \$1,131 million.

Mr. President, that was a trade against the taxes that would have been owed to this Government. If they had not paid it to a foreign country, they would have had to pay it over here.

So far as a businessman is concerned, it makes no difference whether he is paying it to the city of Baton Rouge, to the State of Louisiana, to the parish of East Baton Rouge, to the U.S. Government, or to Saudi Arabia. It is still taxes. What he wants to know is, "How much will I have left after taxes?" The oil producer receives the least profit, and he pays more than the other guys; it is just that simple.

Mr. President, when the Senator from Wisconsin tried to cut the depletion allowance, I had a big chart prepared. I had it placed in the RECORD. I have here a small reprint.

At one time apparently someone did not understand whose chart it was because the Senator from New York (Mr.

JAVITS) heard the Senator make his speech in favor of cutting the depletion allowance, and he said, "I agree with the Senator, as the charts well demonstrate."

Those were my charts. They proved my point. Apparently the Senator thought they proved the case against my point.

I ask unanimous consent to have the chart printed at this point in the RECORD.

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

TAXES ON OIL		
	1963	1966
Direct taxes (in millions):		
Federal income.....	\$490.0	\$780.0
State taxes.....	630.0	720.0
Local taxes.....	480.0	550.0
Other.....	400.0	450.0
Total (5 percent of total revenue) (in billions).....	2.0	2.5
Excise taxes (in billions).....	6.5	8.0
Total taxes (in billions).....	8.5	10.5

Mr. LONG. Mr. President, the chart says taxes on oil. It lists the same items I covered with the Senator. And it shows that on direct taxes, Federal income taxes, State taxes, local taxes, and others, as of 1966, the figure was \$2.5 billion. And it has a total in parentheses. It says 5 percent of total revenue.

The reason that is there is that it is about what an investor expects to make when he goes into business. He expects that he will make about 5 percent of his total revenue.

Five percent will be paid in taxes. If one goes behind the decimal point, he will find that they were not paying about the same as other people, but were paying more. He would find that the figures were even more favorable to my contention.

So this industry is paying more in terms of direct taxes than all other industries actually if these factors are taken into consideration. Then, if we add the excise taxes, the figure will be vastly bigger. That is a big burden on the product.

Gasoline minus taxes is selling at the refinery gate today for the same price that it was selling for 30 years ago. In terms of constant dollars, it is selling for one-third of what it was selling for 30 years ago. Very few other products can say that. The industry was able to accomplish this reduction because of improvements in technology.

Everybody in the industry and every good economist thinks one can sell more of a product if it does not have to carry a big burden. If an industry did not have to carry a burden as heavy as that borne by this product in some cases, naturally it could sell more. But even if we did not include the excise tax burden on the product, which is relatively heavier than on any other product except on tobacco or liquor, the oil industry is taxed more heavily than any other industry.

Some people vote against the liquor industry, and some people vote against the tobacco industry because they thought those products were injurious to health, or morally wrong. But taking those aspects out of it, oil is an essential item. It is taxed more heavily than is

any other industry with the exception of the liquor and tobacco industries.

The Senator says they get away with too much. The truth is that they make less than the average because they pay more tax.

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

Mr. LONG. I yield.

Mr. PROXMIRE. Mr. President, there is a very interesting discrepancy which I think I can explain. The Senator has just made a vigorous presentation in which he stated that the petroleum industry pays a much higher tax than does any other industry.

As I understand it, they pay far less than even small business. The figures I have from the U.S. Oil Week show that the oil industry paid something like 21.9 percent of its net income in virtually all its Federal, foreign, and State taxes including property taxes. Even small business pays 22 percent of its income in the revenue income tax alone.

But the Senator from Louisiana argues that oil pays a much higher percent in taxes. Why the difference? The difference is simple when one thinks about it. The reason is that the oil industry is an industry which makes a terrific net income on a relatively small revenue. As a result, if we compare their taxes with their over-all revenues, their total, gross income it seems that they pay a higher rate. However, I submit that the fair basis to use is the taxes compared with net income. This is what businessmen have available to pay taxes. That is the comparison I use. The Senator from Louisiana, uses gross.

My figures show that they are taxed far less heavily than almost any other industry. As I say, it is 21.9 percent of their net income, and this includes virtually all of their taxes, State taxes, foreign taxes, and Federal taxes.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. LONG. Mr. President, I ask unanimous consent that I be permitted to continue for an additional 5 minutes.

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

Mr. LONG. Mr. President, let me go on to show how this industry pays more taxes than any other industry. On the chart it shows \$8.5 billion in 1963 and \$10.5 billion in 1966. Those figures ought to include at least another \$1 billion for income taxes to foreign countries. Actually, their total income and operating taxes paid to foreign countries in 1966 amounted to \$3 billion.

The Senator said concerning foreign taxes that there is no basis for giving a depletion allowance for oil produced in foreign countries.

Insofar as I am concerned, I do not much care if someone is producing oil in Venezuela or Saudi Arabia whether he gets a depletion allowance. However, we do not allow him the allowance for the same reason that we allow it over here.

The reason is that the fellow is competing with other companies—German, Japanese, Italian, British. And those countries do not charge their oil companies any tax at all on what they pro-

duce over there. They charge them nothing. It is only when they bring it back and declare a dividend that they charge a tax.

As far as a corporate tax is concerned, they do not charge it there. And if our people had to pay the kind of taxes the Senator would impose upon them, it would be found that they could not compete with the British, the Japanese, the Italians, the Germans, or even the Russians. And we would not be getting any money from that source. As far as making money for the Government, we would be losing it because we would be killing the goose that lays the golden egg.

We do not collect the corporation taxes—and we collect very little corporation taxes—on what the oil companies are making in foreign countries. However, we get a lot of money out of that oil. Let me show the Senator why.

With respect to most companies, the big companies, the rule of thumb is that they will declare a dividend on a part of every dollar they make. They will put 50 cents into dividends and the other 50 cents will be put into expansion to keep the company rolling forward, to build it up bigger and better and to build new refineries. That all reflects it is not a reduction in the price of a product in the long run.

When the company makes more money in Saudi Arabia because of the price of oil, whether they sell the oil here or some place else, they bring back as much as they can and they declare half of it in dividends.

The people holding the corporate stock, relatively speaking, are high income people. They are paying as high as 40 cents on the dollar in taxes. They do not get any depletion on their dividend. The depletion allowance has already been taken. There is no depletion allowance available for the fellow receiving the dividend. It is probably safer to say that the man receiving the dividend pays a tax of 50 cents on the dollar for everything he gets. So, 25 cents out of every dollar they are making is going into Uncle Sam's Treasury.

So, if the Senator worries about this matter, bless your lucky stars, in addition to that, I submit that we are getting 25 cents out of every dollar they make in the world market. We are getting that much right here in the United States.

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

Mr. LONG. I yield.

Mr. PROXMIRE. The Senator has not met my point that, while it is true—and I would concede to him—that the oil industry does pay high taxes in relationship to its gross overall revenue, this is not the proper comparison. One can go broke on an enormous gross, even though his tax may be very light.

The taxation authorities in this country, in all our States, years ago, felt that a net income tax was the fair way to impose taxes on a corporation rather than a gross tax. On a net basis, the oil industry is very lightly taxed. It pays less than half the taxes paid by other industries, on the basis of the figures

from U.S. Oil Week's publication, which are taken from the SEC files.

My argument is that what they pay in relationship to their net income, their net profit, what they have available to pay, is a far better comparison than what the Senator is using, which is their gross. The Senator and I, I think, can get together.

Mr. LONG. I have put my figures in the RECORD, and the Senator has put his figures in the RECORD. I suggest that I study his figures overnight and he study my figures overnight, and tomorrow we will agree that I am right.

Mr. PROXMIRE. Tomorrow, I think we will agree, if the Senator will really think about this matter seriously, that they do pay a much lower tax in relation to their profits, in relation to their net income, in relation to their ability to pay. After all a company cannot pay a tax very long out of its gross if it is losing money without going bankrupt. It can pay out of its net. Here is the fair comparison.

Mr. LONG. I am going to make a big concession. I am going to agree with the Senator that the oil industry in the United States pays a smaller amount of Federal income tax than other industries or than the average for all manufacturing—much less. I will agree to that.

Mr. PROXMIRE. A much smaller percentage of all taxes in relationship to their net income.

Mr. LONG. That is where the Senator is wrong. I have not seen the Senator's pink sheet, but—

Mr. PROXMIRE. It is yellow.

Mr. LONG. But I have had these gone over by economists, and I am positive that I am right; and if I look at the Senator's sheet—

Mr. PROXMIRE. I concede that those figures are right. I do not dispute them. But I say they are irrelevant, because we should be talking about net profit. Here is the basis—not gross—on which any fair comparison of tax burden must be based.

Mr. LONG. Mr. President, I repeat the statement: It is true—I agree with the Senator—that if all you are looking at is the Federal income tax, this industry pays less than the average for all manufacturing, on profits.

Mr. PROXMIRE. All taxes.

Mr. LONG. But if the Senator will look at the severance tax, he will find that this is one of the very few industries that pay any severance tax, and the other industries that pay it pay very little.

In Louisiana, we hit them for 10 percent of gross before we know whether they made a profit or not.

Mr. PROXMIRE. The severance tax is included in the figures I have.

Mr. LONG. That is a tax they pay that nobody else pays.

When you take into account that they pay pipeline taxes—

Mr. PROXMIRE. That is included.

Mr. LONG. Take into account the property taxes. The Senator asks, "Why do they pay more property taxes?" The Senator is an apt listener, but he left the floor before I explained that yesterday.

The reason why this industry pays so

much more property taxes is that when they go to drill a well somewhere and they want to produce from that well, they cannot do what some other industry does if they think that the tax is unreasonable. They just cannot get up and move out, because the only way they can get the oil is to be there with that well.

As I said yesterday—I do not know whether the Senator left the floor before I said it—a well cannot be drilled far enough to get Louisiana oil out of the ground up in Wisconsin. You might get some out of Minnesota, but you cannot get it out of Louisiana.

They have to be in Louisiana to get the oil. And the tax assessor is sitting on top of them. They put a higher assessment on the tanks and whatever else is there, to get more money out of these oil fellows.

I should like to conclude by making one more point, Mr. President, with regard to the organizations that are raising the price. There is not just one, but there are two organizations in business for the purpose of maintaining a higher price on oil sold on world markets. They are OAPEC and OPEC. OAPEC, which sounds almost the same, refers to the Organization of Arab Petroleum Exporting Countries. It is composed of the mid-eastern and African countries. The other one—OPEC—refers to Organization of Petroleum Export Countries. It consists of all members of OAPEC, but it also includes Venezuela and Indonesia. The purpose of OAPEC was to be more vigorous and more forceful than OPEC and, hopefully, more effective and more militant about bringing pressure on foreign oil companies, such as those of the United States, with threats of nationalization of their properties and other measures so as to obtain a higher price and a better deal for the producing countries, more advantageous to them. In my speech of March 12 I included a memorandum showing how these organizations work to bring more and more out of U.S. oil companies. It is on page 6174 of the CONGRESSIONAL RECORD for that date.

Mr. President, the Senator made the statement that he thought increase in competition would cause the price to go down if the demand for the product was greater. That does not make any sense to any economist—that when the demand for a product is greatly increased, the price goes down. It works the other way around, and any classical economist, I think, would say that when the demand for a product is increased, the price goes up.

To prove my point, check with the people administering the program. My impression is that they say if you did not have the oil import program, the world price would go up at least 39 cents a barrel. That is too conservative in the point of view of people with whom I have discussed the matter, who work for major companies. They have estimated a fairly swift rise of somewhere between 50 and 75 cents a barrel in world market prices, and they said it would creep up after that.

Mr. PROXMIER. Then, would the Senator concede that the price to the American consumer would go down sharply, even though the world prices of oil went up?

Mr. LONG. Temporarily. In the long run, as these organizations became more and more effective in working together and collaborating and sharing markets, the price would go up to the price at which you could make fuel out of shale. That would be the limiting factor. I do not think they would want to take a chance on forcing America to produce its fuel from shale, because once they got into that, they would have lost a good market for a long time to come.

This is a quotation from the statement I made when I spoke about the Machiasport issue on March 12. It is a quote from the Department of the Interior document entitled "Cost of the Oil Import Program to the American Economy." They say:

The assumption that foreign crude oil prices, taxes and royalties would not rise with increased imports is probably valid only in the short run. While unused world capacity to produce crude oil might delay an immediate rise in world crude oil costs, shipments to the United States would rise from 5 percent of free foreign supplies in 1967 to 15 percent by 1980, and would almost certainly result in higher prices. Moreover, the growing reliance of the United States on foreign crude oil would strengthen the bargaining position of a host of producing countries whose past performance demonstrates intentions of continually increasing their share of producing profits.

Mr. President, when I made that speech and referred to that quotation, I placed in the RECORD a memorandum discussing case after case after case where these foreign countries have repeatedly, even in violation of their pledged word, their sworn word, raised the prices up, and up, and up, and made the companies pay more and more and more, even though they promised not to do it. There is no way they can be held to their word because they cannot be sued in the Supreme Court or in any court in the United States. The only court to which we could go is the one that they appoint. Mr. President, then you are likely to be told what the Peruvian court told the company that was a subsidiary of Standard Oil of New Jersey; that although the court was on the side of Standard Oil, the court had no power to overrule the decree of a military junta, which means, in effect, that the power over there is with the military people. In effect, it means, "It is too bad you have to be confiscated." That is typical of what you run into, Mr. President, when you go into court in foreign lands.

I filled the RECORD on that occasion of examples where host countries kept boosting the price so the price would go up if you rely on them.

ORDER OF BUSINESS

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

The PRESIDING OFFICER (Mr. MONTGOMERY in the chair). Does the Senator from Louisiana yield?

Mr. LONG. I yield.

Mr. JAVITS. Mr. President, I wish to ask a question of the principal author of the resolution (S. Res. 167), dealing with the speech reinforcement system.

The Senator will remember that I have been a protagonist of this idea which is incorporated, in general principle, in the resolution which provides that we should have some way of making ourselves heard. I am grateful that at long last the Committee on Rules and Administration has reported a proposal on that score. I would like to ask the Senator a question.

Mr. JORDAN of North Carolina. Mr. President, will the Senator yield so that I can make the resolution the pending business?

Mr. JAVITS. Of course. I am sorry. I thought the resolution had been made the pending business.

Mr. JORDAN of North Carolina. The resolution has not been laid before the Senate yet.

Mr. JAVITS. I yield to the Senator for that purpose.

SPEECH REINFORCEMENT SYSTEM FOR THE U.S. SENATE CHAMBER

Mr. JORDAN of North Carolina. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 111, Senate Resolution 167, authorizing a speech reinforcement system for the U.S. Senate Chamber.

The PRESIDING OFFICER. The resolution will be stated by title.

The LEGISLATIVE CLERK. A resolution (S. Res. 167) authorizing a speech reinforcement system for the U.S. Senate Chamber.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. JAVITS. Mr. President, it has been suggested, inasmuch as this matter is the pending business, that a quorum call be suggested so Senators will know the matter has been laid before the Senate. Therefore, I respectfully suggest the absence of a quorum, and ask at the same time unanimous consent that at the termination of the quorum call I may be again recognized.

The PRESIDING OFFICER. Does the Senator suggest the absence of a quorum without losing his right to the floor?

Mr. JAVITS. Exactly.

The PRESIDING OFFICER. Is there objection?

Mr. JORDAN of North Carolina. Mr. President, I think I had the floor and I yielded to the Senator from New York. Is that true?

Mr. JAVITS. I was recognized.

The PRESIDING OFFICER. The Senator from New York had the floor and he yielded to the Senator from North Carolina.

Mr. JAVITS. Mr. President, if the Senator from North Carolina wishes to be recognized, I withdraw my request. I hope that he will yield promptly to me, because I do have other problems.

Mr. JORDAN of North Carolina. I shall yield to the Senator promptly.

Mr. JAVITS. I thank the Senator.

Mr. JORDAN of North Carolina. 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. JORDAN of North Carolina. 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. JAVITS. Mr. President, will the Senator yield?

Mr. JORDAN of North Carolina. I yield to the Senator from New York.

Mr. JAVITS. I shall be very brief. We have discussed this matter many times. The Senator will remember that I was the author of the original resolution that sought to accomplish this purpose 10 years ago. I brought it up in the Committee on Rules and Administration when the Senator from Montana (Mr. MANSFIELD) was presiding over that committee. My proposal did not get anywhere. Subsequently, a compromise was arrived at because we left it to the majority leader and the minority leader to come in with some ideas.

A number of us have been discussing this matter in the Republican conference luncheon. We are deeply concerned about the very questions I addressed to the Senator from North Carolina when the matter was before his committee and when I was there with the Senator from Colorado (Mr. ALLOTT).

The question I raised is whether we are really adopting the most sophisticated and modern techniques to meet our needs, because I had a queasy feeling that what we are doing was a little bit old fashioned.

I wish to ask the chairman of the committee the following questions, and we will arrange later on to get the ranking minority member of the committee to agree if the chairman agrees.

Would it be the intention of the chairman and the committee if the resolution is agreed to—and the resolution gives the authority to the Committee on Rules and Administration—to seek also the concurrence of the majority leader and the minority leader? Many of us feel that if the committee and the majority leader and minority leader had concurred that we would really be getting the best break we could in the sense that we would have explored every conceivable avenue of modern technology and we would be coming up with the very best we could so that all of us can have pride in it in the Senate.

Does the Senator feel that is reasonable?

Mr. JORDAN of North Carolina. I readily agree to that because we would really want that kind of help. I remember vividly the part the Senator has played in this matter over a number of years, and the majority leader and the minority leader asking that something be done, going back to the Reorganization Act which the Senate passed and which the House of Representatives did not pass. That proposal was part of the Reorganization Act.

Mr. JAVITS. On my own amendment. Mr. JORDAN of North Carolina. The Senator is correct. It was section 335 in the Reorganization Act.

The Committee on Rules and Administration did what the Senate asked it to do, which was to instruct the Architect of the Capitol to hire what he considered to be very competent engineers, which they did. They reported to us.

We would like to have any additional information to be furnished because we do want the most modern system that can be installed.

Mr. JAVITS. Then, the Senate can feel that whatever is done would have the concurrence of the majority leader and the minority leader. Is that correct?

Mr. JORDAN of North Carolina. The Senator is correct. We would not want to have it any other way.

Mr. President, so far as I know, I will be glad, now, to answer any questions, although the information is fully included in the report which has tried to answer everything we can think of. Everything is explained as to the engineers, and so forth.

I am ready now to answer any questions but am happy at this point to yield to the Senator from Illinois for a statement.

Mr. PERCY. Mr. President, let me commend the distinguished Senator from North Carolina for the report and moving this project forward. It is one which I think is urgently needed and long overdue.

In the area of electronics, let me urge that quality is exceedingly important. I would hope that we would not in any way sacrifice quality, and strive to obtain the best possible sound reproduction and the best possible system in order to maintain the intimacy of the Senate and not have a system which would blare forth, as do some audio systems with which we have had experience.

May I ask the Senator one technical question, as to whether it would be possible, or whether the committee has given consideration to having individual volume controls on the speakers themselves, because hearing, like sight, varies with individuals and the comfort of listening is considerably changed and altered if we can bring up a soft voice or tone down a loud one to the individual capacity of the Senator.

If there could be an individual volume control on the speaker itself, I think it would add a great deal of flexibility and comfort to the system.

Mr. JORDAN of North Carolina. Let me answer that question by reading question 10 at the top of page 10 of the report, as follows:

Question No. 10.—Can the volume of the loudspeaker be adjusted by the Senator? *Answer.*—It is not recommended by the consultants, because the system is designed to operate at low volume throughout the entire Chamber. Random adjustments or complete silencing of several loudspeakers would upset the inherently refined balance of the system.

Mr. President, I certainly am not an expert on this kind of system, or things related to it, but we did hire what was considered to be one of the best engineering consultant firms in the country, and

this recommendation and the other things were gone into thoroughly. It is a low-frequency system which takes into consideration the low voice as opposed to the high voice and will be regulated accordingly. We can shut the speaker off. The microphone will not be in service unless it is picked up, because if it were live any conversation with one's seatmate could be broadcast, which we would not want, of course. There would be a console somewhere, in a proper location in this Chamber, to regulate the voices. I know what the Senator from Illinois means, that there are some voices which are pretty loud. They will be handled adequately by competent engineers.

Mr. PERCY. I thank the distinguished Senator from North Carolina.

Mr. CURTIS. Mr. President, I should like to be recognized for the purpose of offering an amendment.

The PRESIDING OFFICER. Does the Senator from North Carolina yield to the Senator from Nebraska for that purpose?

Mr. JORDAN of North Carolina. I am happy to yield to the Senator from Nebraska.

Mr. CURTIS. Mr. President, I offer an amendment now at the desk and ask that it be read.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

On page 7, line 8, insert the following: "Provided, That the Architect of the Capitol and the Sergeant at Arms of the Senate, shall not enter into a contract for such system prior to thirty days after the detailed design and costs for the same have been presented to the Committee on Rules and Administration."

Mr. CURTIS. Mr. President, let me say that I am for an amplifying system being placed in the Chamber. So far as I know, I have no quarrel with what has been proposed and I commend those who have worked on it.

I invite attention to the fact that a fairly good summary of what is proposed here appears on page 13 of the report, in the form of a letter to the Sergeant at Arms from the Architect of the Capitol and I ask unanimous consent to have that letter printed in the RECORD.

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

ARCHITECT OF THE CAPITOL,
Washington, D.C., October 11, 1968.

HON. ROBERT G. DUNPHY,
Sergeant at Arms,
U.S. Senate, Washington, D.C.

DEAR MR. DUNPHY: Pursuant to the provisions of contract No. ACBr-576 dated May 6, 1968, our acoustical consultants, Mr. Richard H. Bolt and Mr. Robert B. Newman of Cambridge, Mass., have engaged in comprehensive studies related to (1) the acoustical characteristics of the Senate Chamber as presently constructed and furnished, (2) the objectionable background noises which persist when the Chamber is totally unoccupied, (3) the unavoidable noises generated by the movement and intermittent presence of visitors, and (4) the adverse effects of echoes on the intelligibility of speech emanating from the Senate floor. All of the aforementioned circumstances, contributing in varying degrees to the present poor reception of natural speech in some areas of the Senate floor and in all galleries, are fully described in the accompanying report.

Our consultants' conclusions concerning the circumstances and adversities now prevailing in the Senate Chamber are as follows:

(1) The basic acoustical characteristics of the Chamber are typical for such spaces and will not present any significant problems when and if a speech reinforcement system is installed in the Chamber and its galleries.

(2) The background noises presently being generated by mechanical equipment operating both in the attic and basement of the Senate wing are extrinsic circumstances that can be reduced significantly by the proper application of modern sound attenuating procedures and devices in the areas where these noises are generated.

(3) The unavoidable transient noises generated by the movement and presence of visitors are intermittent in nature and their momentary sound levels in many instances are significantly higher than the continuous ambient noise levels produced by the mechanical equipment located in the attic and basement. At times, when the visitors remain quiet, the noise produced by the mechanical equipment becomes predominant. Advantages to be gained by enclosing the galleries with combined glass and solid partitions are described in the consultants' report and are reiterated hereinafter.

(4) The speech reception in all areas of the Chamber floor and in all galleries can be audible, natural, and effective if a properly designed speech reinforcement system is installed.

It is the opinion of our consultants that a speech reinforcement system consisting generally of (1) individual desk-mounted microphones and miniaturized loudspeakers for all Members, (2) a complement of microphones and loudspeakers distributed in the rostrum area for the Presiding Officer and other Senate officials, (3) a removable floor-stand microphone for use by distinguished visitors occasionally addressing the Senate, (4) a complement of loudspeakers for the Official Reporters, and (5) a wide distribution of loudspeakers in the galleries collectively will provide audible, natural, and effective speech reception throughout the entire space. An installation of this type, including extensions to the cloakrooms and Marble Room, is described and delineated in the accompanying report. The extensions to each cloakroom would provide facilities for the use of earpieces at will by Senators desiring to follow the floor proceedings, and a loudspeaker with local volume control at the page desk. The facilities in the Marble Room will be limited to the use of earpieces. An installation of this type is recommended in the accompanying report submitted by Messrs. Bolt and Newman, and they have estimated that the cost thereof, based on current price levels, will be approximately \$108,500.

To avoid conflicts with the activities of the Senate and to conform with established security regulations, the physical installation of the system components should be accomplished by the qualified electronic technicians presently on my staff. The consultants' cost estimate is based on this premise.

The aforementioned cost estimate does not include expenditures for the reduction of background noises generated by mechanical equipment. Rectification of this annoyance is separate and distinct from the speech intelligibility solution and should be accomplished whether or not a speech reinforcement system is installed. Likewise, the cost of constructing enclosing partitions is not included for reasons hereinafter mentioned.

Our consultants have indicated in their report that the effectiveness of a speech reinforcement system in the Senate Chamber can be enhanced generally, and particularly in the galleries, by the construction of combined glass and solid partitions extending

from the top of the railings at the perimeter of the galleries to the Chamber ceiling. The presence of such partitions would intercept the noises generated in the galleries and improve the microphones pickup at the desks. Both of these factors would be beneficial to the transmission of speech from the rostrum and floor of the Chamber. Furthermore, such partitions would permit the use of higher sound amplification levels in the galleries, a circumstance that would improve reception by the gallery audience.

The consultants agree with the Sergeant at Arms that enclosing the galleries also would make it possible to provide a significantly better accommodation for the thousands of persons that visit the Senate Chamber annually. By removing one or two rows of rear seats in one section of the gallery to form an aisle or passageway between two corridor entrance doors, a continuous procession of guided tour visitors could observe the proceedings of the Senate, while other less transient visitors are seated in the front rows of the same gallery section. In this way a significantly larger number of visitors would have an opportunity to briefly observe the activities of the Senate without being subjected to crowding and prolonged waiting in the corridors, or departing with an attitude of frustration and disappointment.

Since the architectural aspects and structural problems associated with the construction of enclosing partitions are factors beyond the scope of acoustical consultants, as well as any esthetic considerations in connection therewith, Messrs. Bolt and Newman have correctly confined their remarks to the acoustical efficacy of such partitions. The practicality of such new construction, including the determination of the cost thereof, necessarily would have to be the subject of a separate study and report developed by competent architects and structural engineers engaged by this office upon proper authorization.

You will be interested in knowing that our acoustical consultants have designed and specified speech reinforcement systems for the State Capitol, House of Representatives, Jefferson City, Mo.; the State Capitol, Concord, N.H.; the North Carolina State Reynolds Coliseum, Raleigh, N.C.; the Field House, University of Virginia, Charlottesville, Va.; and many other successfully operating installations.

Attached are two copies of the formal report prepared and submitted by the acoustical consultants. Additional copies presently are in transit from Cambridge, Mass. The arrival of this shipment is expected momentarily.

The assistance and extraordinary courtesies extended by your staff have contributed substantially in the effective accomplishment of this endeavor.

Sincerely yours,

J. GEORGE STEWART,
Architect of the Capitol.

Mr. CURTIS. Mr. President, the only estimates of the cost I can find are not too specific. On page 56, referring to the cost of the system, the grand total, including equipment cost is given as \$86,818.35; installation \$10,000—that is an allowance for overtime because it will be done by employees from the Architect's office; and professional services, \$11,600, making a total of \$108,418.35.

However, the Committee on Rules and Administration has already made some modifications of that, in that it is proposed there be a glassed-off passageway for tourists who come into the galleries and go out quickly so that they can hear what is going on but the noise they create will not filter down into the Chamber. That is discussed in the report on page 7.

It is entitled "Proposed Visitors Passageway Through Southwest Corner of Senate Gallery." I ask unanimous consent to have that excerpt of the report printed in the RECORD.

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

PROPOSED VISITORS' PASSAGEWAY THROUGH
SOUTHWEST CORNER OF SENATE GALLERY

A proposed visitors' passageway would eliminate a substantial amount of the ambient noises which now emanate from the galleries. At present guided tours visit the gallery very briefly in the course of the Capitol Building tour. These groups enter galleries set aside for them, move to seats, remain a few minutes, arise and leave to continue their tour. Their movement is, unavoidably, accompanied by a good deal of distracting sound. In addition, and especially during the spring and summer months, a substantial number of gallery seats must be set aside for these visiting tours.

Assuming a speech reinforcement system as proposed will be installed in the Senate Chamber, a plan has been developed which will provide an opportunity for guests on the Capitol Building tour to have a brief exposure to the Senate during its sessions, without going through the seating procedure described above.

This envisions the installation of a passageway in the southwest corner of the gallery with an entrance opposite the top of the west grand staircase and an exit to the third floor corridor immediately south of the Senate Chamber. Such a passageway can be constructed without impairing the dignity of the Chamber. It would be constructed of vertical transparent panels topped with a transparent ceiling. Obviously a passageway constructed in this manner would confine the unavoidable noises generated by the intermittent ingress and egress of large groups and, in addition, provide the opportunity for a greater number of visitors on tours to observe and hear the Senate proceedings. Moreover, it would free a substantial number of seats now reserved for tours, which could then be used by visitors who desire to observe the Senate for longer periods. This enclosure would be equipped with several loudspeakers of the type installed on the desks to provide low-level sound distribution within the passageway. The transparent walls and ceiling of the passageway would obviate the need for additional lighting.

Mr. CURTIS. Mr. President, let me explain what I have in mind by my amendment. Its purpose is to provide the Committee on Rules and Administration with specific details as to what is proposed. By specific details, I mean as to each desk, and so forth, and what all of this will cost, and that the Committee on Rules and Administration have that information for 30 days before a contract is let. During that 30 days, if it be my expectation that the Committee on Rules and Administration would ask the majority leader and the minority leader for their opinions as to whether the system should proceed, I believe that this proviso will hurt nothing and think that it will be of considerable help to the Architect of the Capitol and the Sergeant at Arms.

The resolution as drawn is quite broad. It reads:

The Architect of the Capitol in conjunction with the Sergeant at Arms of the Senate be authorized to install a speech reinforcement system and auxiliary appurtenances in the Chamber of the United States Senate subject to the approval of the Committee on Rules and Administration; and that there are

hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this resolution.

How much money? We do not know. The first part of the resolution authorizes these two officials to install it, and that would be the voice of the Senate. It is true it reads "subject to the approval of the Committee on Rules and Administration." Does that mean we are sidewalk foremen or that we are asked about something after it has already been done? I do not know, but I do know that very often, in contracts pertaining to the U.S. Capitol and Congress particularly, projects are started which cost much money. Members are dissatisfied, the public is dissatisfied, and we all have red faces after it is done and wonder why it was not done differently.

All the proposal provides is that, before a binding contract is entered into to spend any money—because we have already paid a consultant some money—the detailed design and cost be filed with the Committee on Rules and Administration and that 30 days go by.

That provision will give the Committee on Rules and Administration an opportunity to refer to the leadership. If the leadership or any other Senator have any doubts as to the wisdom, the propriety, or the cost of it, the floor is open. They can take such action as is necessary.

At the same time, I do not think this provision would cause an undue burden or undue delay. Whatever is installed will be used for a long time. It should be installed in a way that meets with the approval of the greatest number of Senators possible and that will be an irritation to the fewest number possible.

Therefore, I believe that, as a matter of precaution, we would not make a mistake by asking for the detailed plans and cost before a contract is let.

Now I want to say to the distinguished chairman of the committee, the Senator from North Carolina (Mr. JORDAN), that, because of illness, I could not attend the Committee on Rules and Administration. I am coming in late with my amendment. I plead guilty. I offer this amendment as no criticism of the Committee on Rules and Administration whatever. It should have been suggested before, but, under the circumstances, I could not do it. I hope the amendment can be adopted.

Mr. JORDAN of North Carolina. Mr. President, will the Senator yield?

Mr. CURTIS. Yes; surely.

Mr. JORDAN of North Carolina. I think it is a very reasonable amendment which the Senator has offered. I am glad to accept it. We would do that, anyway. We certainly would not want to let a contract unless the Senator and I and a great many other people had an opportunity to review it, because we are going to be responsible for it.

Mr. CURTIS. I appreciate that very much. I believe the provision will be of considerable help to the Sergeant at Arms and the Architect of the Capitol. As the resolution stands, they are directed to install. The amendment provides that they are not to enter into a contract until the detailed design and costs have been delivered and a period

of 30 days has gone by in order to give an opportunity to examine it.

Mr. JORDAN of North Carolina. May I go a little further? Just a few minutes ago the Senator from New York (Mr. JAVITS) posed a question. I readily accepted the idea that the majority leader and minority leader be consulted before anything was definitely decided on, so we could get their thinking on it. I told him I agreed with that idea.

Mr. CURTIS. My amendment would fit in with that thinking.

Mr. JORDAN of North Carolina. It fits in with what the Senator from Nebraska has said.

Mr. CURTIS. So something more concrete would be referred to the leadership than what we have today.

Mr. JORDAN of North Carolina. I may go a little further. On the day the Senator from Nebraska was unavoidably absent, the Senator from Colorado (Mr. ALLOTT) appeared before the Committee on Rules and Administration, where we had a mockup desk with the full instruments, and so forth, on it. We asked each Senator to be there. A good many Senators came. We were delighted with that. The engineers were there to answer questions.

I think the Senator from Nebraska has offered a very valuable amendment, and we are glad to take it.

Mr. CURTIS. I thank the Senator.

Mr. ALLOTT. Mr. President, if the Senator will yield, I would also like to support the amendment of the Senator from Nebraska. I have been interested in this matter for a long time. I am interested in it because in several of the committee rooms in which we meet in the New Senate Office Building we have so-called loud speaker systems. Of those rooms in which I meet, the one which most needs a loud speaker system is the Committee on Interior and Insular Affairs room. I am sure there is approximately \$5,000 worth of equipment in that room, and I am sure that even a person who was relatively an amateur in sound techniques could set up a system that was better, for perhaps one-tenth of the cost of that equipment. It is completely inadequate.

I must say that I was not entirely happy with the answers of the engineer who was present at the meeting. For example, he said we would need a separate channel for each speaker if we used a wireless system. I have no basis for knowing whether that is true or not, but I have been in rooms where wireless systems were utilized, and I am positive that not more than one channel was used in those rooms.

For those reasons, I myself do not want to see the Senate commit itself unequivocally to a system that may cost us a great deal of money. I do not think what we spend is as important as is that we get something which is satisfactory and which suits the needs of the Senate, because the amount we spend is going to be less than a drop in the bucket compared to what the operation of the whole Congress costs, let alone what the Government costs.

For those reasons, I am happy to support the amendment of the Senator from Nebraska. I know that the chairman of

the Committee on Rules and Administration and the members of that committee worked hard on this matter. Yet I also realize that this is an area in which probably only two or three in the Senate could claim to have expertise, despite the fact that all of us use loudspeakers all the time.

Therefore, I hope we go slowly, and I hope a system is installed which is adequate and which satisfies the needs of the Senate.

I must say the aspects of the system which is proposed, which is not a loud-speaking system, but, rather, a voice augmentation system, composed of a great number of small speakers scattered throughout the Senate and at Senator's desks, appeals to me. However, I still feel that an individual volume control, if there is to be a speaker at each desk, should be provided Senators in order that, if a Senator is really orating with great vocal strength, we can at least turn down the volume a little so we are not blasted out of our seats. On the other hand, some Senators speak in a very, very low tone of voice. For what I would call the "whispering Johnnys" we might want to turn it up a little. Therefore, I think we should have a little flexibility in whatever system we get.

I thank the Senator for yielding.

Mr. JORDAN of North Carolina. I thank the Senator from Colorado. I hope the very things he is talking about will be incorporated in the system, so we will get the best system that competent engineers can provide.

Mr. ALLOTT. I thank the Senator.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Nebraska.

The amendment was agreed to.

The PRESIDING OFFICER. The resolution is open to further amendment. If there be no further amendment to be proposed, the question is on agreeing to the resolution, as amended.

The resolution (S. Res. 167), as amended, was agreed to, as follows:

Resolved, That the Architect of the Capitol in conjunction with the Sergeant at Arms of the Senate be authorized to install a speech reinforcement system and auxiliary appurtenances in the Chamber of the United States Senate subject to the approval of the Committee on Rules and Administration; and that there are hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this resolution; *Provided*, That the Architect of the Capitol and the Sergeant at Arms of the Senate shall not enter into a contract for such system prior to 30 days after the detailed design and costs for the same have been presented to the Committee on Rules and Administration.

S. 1817 AND SENATE JOINT RESOLUTIONS 92 AND 93—INTRODUCTION OF A BILL AND JOINT RESOLUTIONS ON ELECTORAL REFORM

Mr. BAKER. Mr. President, I rise to introduce three proposals designed to strip away conditions to full participation in the electoral process. These measures, if adopted, would provide for a system of 50 State presidential primaries, allow transients the right to vote in national elections, and establish a

uniform 24-hour voting period for all presidential and congressional elections.

I offer my proposals, in the form of a bill and two joint resolutions, for appropriate reference.

The PRESIDING OFFICER. The bill and joint resolutions will be received and appropriately referred.

The bill (S. 1817) to provide a uniform 24-hour voting period for polling places in Federal elections, introduced by Mr. BAKER (for himself and Mr. BAYH), was received, read twice by its title, and referred to the Committee on Rules and Administration.

The joint resolution (S.J. Res. 92) proposing an amendment to the Constitution of the United States to provide for the conduct within each State of presidential preference elections and the election of delegates to conventions of national political parties for the nomination of candidates for President and Vice President; and the joint resolution (S.J. Res. 93) proposing an amendment to the Constitution of the United States enabling citizens of the United States who change their residences to vote in presidential elections, introduced by Mr. BAKER, were received, read twice by their titles, and referred to the Committee on the Judiciary.

Mr. BAKER. The first of these measures is a proposed amendment to the Constitution providing for the establishment of a presidential preference primary in each of our 50 States. Under the terms of this proposal each State would be required to conduct its own primary election in which candidates for the presidency could enter at their own discretion. Voters would cast ballots for a presidential candidate in the primary of the political party of their choice and would, at the same time, also cast ballots for two candidates for delegate to the national convention from their congressional district and for the number of at-large candidates for delegate to the national convention to which their state might be entitled. The results of the presidential primary would, of course, be ascertained and announced but would not be binding upon the delegates elected by the people to the national nominating conventions.

Such a system of State primaries—in which each candidate for the Presidency might enter and in which delegates to the national nominating conventions would be duly elected by the rank and file—would have many benefits without the attendant disadvantages that might be present under a nationwide presidential primary. Since under this proposal the national nominating conventions would be retained, many of the arguments that have been advanced against a nationwide primary would be overcome. A system of 50 State primaries followed by a national convention would not eliminate the compromise mechanism for registering and accommodating dissent within our political parties. A single sudden death national primary would achieve this undesirable result and would eliminate the national party convention as a forum for bargaining and, ultimately, reconciliation.

Further, a national primary would often necessitate a runoff, eliminate re-

luctant candidates and the possibility of a draft, and might create a problem in the selection of a nominee for the Vice Presidency. These problems would not be present under the proposal which I introduce.

At the same time a system of 50-State primaries would insure a more open and democratic method of selecting presidential nominees. It would reinforce rather than weaken our system of federalism, greatly strengthen party structures in each of the States, involve many more citizens in the vitally important work of partisan political activity, inhibit political manipulation, stimulate discussion of the issues by the candidates, and provide clear and unequivocal indicia of a given candidate's merit and of his ability to move the people.

Mr. President, closely connected to this question of reform of our nominating procedure is the intelligent controversy over reform of the electoral college system. I have previously made known my position in favor of direct election of our President and Vice President, and am a cosponsor of the proposed constitutional amendment to this effect introduced by the distinguished junior Senator from Indiana (Mr. BAYH).

The many advantages of a direct vote have been frequently voiced. Under a system of direct election the possibility that the candidate winning the most popular votes might be deprived of the Presidency through the anachronistic vagaries of the electoral college would be eliminated. The wholesale disenfranchisement of minority voters in each State would be ended, and each vote would be registered equally. No man's vote would be eclipsed or magnified as a result of the chance factor of State residence. The office of elector would disappear, with the result that no unfaithful elector could take it in his own hands to influence the outcome of an election, and splinter parties would no longer have the ability to influence the outcome in pivotal States or to utilize their influence in a handful of States to throw the election into the House of Representatives.

It is for all of these reasons that I have given my support to the direct election of the President, and I seriously hope that the 91st Congress will take prompt and incisive action not only to reform our nominating procedure but also to provide for a direct election of our President.

Mr. President, the other two proposals that I introduce are also, in my judgment, urgently needed electoral reforms. The first is a measure that would provide that no citizen of the United States who is otherwise qualified to vote in a national election shall be denied that right to vote in a presidential election by reason of the fact that he has changed his residence from one State or political subdivision to another. This proposed amendment would require that a State allow one who has removed his residence to vote in a presidential election, by absentee ballot or otherwise, until such time as any residence requirement of the new place of residence is fulfilled.

As we all know, the citizens of our country are increasingly mobile. The

Bureau of the Census has estimated that up to 20 percent of our citizenry is in a state of transition. In fact, it has been estimated that during a presidential election year as many as 5 million citizens are today denied the privilege of voting because they move into a new State too late to comply with residence qualifications.

All States have established qualifications for voting, with most including a residence requirement of 6 months to 2 years. No one seriously questions that the States should claim certain reservations concerning the right of any citizen to vote in local elections, on the ground that new citizens do not have sufficient knowledge of local issues and local candidates to draw meaningful conclusions or to cast an informed vote. But a far different situation prevails in national elections, in which a citizen, regardless of his residence, may become well informed on the programs and policies of each candidate seeking the office of President and in which the issues are national in scope. In this situation no citizen should be denied the right to vote because of a State residence requirement. This is a patently unjust impediment, and it must be removed.

Still another badly needed reform is the proposal for 24-hour voting coordinated between time zones. The bill which I introduce today with the distinguished junior Senator from Indiana (Mr. BAYH) provides for a 24-hour voting period for polling places in Federal elections. Under this provision polling places would remain open for a full 24 hours with voting beginning and ending at the same Greenwich mean time across the Nation.

This measure would, I believe, have two salutary effects. First, it would make voting a great deal easier for many Americans who now find polling hours inconvenient or impossible to meet. In almost every election our country is confronted with a serious nonvoting problem. In fact, in no national election in this century have more than 64 percent of the people of voting age gone to the polls, a ratio far below that in most other democratic countries. It is difficult to estimate how many of those millions of people who are sick or hospitalized or away from their homes on business or pleasure on election day would cast ballots if the voting period were extended to 24 hours, but every test of nonvoting that has been made indicates that there are a great number of people who have every intention of voting but are prevented from doing so by some unavoidable sickness, accident, or business.

Second, this measure would have the beneficial effect of eliminating the bothersome questions of whether early returns from eastern States and network computer predictions influence voting patterns in the West where polls are still open. The Baker-Bayh bill is designed to meet the growing concern over the effect on voters of electronic computers, a problem that has been aggravated in modern times by the rapid compilation, projection, and communication of election returns across the country through the media of radio and television. It is,

of course, difficult to ascertain the actual effect of network computer projections based on partial returns in broadcasts of radio and television, but in my view we should not run the risk that a close presidential election could be decided by these predictions or that local candidates in these States would suffer because voters stayed away from the polls believing the presidential contest had already been decided.

Mr. President, I certainly do not favor replacing cumbersome, anachronistic electoral machinery that has served reasonably well with new machinery that might prove disruptive of our form of government or our political processes. I am confident that these measures will not have this effect, and I urge their enactment.

Mr. President, it occurs to me, as I have said in the Chamber before, and as I reiterate with enthusiasm now, that the hallmark of the greatness of the American democratic system is that the machinery of government, designed so exquisitely by our forefathers, is uniquely adapted to the job of sensing and determining the full range of desires, demands, and dissents of the people of the Nation, so as to assure that the governing policies of the country resonate fully to that range of desires, demands, and dissents expressed in terms of electoral activity by the people at the polls on election day.

I am convinced beyond the shadow of doubt that no single President, no administration, no Congress, no collection of people, no group within the academic community, or otherwise, possesses, singly or collectively, the insight, sensitivity, compassion, or intelligence to meet and cope with the problems that confront the Nation now and will confront it in the future as far as I can see; and that only one force in the world and in America is adapted to the changes of these times; namely, the collective genius of the people of America, the collective judgment of the electorate within this country.

So one of the most important jobs we can undertake, in my view, is to update the electoral machinery so as to provide maximum participation by the greatest number of citizens in the serious—in fact, the most serious—business of compiling the programs of the Government in the years just ahead, and making certain that all within the Nation, in every locality, of every race, color, and creed, of every political persuasion, can feel that they do in fact have a voice—an effective voice—in the formulating of the policies of the future.

Much as I venerate the democratic institutions which have made our country great; much as I believe the electoral process and the electoral machinery given us by our forefathers are uniquely adaptable to the present and the future, I believe they must be modernized to provide full effectiveness.

Therefore, I join the distinguished junior Senator from Indiana (Mr. BAYH) in introducing proposals that our two chief magistrates, the President and Vice President, be elected by popular vote, undiluted. I introduce these

three measures to assure further that the machinery of government in this country will be fully responsive and will resonate accurately to the demands, desires, and dissents of all of the people of the country.

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

Mr. BAKER. I am happy to yield to the Senator from Indiana.

Mr. BAYH. Mr. President, I compliment the Senator from Tennessee for the introduction of these measures which are designed to make the election process of the country more meaningful. I suppose, as both of us have found in our study of the electoral college process and our efforts to refine it, that there will be in this case opponents of any meaningful change or any meaningful reform.

I second the statement which the Senator from Tennessee just made, indicating as delicately as I have heard indicated what an election process in the United States means. Those of us who have lived with it year in and year out for many years are prone to take it for granted. And those who live in some nations from which several Members of the Senate have just returned would give anything they own really to have an opportunity to exercise this franchise. I appreciate having the chance to join with the Senator on the measure, particularly the 24-hour voting procedure. I think that the limited time standards now set at polling places tend to make it more difficult for many voters to cast their ballots.

I think there is a considerable amount of inconsistency and many of us in the Senate and elsewhere yield to the temptation to beat our chests with pride about our Nation being a citadel in which people can make their own destiny. Yet we witness, as we did in 1968, the choice of a President of the United States with barely 62 percent of those eligible to vote making that choice.

I think the impact of the measure would be to make it more convenient to vote and increase the percentage of those who care to take advantage of the opportunity they have to cast their franchise.

Secondly, with reference to the matter to which the Senator from Tennessee referred, the influence that one part of the country may have on the other, I think this is amply taken care of in the measure he suggests.

I would imagine that if the committees have a chance to study the matter and hold hearings, we will have a chance to discuss some of the problems which might arise, financing problems and problems of one kind or another with the State and local officials.

As I see it, it is our responsibility in the Congress of the United States to see to it that elections are held justly if no other units will do so.

I think that the measure will go a long way toward accomplishing a more fair and equitable and growing degree of participation in the election of a President of the United States.

I salute the Senator from Tennessee for the initiative he has evidenced. I am grateful to be associated with him.

Mr. BAKER. Mr. President, I thank the Senator from Indiana. I am especially grateful for his sponsorship of the 24-hour voting rule in view of his leadership in the field of electoral reform.

I am most pleased to have his support in this matter.

Mr. MUSKIE. Mr. President, I compliment the distinguished Senator from Tennessee for his imaginative proposal. I think he has produced some very constructive ideas in connection with the proposal of the distinguished Senator from Indiana to provide for the direct election of the President. I think these are supplementary proposals that are worthwhile.

I indicate my approval.

Mr. BAKER. Mr. President, I ask unanimous consent that the texts of the bill and joint resolutions be printed in full following my comments.

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

S. 1817

A bill to provide a uniform 24-hour voting period for polling places in Federal elections

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the text of section 1, title 3, United States Code, is amended to read as follows:

"Except as otherwise provided by this chapter, the electors of President and Vice President shall be appointed, in each State, on the Tuesday next after the first Monday in November, in every fourth year succeeding every election of a President and Vice President.

"Whenever electors of President and Vice President are to be chosen by election in any State in any year, such election shall begin on the Tuesday next after the first Monday in November of that year, and the opening time of the polling places for that election shall be as follows: 11 ante meridian standard time in the eastern time zone; 10 ante meridian standard time in the central time zone; 9 ante meridian standard time in the mountain time zone; 8 ante meridian standard time in the Pacific time zone; 7 ante meridian standard time in the Yukon time zone; 6 ante meridian standard time in the Alaska-Hawaii time zone; and 5 ante meridian standard time in the Bering time zone. Such polling places in each State shall remain open until the same such meridian standard time on the Wednesday next after the Tuesday next after the first Monday in November."

Sec. 2. The text of section 25 of the Revised Statutes, as amended (2 U.S.C. 7), is amended to read as follows:

"The Tuesday next after the first Monday in November, in every even numbered year, is established as the day for the beginning of the election, in each of the States, of Representatives to the Congress commencing on the third day of January next thereafter.

"In any such election, the opening time of the polling places in the several States shall be as follows: 11 ante meridian standard time in the eastern time zone; 10 ante meridian standard time in the central time zone; 9 ante meridian standard time in the mountain time zone; 8 ante meridian standard time in the Pacific time zone; 7 ante meridian standard time in the Yukon time zone; 6 ante meridian standard time in the Alaska-Hawaii time zone; and 5 ante meridian standard time in the Bering time zone. The polling places in such election in each State shall remain open until the same such meridian standard time on the Wednesday next after the Tuesday next after the first Monday in November."

S.J. RES 92

Joint resolution proposing an amendment to the Constitution of the United States to provide for the conduct within each State of presidential preference elections and the election of delegates to conventions of national political parties for the nomination of candidates for President and Vice President

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. During each year which immediately precedes a year in which the terms of President and Vice President expire, each State shall conduct a presidential preference election in which voters of that State may express their preference for candidates of national political parties for nomination for President. Each such candidate shall be entitled to have his name placed upon the ballot of his party in such election conducted in any State in accordance with the law of such State. No person shall be named upon any such ballot as such a candidate without his consent. The number of votes cast in such election within each State for each such candidate shall be officially ascertained and announced, but the result of such preference election shall not be binding upon delegates to any nominating convention.

"SEC. 2. Delegates of each national political party from each State to each nominating convention of that political party shall be chosen in the presidential preference election conducted in that State. Delegates of each such political party so chosen from each State shall include two delegates elected from each Congressional district of the State, and two delegates elected from the State at large for each Representative in the Congress who is elected from the State at large. Delegates of each such political party so chosen from each State shall include such additional number of delegates elected from the State at large as the national governing body of that political party shall prescribe.

"SEC. 3. Each State shall determine by law the manner in which the names of candidates for the nomination of any national political party for President, and candidates for delegate to the nominating convention of any national political party, shall be placed upon the ballot in any presidential preference election. The time at which any presidential preference election is conducted in any State shall be determined by the law of that State unless the Congress shall by law appoint a different day.

"SEC. 4. Each State shall prescribe by law the qualifications of voters in presidential preference elections conducted within that State, but each qualified voter in any such election may cast ballots for candidates of any political party of his choice without regard to his registration as a member of that political party or any other political party. No voter in any such election may cast ballots for candidates of more than one national political party. Each such voter in any State may cast his ballot for one candidate for the nomination of that political party for President, for two candidates for delegate to the nominating convention of that political party from the congressional district in which he resides, and for the number of candidates for delegate to such convention elected from that State at large equal to the number of such delegates so elected to which that State is entitled.

"Sec. 5. The candidates of each national political party for President and Vice President shall be chosen by majority vote of the delegates elected under this article from all States to a nominating convention of that party which shall be convened not later than September 15 in the year in which such delegates are chosen. Upon the final adjournment of each such convention, the presiding officer thereof shall certify the names of the candidates so chosen in such manner as the Congress shall prescribe by law.

"Sec. 6. Under this article, the District of Columbia shall be considered to be a State, and the Congress shall enact legislation necessary to carry this article into effect within the District of Columbia. For the purposes of this article, a political party shall be considered to be a national political party if in the most recent previous presidential election the candidates of that political party for elector for President in all States received in the aggregate at least ten per centum of the total number of votes cast in all States for candidates of all political parties for elector for President.

"Sec. 7. The Congress shall have power to enforce this article by appropriate legislation.

"Sec. 8. This article shall take effect on the 30th day of January following its ratification.

"Sec. 9. 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 several States within seven years from the date of the submission hereof to the States by the Congress."

S.J. RES. 93

Joint resolution proposing an amendment to the Constitution of the United States enabling citizens of the United States who change residences to vote in presidential elections

Resolution 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 hereby 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. No citizen of the United States who, while a resident of a political subdivision of any State, has become qualified to vote in that political subdivision in an election to choose electors for President and Vice President shall be denied the right to vote in that political subdivision in that election because of the removal of his legal residence before the date of that election to another political subdivision of the same or any other State if that election occurs before the expiration of the minimum period of residence in such other political subdivision which is required of that citizen for qualification to vote in that election in such other political subdivision. For the purposes of this article, the district constituting the seat of Government of the United States shall be considered to be a State.

"Sec. 2. The Congress shall have power to enforce this article by appropriate legislation.

"Sec. 3. The article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the several States within seven years from the date of its submission to the States by the Congress."

ORDER FOR ADJOURNMENT UNTIL FRIDAY

Mr. KENNEDY. Mr. President, I ask unanimous consent that, when the Sen-

ate completes its business today, it stand in adjournment until noon on Friday next.

The PRESIDING OFFICER (Mr. BELLMON in the chair). Without objection, it is so ordered.

AUTHORITY FOR THE SECRETARY OF THE SENATE TO RECEIVE MESSAGES AND FOR COMMIT- TEES TO FILE REPORTS DURING ADJOURNMENT OF THE SENATE

Mr. KENNEDY. Mr. President, I ask unanimous consent that during the adjournment of the Senate until noon on Friday next, the Secretary of the Senate be authorized to receive messages from the President of the United States and from the House of Representatives, and that they may be appropriately referred.

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

Mr. KENNEDY. I also ask unanimous consent that, during the adjournment, all committee be authorized to file reports, together with individual, minority, and supplemental views.

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

ORDER OF BUSINESS

Mr. KENNEDY. Mr. President, I suggest the absence of a quorum, and I ask unanimous consent that this be done without the Senator from Maine losing his right to the floor.

The PRESIDING OFFICER (Mr. BELLMON in the chair). Without objection, it is so ordered.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

THE PROPOSED FOREIGN TRADE ZONE AT MACHIASPORT, MAINE

Mr. MUSKIE. Mr. President, with the distinguished Senator from Massachusetts (Mr. KENNEDY) and the distinguished Senator from New Hampshire (Mr. MCINTYRE), I should like this afternoon to spend a few moments of the Senate's time to discuss a project which is of particular interest to my State and to New England, and which has already been the subject of some discussion on the floor of the Senate—the so-called Machiasport project.

I expect that the discussion this afternoon will be only one of many such discussions in the weeks and months ahead, so I do not expect to cover the subject exhaustively this afternoon. It is our desire to begin a discussion from the point of view of New England, from the point of view of those who support this project in New England's interests.

The people of New England know their needs for low cost fuel have been ignored for too long. The Governor of Maine has taken steps to reverse this situation by making application for a foreign trade zone in Machiasport, Maine. The trade zone would contain an oil refinery which

will use foreign crude oil to produce cheap fuel for New England. The plan has had powerful opposition. There has been a great deal said and written about the impact of this proposed refinery on the U.S. economy and national security. Many of these statements have been misleading, or based on incomplete information. The New England delegation has a responsibility to set the record straight, to present the facts so that a proper judgment may be made with reference to the foreign trade zone proposal, the application for an oil import allocation, and the proposed change in the mandatory oil import regulations.

On March 12, 1969, our colleague, the junior Senator from Louisiana (Mr. LONG) made a speech on the floor in which he spoke of the risks he saw in constructing an oil refinery in New England. We, the New England delegation, would like to submit for the RECORD a paper which briefly disputes the major points made in that speech. As the weeks go by, we will continue to speak to these points in detail. We will provide the facts to enlighten the Senate on the advantages of the Machiasport proposal. So I ask unanimous consent that this brief statement be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. MUSKIE. With respect to the many points which might be raised in refutation of the speech made by the distinguished Senator from Louisiana, I should like to touch upon one this afternoon, and I except that the distinguished Senator from Massachusetts and the distinguished Senator from New Hampshire will touch upon others.

For example, the distinguished Senator from Louisiana challenged the request for an oil import quota of 100,000 barrels per day to serve the proposed refinery in New England. He described it in such terms as "fantastic oil concession," "crippling body blow to the oil import program," and "discrimination against other companies." He went into detail to explain how the allocation of 100,000 barrels a day of foreign oil would in his judgment threaten our national security.

In the same speech, however, he expressed approval of the allocation of import quotas of 240,000 barrels to three companies for the development of desulfurization plants. On January 23, 1969, Guardian Oil Co. was granted a 95,000-barrel-per-day quota; Supermarine was given 46,500, and Fuel Desulfurization Inc. was given 100,000 barrels per day.

The rationale was that these quotas of foreign oil would be used to produce low-sulfur oil to meet clean air regulations, thus eliminating air pollution problems in New England. I should explain that the three companies awarded these oil import quotas were newly organized. They have no prior marketing experience, no oil production, no transportation and distribution facilities, no markets, and no specific plant location. By the same token, a site has been selected in New England for the Machiasport refinery, a company has been selected that will refine low-sulfur oil, and New England independent marketers are ready to supply the market outlets.

We cannot understand how anyone can attack a refinery at Machiasport which would use a 100,000-barrel-a-day quota, and at the same time endorse allocations to import 241,000 barrels a day.

I support any legitimate move to produce and supply low-sulfur, nonpolluting residual fuel oil, oil not presently being produced in this country. That is one reason that I support the refinery at Machiasport which will produce such an oil because it will be refining low-sulfur crude oil from the Middle East instead of the high-sulfur Western Hemisphere crude oil.

On March 12 our colleague from Louisiana assured us that this 241,000-barrels-a-day import allocation for desulfurization refining will, "preserve the integrity of the mandatory import program." I think there is evidence to the contrary. In the April 7, 1969, issue of the Oil and Gas Journal there is an interesting article titled "Resid Sweetners Pluck Import Plum." This article states in part:

A sleeper in oil-import regulations will allow operators of U.S. desulfurization plants to generate quotas for high-quality crude worth about \$1/bbl in exchange for domestic residual actually processed in the plants.

This was disclosed by Interior Department sources last week as a fourth desulfurization plant was announced. Steuart Refining Company, Washington, D.C., applied for a 100,000 barrel per day residual quota for a refinery-desulfurization plant to be built at Piney Point, Maryland. Steuart has been stymied in efforts to obtain a foreign-trade zone for that location.

The rules allow desulfurization plants to generate import quotas for residual fuel, or topped crude, equal to the low-sulfur residual produced for sale to meet clean-air regulations. The residual actually processed to make low-sulfur product must be high-sulfur material.

But the plant operator does not have to import high-sulfur product. He can import high-quality, low sulfur topped crude which is good refinery feedstock. Interior sources confirmed last week, and exchange this for domestic high-sulfur residual to be run in the desulfurization plant. The difference in value, Interior officials say could be as much as \$1/bbl.

The typical desulfurization plant can generate quota equal to about 80% of its inputs.

This means that a company can import high-quality topped crude and exchange it for the domestic residual it will actually process. This exchange will earn the company as much as \$1 a barrel, the difference in price between foreign and domestic crude. Equally important, a typical desulfurization plant can generate 80 percent of its input. Therefore, a plant using 300,000 of crude a day could import 240,000 barrels of foreign topped crude free of the mandatory import program. I cannot agree with our colleague from Louisiana that the desulfurization program will, "preserve the integrity of the mandatory oil import program."

The distinguished Senator from Louisiana also spoke of the massive research programs being carried out by the oil industry and the Government to solve air pollution problems at reasonable costs. He indicated that if special treatment is given to the proposed refinery in Machiasport, a refinery that will produce low-sulfur fuel, it would be difficult to justify

alternative programs benefiting the entire Nation. He stated, with reference to pollution and the desulfurization plants, "Surely, cheaper ways are available and are now being intensely investigated." What we were not told was that it requires four refineries to process desulfurized oil using Venezuelan crude under the program and procedure he endorsed. And who will pay for the fuel products that require four refineries? If past experience is a guide, the consumer will pay.

Mr. President, I have discussed just one small segment of the controversy over the Machiasport proposal. Today, and in the ensuing weeks my colleagues from New England and I will continue to clarify and correct the many illusions that misinformed discussion has created.

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

The PRESIDING OFFICER (Mr. BELLMON in the chair). Does the Senator yield?

Mr. MUSKIE. I am happy to yield to the Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I wish to commend the Senator from Maine for the statements he has made this afternoon. His comments are balanced, reasonable, responsible, and pertinent to the issue at hand. They answer some of the arguments which our good friend and colleague, the Senator from Louisiana, made on the floor of the Senate a few weeks ago in attacking Machiasport. In reviewing these arguments we find several misleading distortions which are unfair to the people of New England.

The Senator from Maine, in providing leadership on the question of Machiasport, has addressed himself to some of these very important issues.

I wish to ask the Senator from Maine if he would give me his thinking and reasoning on one of the other areas which we have been very much interested in. The only justification advanced for the Mandatory Import Control Program is that for national security.

It is claimed that only by keeping inexpensive foreign oil out, and domestic prices high, would exploration in this country be sufficiently encouraged and sufficient oil reserves available in case of war or other international crises.

Now it seems to me that there is a flaw in the argument that our reserves will be conserved if we consume them first; for by keeping out foreign oil, we must, of course, use our own to satisfy our peacetime demands. Thus, while Senator Long maintains that reserves have fallen despite the program, it seems to me that if they have fallen, it is—at least in part—because of the program. For under this program, U.S. production in 1967 was slightly greater than Middle East production, yet while our proven reserves remained about constant, Middle East proven reserves have grown to the point that they are now about 250 billion barrels, or about eight times our proven reserves. If we continue to force domestic consumers to use U.S. oil in peacetime, this trend will continue.

Does the Senator from Maine, then, not find some difficulty in following the reasoning of those who support an oil

import program on the basis of national security? It would certainly appear to me we would be much better off conserving our own domestic resources, perhaps by finding a program that will maintain our productive capacity at less cost to the oil-consuming public throughout the country, and in particular to the consumers of New England.

Does the Senator find trouble in justifying an oil import program, as I do, in justifying it under the rationale of national security?

Mr. MUSKIE. The Senator from Massachusetts, I think, has touched upon an important point. In response to it, there are two or three observations which are relevant.

First—and I suppose this is the least substantive of the answers that would be relevant—we do not propose to use any kind of project to eliminate the oil import program. As a matter of fact, we are not asking for any increase in the total import quotas. What we are asking for is the earmarking of some of the quotas for New England, which is a special deficit area in all kinds of fuel.

When the national security argument is raised by the distinguished Senator from Louisiana and other Senators or other opponents of the project, they are not responsive to the nature of the project and its application. That is the first point I should like to make.

Second, there is a national security argument in reverse. There has been in the nature of an oil import program which is concentrated—well over one-third of our total refinery capacity—in the Texas-Louisiana gulf area. These gulf refineries, concentrated as they are, are likely to become a prime target of enemy attack. Thus, national security involves not only sources of oil but also the refining of oil.

At this point, with so much of the refinery capacity concentrated in the gulf area, there is a national security argument for building Machiasport in New England.

The third point I should like to make, with respect to the arguments made by the opponents of the project, is the inconsistency of the case they make to protect the oil industry. They are the first to fight for the oil depletion allowance. For example, the oil depletion allowance, they argue, is necessary in order to discover new sources of crude—new sources of oil, and that the oil depletion allowance is available for prospecting overseas as well as at home. So that, to the extent the American oil industry has foreign sources of crude which has been subsidized by the taxpayers of the United States by way of the oil depletion allowance, the same oil companies come to us and say that these sources of crude, which have been supported by taxpayers' dollars are not reliable sources in times of national security. It seems to me that that makes the case against the continuation of the oil depletion allowance to support foreign prospecting by American oil companies.

Mr. KENNEDY. As the Senator from Maine has well pointed out, not only do the oil companies get an oil depletion allowance for the exploration and re-

search abroad as well as at home, but we also know, as has been revealed at the antitrust subcommittee hearings chaired by the Senator from Michigan (Mr. HART), that they are, in effect, able to credit foreign taxes against U.S. taxes otherwise owed on a dollar-for-dollar basis. Under any realistic kind of labeling, these payments to foreign governments are quite clearly royalties. Yet the companies are able to obtain a tax credit for these payments. If those same payments were made to landowners in this country they would be royalties and could be deducted, not credited. So not only do they get the oil depletion allowance, but also the written-in kind of special privilege which, as the Senator from Maine has pointed out, provides for an additional incentive for exploration outside the country. This is contrary to the rationale of the oil depletion allowance itself and to that of the oil import program which is meant to encourage domestic—not foreign—exploration.

Mr. MUSKIE. Let me say to the Senator from Massachusetts that there are a combination of ironies which confront the citizens of New England. One, they are asked to pay taxes and, by payment of those taxes, subsidize the oil depletion allowance of the American oil companies for exploration of foreign sources of oil. Then, when they seek to import that oil for use in a fuel deficit region, which pays the highest oil prices in the country, the taxpayers are told, in the interests of national security, that they must not import that oil but should rely upon local sources. They argue it both ways. We have an earthy way to describe that kind of situation in America but I guess I should not use it on the Senate floor. But, this is getting it both ways, and I think it is therefore perfectly appropriate for us to say to the distinguished Senator from Louisiana and others who oppose this project, "Choose one of the two, but you cannot have both."

Mr. KENNEDY. In the meantime, as all of us know in New England, where we are suffering because of the possibility of the limitation of oil, we see the free flow of cheap textiles and cheap shoes which come pouring into the country, which works to the disadvantage, in many instances, of New England, and adds to its problems.

On the first point on which the Senator talked in this area, does the Senator from Maine have the same kind of trouble I have with respect to importation of oil from Canada. This oil is more secure than our offshore or Alaskan production, yet Canadian imports are deducted from the 12.2 limitations. This means that even less than 12.2 percent of crude oil—excluding residual—can be imported into Districts I to IV from abroad.

We find, for instance, in the State of Alaska—which I have just had the good chance to visit recently—

Mr. MUSKIE. It seems to me I read something about the Senator's visit there. [Laughter.]

Mr. KENNEDY. It was a lonely trip up there.

We find Alaskan and offshore production not included in the 12.2 percent program, but Canada, whose production is more secure included.

If we are talking about the question of national security, it would certainly appear to me to be self-evident that so far as having that oil come in here by sea from Alaska, it would certainly be a lot more difficult than having it come across the border at any one of a number of places from Canada.

Thus, once more, if we are going to talk about the question of national security, it seems to me that consideration should be given to the total concept of security. Certainly, we should be willing to look at the resources in Canada as being resources which would be readily available, since our security is so intimately involved with hers.

Mr. MUSKIE. As a matter of fact, the oil supplies from domestic sources are brought to us by water. The water lines from the Gulf—where so much of the refinery capacity is located—to Portland, Maine, are as long as the water lines to Europe. I think, almost as long as the water lines to the Middle East. Water is the method of carriage of oil domestically produced, as well as overseas production.

Mr. KENNEDY. It seems to me that if our enemy—whoever it may be—sinks a coastal ship, it can sink it whether it comes from the gulf ports of this country, from Venezuela, or from the Middle East.

Mr. MUSKIE. If we could get some kind of exemption for coastwise traffic, I suppose that might be helpful.

Mr. KENNEDY. I am wondering whether the Senator believes, as I do, that we could devise a system that would not be nearly so costly to the consumers of New England, and to the taxpayers generally, to preserve the possibility of immediate production—if there were some kind of national crisis; for disinterested, expert witnesses before the antitrust subcommittee have estimated that our existing programs cost some \$4 billion a year to the American consumers.

Does the Senator not agree with me that it certainly would seem possible to continue the kinds of production facilities necessary for our national security without having to burden the American consumer with up to \$4 billion a year.

Mr. MUSKIE. As a matter of fact, as I recall the testimony before the Hart Subcommittee, the import program in effect subsidizes, at the expense of the American taxpayer and consumer, the least efficient units, wells producing 10 to 20 barrels a day, a producing capacity that we would really be better off without, in terms of the impact on consumer prices. If the import controls were eliminated and the price were allowed to seek its natural level, domestic production could compete with foreign producers of oil. At least, that appears to be the finding of the Hart committee.

Mr. PASTORE. Mr. President, will the Senator yield to me?

Mr. MUSKIE. I yield.

Mr. PASTORE. First of all, I congratulate the Senators from Maine, New Hampshire, and Massachusetts for the magnificent fight they are carrying on

for the establishment of a free trade zone in Maine.

Speaking of the security of the Nation and the preservation of our natural resources, I think one thing we should keep in mind is the fact that it is to the advantage of America's posterity to hold in reserve as much as we can hold in reserve the supply of oil that is underground in this continent. After all, there is only so much oil there, and in a matter of time, the supply will become exhausted.

I think if we can at this time promote and stimulate the importation of oil from abroad, to the advantage of the consumer, the ultimate result will be that we will stretch out our own reserves, so that, if the day should ever come when we needed domestic oil in greater supply, we would have it here if the foreign supply were shut off.

Mr. KENNEDY. Mr. President, if the Senator will yield, one of the very impressive pieces of testimony that came before the Antitrust and Monopoly Subcommittee some 2 weeks ago—and this testimony has not been refuted—shows that even if imports were permitted without restriction most of our domestic production, if it were not encumbered by wasteful and inefficient prorationing regulations, would be competitive with foreign. This testimony reveals that we are paying a great deal of money to bring forth a rather small increment to domestic production.

Mr. MUSKIE. The Senator refers to production controls?

Mr. KENNEDY. Production controls. That is exactly right.

Mr. PASTORE. Mr. President, will the Senator from Massachusetts yield, with the permission of the Senator from Maine?

Mr. KENNEDY. I yield.

Mr. MUSKIE. Yes.

Mr. PASTORE. Of course, I believe the whole matter of quotas of oil importation has developed into a national scandal. It is a scandal. There is no earthly reason for it. Our hospitals and our manufacturing plants use residual oil. We do not manufacture sufficient residual oil because it is more profitable to produce higher octanes. However, for some reason, when the directive was issued during the Eisenhower administration, someone gave it the interpretation that it even included residual oil. So residual oil comes under the restriction. As a result, there are small oil dealers in Rhode Island who have to beg for tickets. The problem now is that once a small distributor becomes a customer of the large oil companies he becomes a captive customer because he has no choice. Thus, if a customer wanted to go somewhere else to get oil or have some competition for his business, he would not get the ticket he needs. So the whole distribution system has been tied up in a knot. The result is that the price keeps going up, and up, and up. The people of Rhode Island who have to use oil for heating homes or heating their plants or for manufacturing purposes are paying exorbitant prices unnecessarily.

This oil question has become a scandalous and sickening matter in New Eng-

land, because, in the final analysis, the consumer is the one who has to pay the price, and he is paying it very dearly. I hope something will be done about it.

I again congratulate my colleagues for at least making this a public issue on the floor of the Senate of the United States.

EXHIBIT 1

NEW ENGLAND SENATORS' STATEMENT ON OIL IMPORT POLICY AND THE PROPOSED FOREIGN TRADE ZONE AT MACHIASPORT, MAINE

The debate over the proposed foreign trade zone at Machiasport has dragged on for many months. It has been embroiled in the politics of oil and conflicting pressures on two administrations.

Because the debate has raged so long, the discussion has become disjointed and confusing. Issues have been raised, ranging from the alleged disaster one oil refinery would create for the domestic oil industry to accusations of favored treatment for one oil company.

The New England Senators believe the Senate deserves more than a series of verbal broadsides. We believe the Machiasport project and other steps which could alleviate New England's petroleum supply problems should be considered on their merits.

The following statement is a brief expression of our concerns. We present it as evidence of our unity of purpose, as a brief refutation of arguments raised by opponents, and as a document to re-orient public dis-

cussion to the genuine issues involved. In the coming weeks we shall add to our case with more detailed discussions and factual presentations.

The case for Machiasport can be adequately presented under the following headings:

NEW ENGLAND'S NEED

New England's per capita consumption of heating oil is $3\frac{1}{2}$ times the national average. The region has no indigenous sources of raw petroleum, no operating oil refineries, and no pipelines. It does not have indigenous supplies of coal. Because of its geographic position at the end of long oil supply lines, New England's oil supplies are restricted and unreliable. Fuel shortages in parts of the region have deprived people of heat during the coldest months of the year.

It is difficult for non-New Englanders to appreciate the seriousness of the problem. Few realize, for example, that winter temperature ranges and averages in Burlington, Vermont, are virtually identical with those of Anchorage, Alaska. Fuel supply in New England is not a matter of mere comfort. It is a matter of survival.

PRICING

New England pays higher prices for heating oil than the rest of the country. In 1968, New Englanders paid over 7 percent more for heating oil than people in the rest of the United States.

The following table documents the price disadvantage suffered by New England.

NO. 2 HEATING OIL PRICES, 1967-68

[In cents per gallon]

	New England	Middle Atlantic	South Atlantic	Midwest	West	United States without New England	United States including New England
1967	16.89	16.38	15.83	15.56	15.90	15.92	16.05
1968	17.54	17.00	16.31	15.96	15.92	16.29	16.44

Source: Fuel oil and heat (reanalyzed).

PRICE DIFFERENCE BETWEEN NEW ENGLAND AND THE REST OF THE UNITED STATES

	Cents per gallon	Percentage
1967	0.97	6.3
1968	1.25	7.4

Source: Fuel oil and heat (reanalyzed).

New England's need is clear—and so is one of the remedies.

The Maine Port Authority has proposed the establishment of a free trade zone which would include the construction of a large oil refinery at Machiasport. That refinery would have the capacity to refine 300,000 barrels of oil per day, shipped directly from sources in North Africa. One of the benefits from the refinery would be a reliable and economical supply of low sulfur heating oil for New England.

ECONOMIC EFFECTS OF THE PROPOSAL

The plan for a free trade zone and oil refinery at Machiasport would help guarantee a reliable supply of heating oil for New England homes. It would also bring industry and employment to an economically depressed area. Although Machiasport has a magnificent natural harbor, its economic potential has not been developed. The projected oil refinery would provide the impetus for economic growth.

The most striking effect of the new refinery would be its impact on prices. New England prices are higher than national levels because of extremely high costs of distribution. The only way to reduce costs to consumers is to obtain crude oil at low cost. The Machiasport project would have access to low cost foreign crude. Economists have estimated that New

England could realize a cost reduction of 10 percent—enough to bring its fuel prices into line with the rest of the country.

FOREIGN TRADE ZONES

Under the Foreign Trade Zones Act, each port of entry in the United States is entitled to a foreign trade zone. Under the act, approval of the application is an administrative, rather than a policy-making process. If the proposed foreign trade zone meets the requirements of the act, approval should be given.

The Foreign Trade Zone Board of Alternates reviewed the proposal and recommended approval. Under normal circumstances, that recommendation would have been adopted by the board itself.

But opponents of the refinery have succeeded in clouding the issue for this administration, as they did for the last, by injecting oil import policy questions into a proceeding before a board which does not control oil import allocations. There is no connection between oil import allocations and the eligibility of a port for a foreign trade zone.

The purpose of a foreign trade zone is to serve the convenience of commerce. The creation of a zone does not in any way relax the protections which are given to goods or domestic industries by reason of our trade policy—whether tariffs or quotas.

The responsibility for the board to approve a zone is clear. The board must decide that:

- (1) The applicant conducted an economic survey that reflects, "that the anticipated commerce, benefits and returns, both direct and indirect, will justify its construction to expedite and encourage foreign commerce."
- (2) There is adequate proof of the ability of the applicant to finance a zone.
- (3) There are adequate physical facilities

in the form of warehouses, transportation connections, sanitation, light and power, fire protection, adequate enclosures to segregate the zone from the customs territory, and such other facilities that may be recommended by the Board.

Officials of two administrations, including Secretary of Commerce Stans, have openly stated that these are the only considerations pertinent to the foreign trade zone board's jurisdiction.

USE OF THE FOREIGN TRADE ZONE

The State of Maine's port authority would be the operator of the foreign trade zone. Occidental Petroleum Company has applied to the authority for a license to operate a refinery. If that application were approved, Occidental would operate its refinery according to standards set by the State of Maine.

Under the law, foreign trade zones are operated as public utilities. Use of Maine's foreign trade zone could not and would not be limited to one company or to one kind of manufacturing. Applicants for use of zone facilities must be treated equitably.

Companies other than Occidental have indicated interest in applying for use of the zone. Their proposals, when submitted, would be given equitable consideration. Approval would depend entirely on their ability to live within the foreign trade zone regulations.

Contrary to opposition assertions that Occidental Petroleum is guaranteed exclusive rights to the foreign trade zone, Occidental is only one out of several potential users of the zone.

OIL IMPORT REGULATIONS

Oil import restrictions, under the presidential proclamation of 1959, have a direct bearing on the refinery proposal. Under current regulations there is no provision for the withdrawal of finished products from foreign trade zones for consumption in the United States customs area.

In 1968, the Secretary of the Interior recognized this circumstance and requested staff proposals to amend the oil import regulations to permit him to judge applications for such withdrawals on their merits. Two proposals were published, each of which would have given the secretary authority to approve allocations of oil imports from foreign trade zones when such allocations would be in the best national interest. The major difference in the proposals concerned the source of crude oil to be refined in foreign trade zones. Under proposal "A" there were no restrictions on the source of crude oil. Under proposal "B" there was a requirement that 50% of the finished products withdrawn from a foreign trade zone would have to be refined from crude oil produced domestically.

If proposal "B" had been adopted it would not have been economically feasible to construct a refinery in any foreign trade zone that was not located next to a source of supply of domestic oil. The Johnson administration did not act in favor of either proposal.

President Nixon has transferred the responsibility for review of the oil import regulations from the Secretary of the Interior to himself. He has appointed a task force headed by the Secretary of Labor to study oil import policies. We anxiously await the result of this task force study.

NATIONAL SECURITY

The stated rationale of the import control program is to guarantee adequate oil reserves and refinery capacity for national defense. Proponents of our current oil policies maintain that the import control program, coupled with the oil depletion allowance, encourages domestic oil exploration, which in turn contributes significantly to our national security.

What the proponents fail to mention is that the current oil import regulations have forced the concentration of well over a third of our total refinery capacity in the Texas-

Louisiana Gulf area. These gulf refineries are likely to become the vulnerable first targets of an attacking enemy.

As concerns the impact of the oil depletion allowance program on national security, it should be noted that the depletion allowance applies to international oil operations, as well as domestic, giving equal encouragement to exploration in foreign fields.

CONSERVATION

Those of us who have supported the proposal have been concerned about its effect on the natural beauty of the Maine coast. The State of Maine has obtained technical advice in developing a set of anti-pollution standards for the off-loading facilities and refinery. The proposed standards require chemical and thermal wastes from the oil refinery to be disposed of without making the surrounding air and water offensive to humans. Biologists from the U.S. Department of the Interior have agreed that the standards are high enough to protect surrounding fish and wildlife.

Designing oil handling facilities and an oil refinery to meet such standards is expensive, but it is possible. We are aware of the need to enforce the anti-pollution standards, and intend to do all we can to ensure that the enforcement mechanisms are adequate. In addition, we believe the location and design of the facility will reduce the environmental impact to an absolute minimum.

CONCLUSION

These are the chief areas of relevant discussion. We think this short statement contains the basic arguments in favor of the proposal. We shall present, over the next few weeks, a series of speeches to provide the Senate with a detailed and straightforward set of evidence on behalf of a more rational and equitable oil import policy.

Mr. PASTORE. Mr. President, Secretary of Commerce Stans shocked me by an announcement he made recently to newspaper reporters. He said no decisions will be made on a foreign trade subzone at Machiasport, Maine, until the White House study of the oil import program is finished.

Mr. Stans knows that this is specious reasoning and double-talk.

The question of a foreign trade zone for Maine and the study of the oil import programs are entirely unrelated; unrelated, that is, except for the part the powerful oil lobby is playing in these events. The oil industry favors, and urged the President to conduct the study, but they have used all their vast influence—with apparent success—to thwart the efforts of all New England to establish a foreign trade zone in Maine.

Oil imports are supposed to be the responsibility of the Department of the Interior.

The application for a foreign trade zone is supposed to be considered by three other Department heads, the Secretary of the Army, the Secretary of the Treasury, and Mr. Stans, the chairman.

Secretary Stans is giving the Rhode Island consumer and all citizens of New England the run around. He knows it and I can guess why.

Six weeks ago, when Mr. Stans was before the Commerce Committee on the question of his nomination to head the Department of Commerce, I asked him if he was ready to consider the Machiasport matter as soon as he took office and give to the people of New England the benefit of his decision as expeditiously as possible.

Mr. Stans assured me and the committee that he was convinced that the Maine application had to have priority of attention as soon as he took office.

I am going to quote what the nominee said:

I will do my best to expedite it, having in mind, of course, that there are other departments of the government that also have a voice in the subject, but I will expedite it just as quickly as I can.

"I will expedite it just as quickly as I can." What caused the Secretary to switch his signals in 6 short weeks? How can he justify this dilatory tactic in light of the unanimous decision of the subordinate board of alternates in favor of the Maine application?

There is no logic to Secretary Stans' position. It is another monument to the awesome power of the oil lobby. You could not convince a single Rhode Island consumer otherwise. This is a power play that is costing the housewife in my State a couple of cents a gallon for the fuel oil burned to keep her family warm. That amounts to \$2 million more each year that Rhode Island families are paying for oil than they should.

We, in New England, perhaps naively, never really knew the depth and breadth of control that the oil industry had fastened on the Government. That is why the facts compiled by Senator McIntyre's Banking and Currency Subcommittee appalled and shocked us so. If anyone in New England ever had any doubt about the raw political power of the oil companies, we certainly have no illusions left now.

That is one lesson we have learned from the Machiasport project. Time and again, over the past several months, the big oil companies have worked their will to delay, postpone, and destroy the good and valid application of the State of Maine to establish a foreign trade zone at Portland, with a subzone at Machiasport. Time and again, when a decision based on the merits was about to be made on one phase or another of Maine's application, an oil industry policeman signaled "stop" and the Government apparatus conveniently found a new way to grind to a halt.

To characterize what happened to Maine's application during the last administration as an administrative irregularity would be a kindness. We, in New England, soon learned that we were getting the runaround from Secretary Smith. We hoped for better things under Secretary Stans.

Decisions now, we are told, would be made on a businesslike basis—without prejudice. Judged by these recent developments, however, it appears as though "businesslike" really means business as usual, at the same old stand, with the big oil companies calling the tune.

New England, indeed the whole Northeast, has had its nose bloodied in this matter by the oil industry; but, as the going gets tough, we are going to get tougher. We in New England are not about to be frightened away from this fight, and, I think, the oil lobby will regret the day they decided to try and stop New England from getting its fair share of the benefits of the oil import program.

Now, I understand that Harold McClure, president of a domestic producers group, told a press conference recently that we New Englanders, in our "exuberance" Machiasport, were misleading our constituents by telling them that the oil industry was mulcting them with the highest prices in the Nation. I understand, too, that he specifically noted that Senators MUSKIE, KENNEDY, and MCINTYRE were among the leaders of the group making such "wrong" claims. These three esteemed associates do not need me to defend them, but I strongly resent such criticism, particularly in light of the whole misleading record of oil company propaganda which we have been forced to stomach in New England, once we decided to seek a more equitable arrangement for our consumers under the oil import program.

Mr. McClure had some more industry slight-of-hand statistics to prove that on the average, over the last 11 years, our home heating oil prices were not out of line with those in the rest of the country. I suppose if one goes back far enough and mixes together a sufficient number of figures, one can prove almost anything, but not to the Rhode Island housewife and her husband who are footing the bill. You cannot fool them. They know they are being gouged.

The oil companies should know that we in New England do understand, at long last, the facts of oil industry pricing. We know from our own independent analyses that if one examines the figures for the last 5 years, on a year-to-year basis, that prices for our home heating oil on both wholesale and retail levels have risen far more sharply than in any other section of the country.

We know, too, that at this very moment our consumers are paying higher retail prices and our independent jobbers are paying higher wholesale prices than in any other representative section of the country. These are facts and they cannot be waved away with a magic wand by lumping them together in an 11-year exercise of "averaging".

It seemed that under the new administration, some progress was going to be made on Maine's application for a foreign trade zone. The three-man sub-Cabinet level committee of alternates unanimously endorsed the application. Moreover, Secretary Stans, Chairman of the full Foreign Trade Zone Board, scheduled a meeting of his Board for February 24 and, I understand, he confirmed his intention of disposing of this application promptly to several of my distinguished colleagues from New England on the other side of the aisle. But, the industry called a different tune and Secretary Stans found it convenient to ignore all these pledges. Well, I do not accept that. I believe he should honor his commitments and I am going to do everything I can to insure that he does.

During his confirmation hearings, Secretary of the Interior Hickel promised that the oil import quota application needed to make Machiasport a reality would receive priority treatment. Thus the stage was set for decisive action—action that was long overdue. But, we in New England may have sold the industry short again.

At the request of the oil industry, the President considered a new study of the oil import program. Fortunately, the President kept control of the study in the White House itself. This is good news, since a White House study can be completed far more quickly than one in which several departments have to coordinate their views. And the White House should be less responsive to industry pressures than has been the case in some agencies in the past.

In view of Senator MCINTYRE's findings in connection with his subcommittee hearings on Machiasport, that hope may be naive, but I intend to give this administration the benefit of the doubt until or unless I find that trust is misplaced.

The oil industry has urged the White House to seek a complete review before further changes or exceptions are made to the oil import program. The only change they wish to prevent is a change to help consumers.

As shocking and callous as it may seem, 5 days after the White House study was requested, the second largest oil company in this country raised both crude oil prices and gasoline prices. A number of other major companies have now followed suit. The price rises, if they stick, will add between \$750 million and \$1 billion in extra consumer costs annually.

In rationalizing the reasons for the increase, Texaco noted that gasoline prices had been "depressed" for a decade. During that decade, the company's net profits rose from \$354 million to \$836 million. A staggering 135 percent. In the last year alone, Texaco profits rose \$82 million. The price increase it has requested would add another \$100 million or so to Texaco's profit picture. Enough is enough. Something has to be done to stop these oil companies before the whole economy perishes in a wave of inflation. They are unwilling to act responsibly. They are inviting a system under which they shall be forced to act responsibly. I know that Senator KENNEDY is preparing legislation dealing with the oil import program. Another fruitful avenue of approach, I should think, would be a basic overhauling of our whole tax structure, with particular emphasis on eliminating the depletion allowance which, in large measure, is responsible for the fat profits of such companies as Texaco.

Does anyone here have any idea how much Federal tax a company like Texaco pays? Well, I will tell you. According to a list compiled by an independent publication, *Oil Week*, Texaco's Federal tax payments in 1967 were \$17.5 million. Can you imagine a company with a net profit of \$754 million paying a Federal tax which amounted to only 1.9 percent of its before-tax income?

To my mind, the system reeks and is ripe for a change. I know the oil industry is used to fighting to retain the status quo. I know, too, that the unholy alliance I spoke of before has, in the past, reached to the very highest levels in government, but the industry should know that this is a time of consumer revolt. This is a time of taxpayer revolt. I might remind the big companies that there are more

consumer States than producer States, and more taxpayers who vote than oil companies who vote.

In short, I agree there should be a full-fledged overhaul of the whole oil import tangle. I think, too, that any change in the import control system should include equal consideration of consumer-oriented aims. But studying such changes should not be an excuse for deferral of action on Machiasport. That action is needed promptly, and I add my fervent plea to those of others here that the administration will act promptly.

Mr. KENNEDY. Mr. President, all we are asking is a fair shake for the people of New England. We are only asking that we be allowed to reap the natural economic advantages which our geography and location make possible.

We are not asking that those States fortunate enough to be endowed with oil beneath their land be forced to share that bounty with the people of New England. All we ask is that the oil industry's outlets in New England be opened up to the kind of meaningful competition on which our economy and our free enterprise system is based. But the oil industry's resistance to Machiasport has made our people curious about larger issues.

They want to know why large corporations can band together to prevent the entry of competitors into the market. The people want to know how it can be within the confines of equal protection and due process of law to let some oil marketers who do not need imported oil have it, while others who need it cannot get it. The people want to know why the \$500 million a year in profits produced by the Federal oil import program should go to private industry at all rather than benefiting consumers and taxpayers. They want to know why the oil-depletion allowance which costs the American taxpayer well over \$1 billion per year should be continued. And as new facts become known, they will want to know why the oil companies should be permitted a tax credit on what are essentially royalty payments to foreign governments. They will want to know why the producing States restrict production so that an artificially inflated price for oil can be maintained through a governmentally administered price fix. They will want to know why oil produced on lands leased from the Federal Government is wastefully restricted and discriminated against by State authorities. They will want to know why imports from Canada should not be permitted without deduction from existing quotas. They will want to know if there is a more efficient and more equitable way to protect national security than by imposing costs of over \$4 billion per year on the American people. Finally they will want to know why, as one economist has said, the oil industry sings loudest the praise of free enterprise yet relies so heavily on special Government favors.

It has been said that the American oil industry has become a kind of "private government" with sufficient political power to shape the petroleum policies of State and Federal Government to its own benefit. I am afraid that there may be some truth in this observation.

Machiasport is a reasonable, limited proposal designed to conform to the present oil quota system, despite the weaknesses and irrationality of that system. If this proposal is defeated, then the specter of a "private government" cannot be taken lightly.

Mr. President, for the reasons which have been outlined very briefly here today, reasons consonant with considerations of national security, if there really is no violation of the oil importation program, even with Machiasport itself, and the fact that the oil industry itself will not really be disadvantaged to any extent because of this program, we in New England are certainly hopeful that this program will be approved.

Mr. MCINTYRE. Mr. President, will the Senator from Massachusetts yield?

Mr. KENNEDY. I yield.

Mr. MCINTYRE. Is the Senator from Massachusetts a member, along with Senator HART, of the subcommittee that is currently investigating the oil import control program?

Mr. KENNEDY. Yes; I am a member of that committee.

Mr. MCINTYRE. I am delighted that the Senator is in that position, because, while I have not had a chance to read any of the record, I have seen some of the newspaper reports. I think the Senator alluded to them earlier, when he said that one witness indicated that the amount of the subsidy that is involved in this mandatory oil import quota program is about \$4 billion. I also noticed, in that same report, that even the oil industry's own representative admitted to a figure somewhere in the vicinity of \$2.7 billion; is that correct?

Mr. KENNEDY. That is correct; and the \$4 billion is generally considered a conservative figure. Some have estimated it to be a good deal higher, perhaps as high as \$7 billion per year.

We have used a figure of \$4 billion because I think it is a very reasonable and conservative figure. But that is correct.

Mr. MCINTYRE. I thought it was significant that a witness for the oil industry would admit to such a figure.

The Senator from Massachusetts may recall, if he was present when our distinguished friend from Louisiana was speaking in opposition to the Machiasport project, that Senator LONG said it was no fault of his that we had such cold winters, I believe he said, or so much snow in New England, but that we were actually looking for something special; that there was some special privilege that New England was looking for in this application.

I believe the Senator will agree with me that even if we do not find the mandatory oil import program being put aside, if we in New England could share in this subsidy, our consumers would realize a significant and completely justified saving.

Mr. KENNEDY. The Senator is correct. As has been brought out, we have only 6 percent of the population, and we consume 22 percent of the heating oil used throughout the country. Heating oil is certainly as necessary for the people of New England as food and clothing. When shortages occur we feel their effects first, and we are hit hardest. Con-

sequently, we bear the heaviest brunt of a potpourri of costly, governmental policies which appear to serve the oil interests. And, we pay a disproportionate share of the \$4 billion per year costs of the mandatory import control program. For if it were not for that program we would be able to import enough inexpensive oil from outside the United States to meet our fuel oil needs.

The opponents of Machiasport would also have us believe that Machiasport would not bring substantial economic relief to the people of New England. He argues that "for most years" the price of home heating fuel oil in New England "has been lower than the comparable prices in other areas on the east coast, and lower than the average for the country as a whole." They would have us believe that the high price to consumers is due to excessive "markups" by local New England fuel oil dealers which, he maintains, are by far the highest in the country.

The information given on prices is misleading. You can do anything with statistics according to the time space chosen. Our adversaries generally choose to take a static average over an 11-year period. From it they derive a highly distorted description. The years since 1964 give the true picture: in those 4 years there has been a steady upward curve in prices in New England.

In the last 4 years, the retail price in New England of home heating oil has increased 2.19 cents per gallon, while the average increase throughout the United States, excluding the west coast and New England, has been 1.35 cents. The gap between New England retail prices and average retail prices east of the Rockies has widened in the past 5 years by over 62 percent. The retail price of home heating oil in New England is now higher than it is in any other comparable section of the country. And it is higher than the next highest region by 57 cents per barrel.

Our opponents tell us that the increase in prices is due to wide dealer margins in New England. But dealer margins since 1964 have increased significantly less than wholesale prices have increased. In fact, 80 percent of the increase of 2.14 cents per gallon in the price of retail home heating oil since 1964 is accounted for by the wholesale price change.

These figures on wholesale prices are also misleading, this time because the sample is not weighted to take account of the quantity of oil consumed in different regions. A State-by-State breakdown reveals that 96 percent of all home heating oil is consumed in the 43 States within districts I-IV. And of this 96 percent, 93 percent is consumed in just 20 States. It is these 20 States, then, that most bear the burden of inflated heating oil prices. It is not very significant that the people of Jacksonville, Fla., pay more for home heating oil than the people of New England, for they use much less oil over a much shorter time span. The true picture of who is really hurt by high heating oil prices emerges only if we limit our study to those 20 States which consume 93 percent of this oil. We then find that the pattern of wholesale prices mir-

rors that of retail prices. Again New England's prices, which were second lowest in 1964, are now the highest. They are also rising faster than they are in any comparable section of the country. Over this 4-year period we have experienced a 79 cents per barrel increase which is 20 cents per barrel more than the average increase in comparable regions. The increase in price, therefore, cannot be attributed in a substantial degree to a rise in dealer margins. But, rather, it is due to increases in wholesale prices. It is correct that the dealer margin—that is, the difference between buying price and selling price—in New England is the second highest in the Nation. But this is because the costs of doing business are higher in New England—in part, of course, because heating costs are higher. What is more relevant is that the margin of profits of New England dealers appears to be in line with, or lower than, the national average.

The facts are clear. The people of New England are paying higher retail prices, even excluding taxes, than in any other part of the Nation. There has been a steady escalation of those prices since 1964. We are concerned about the present and the future, not the story of years ago, and unless relief is granted, the people of New England will continue to bear an unconscionable burden. We are not asking for special favors, but only that we be treated fairly.

Mr. McINTYRE. One last question: On this subcommittee, apparently the paramount reason behind the mandatory oil import program of 1959 was considered to be, in great measure, the national security; was it not?

Mr. KENNEDY. That is correct.

Mr. McINTYRE. Have witnesses testified on that subject pro and con before the subcommittee to date?

Mr. KENNEDY. They have. As a matter of fact, they seem to be unanimous in thinking the program should be modified and relaxed. They differ only on the questions of how far and how fast we should go.

Others seem to agree that the best way to proceed, in terms of our national security, is not by using exclusively the domestic shrinking domestic supply, but by trying to devise a kind of program that will not be nearly as costly to the consumer, and will assure the availability of domestic oil in case a national emergency requires it.

Mr. McINTYRE. I take it, then, that in the evidence the committee has heard to date, this national security argument is not holding all the water that apparently it must have held back in 1959?

Mr. KENNEDY. That is very true; it simply does not mesh. While some import controls may be necessary, we need not be as restrictive with imports as we now are. I think the Senate is becoming increasingly aware of the reasons for that.

Mr. McINTYRE. Does the Senator agree with me that the real purpose of the mandatory oil import program is to maintain the domestic oil price structure?

Mr. KENNEDY. It seems inescapable that this is its primary function. With

less restrictive import controls, the price for oil and gasoline would drop dramatically.

I think this is a thing which troubles all consumers. It must trouble all Americans.

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

Mr. McINTYRE. I yield.

Mr. PELL. Mr. President, then the total cost of the present oil import quota or the present benefit to the oil industry would be in the order of billions of dollars.

Mr. KENNEDY. It has been estimated as over \$4 billion a year.

Mr. PELL. Basically, is that \$4 billion the profit that the oil industry would lose if the import quotas were removed?

Mr. KENNEDY. It is part profit, though not all of it.

Mr. PELL. It would be \$4 billion out of the pockets of a small section of the country—New England?

Mr. KENNEDY. This \$4 billion figure is for all consumers with relation to the imports; but most dramatically the import controls affect the people of New England who are paying a disproportionate share of these costs.

Mr. PELL. Mr. President, I congratulate my colleagues from New England, the Senator from Maine (Mr. MUSKIE), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Rhode Island (Mr. PASTORE), and the Senator from New Hampshire (Mr. McINTYRE) for the work they have done today in bringing this point home to the American people.

Mr. McINTYRE. Mr. President, before discussing a particular aspect of the Machiasport proposal to which I have given considerable attention, namely the reluctance of officials of both the previous and present administration to meet their responsibilities under the Foreign Trade Zones Act, I would like to express my thanks to Senator MUSKIE for the New England statement, which he has presented for the record. Senator MUSKIE's joint statement represents a commendable first step toward recognizing the regional interest in the Machiasport proposal throughout the New England States and, while it is clearly not intended to be a rebuttal of the arguments which have been presented by the opponents of the project, it is a clear and affirmative statement of the case to be made for lower fuel costs to New England through the device of an oil refinery located in a foreign trade zone.

I am particularly happy that the distinguished Senator from Massachusetts (Mr. KENNEDY) is a member of the Antitrust Subcommittee that is studying the mandatory oil import control program at the present time under Senator HART's aegis. The study can be expected to run all year.

I personally intend, and I believe a number of my colleagues share my intentions, to continue to prepare a detailed rebuttal of the many phony arguments which have been raised by the opponents of Machiasport. For today, however, I intend to lay aside the arguments which have been raised, and concentrate on the gross mistreatment which has been re-

ceived by the State of Maine in its efforts to obtain a foreign trade zone.

I would like to refocus the attention of the Senate and the public on the issue of the foreign trade zone application of the State of Maine which is still pending before the administration's Foreign Trade Zones Board. The New England Senators are unanimously agreed that the trade zone questions and the oil import questions are separate and distinct issues. The law itself is quite clear in this regard. The State of Maine has the right to have its application considered on the merits regardless of any reviews, studies, or decisions on oil import policies. Yet that has not been the course followed by this administration. Secretary of Commerce Maurice Stans announced on February 27 that a decision on the application would be postponed until the President's review of oil import controls was completed. He cited no authority for this arbitrary action. He did not consult with other members of the Foreign Trade Zone Board, although his role as Chairman gives him no unilateral power to usurp the functioning of the Board.

Secretary Stans went back on the assurances given at the time of his confirmation hearing—which had been alluded to by the distinguished Senator from Rhode Island (Mr. PASTORE)—that the Machiasport application would be expedited, that it would come to a decision as promptly and early as possible.

On March 3, I wrote to the Secretary and asked him how the study of the oil import program was relevant to any action that might be taken by the Foreign Trade Zones Board especially in light of the fact that the Committee of Alternates which unanimously approved the application clearly stated that approval would not reflect on any decisions to be made under the oil import program. I asked him to state the authority for delay. I ask unanimous consent that my letter to the Secretary and his response be printed in the RECORD.

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

SENATE SUBCOMMITTEE
ON SMALL BUSINESS,
March 3, 1969.

HON. MAURICE STANS,
Secretary, Department of Commerce,
Washington, D.C.

DEAR MR. SECRETARY: Your announcement of February 27 stating that you will delay consideration of the Maine application for a Foreign Trade Zone until the White House study on oil imports is completed is both distressing and confusing in light of your previous statements and the law. As you may know, my Subcommittee on Small Business of the Senate Banking and Currency Committee has been holding hearings on the processing of the Maine application in order to determine the cause of delay during the previous Administration. I intend to continue these hearings and would like, for the record, your answers to the following questions:

1. In view of the unanimous resolution of your Committee of Alternates which recommended approval of the application stating, "approval would not be, and should not be regarded as, an expression of a position by the Board with respect to any application . . . for allocations or licenses required un-

der the Mandatory Oil Import Program in connection with use of the proposed subzone," how is the President's study of the oil import program relevant to any action that might be taken by the Foreign Trade Zones Board?

2. Under what criteria set forth in the Foreign Trade Zones Act is a study of the oil import program relevant to whether the State of Maine is entitled to a Foreign Trade Zone since the act clearly states "Each port of entry shall be entitled to at least one zone," and that "if the Board finds that the proposed plans and location are suitable for the accomplishment of the purpose of a foreign-trade zone under this act, and that the facilities and appurtenances which it proposed to provide are sufficient it shall make the grant."

3. Under the Foreign Trade Zones Act and Regulations, what authority do you have to delay consideration of an application pending a study of the Oil Import Program?

4. How was the decision to delay consideration reached? Did you consult with other members of the Foreign Trade Zones Board? Did you consult with members of the White House staff or the Vice President or President?

5. In view of your statements reported in the press and your written assurances to Senator Aiken regarding action by the Foreign Trade Zones Board, what new considerations were studied by the Board leading to the decision to delay considerations?

Sincerely,

THOMAS J. MCINTYRE,
Chairman.

THE SECRETARY OF COMMERCE,
Washington, D.C., March 20, 1969.

HON. THOMAS J. MCINTYRE,
Chairman, Subcommittee on Small Business
of the Banking and Currency Committee,
U.S. Senate, Washington, D.C.

DEAR CHAIRMAN MCINTYRE: I have your letter of March 3 with regard to the Foreign Trade Zones Board's consideration of the application of the Maine Port Authority.

The important dates are as follows:

As indicated by my letter of January 28 to Senator Aiken it was my then intention to convene the Board promptly upon receiving the recommendations of the Committee of Alternates.

The action of the Committee of Alternates was taken on February 10.

On February 13 I did call a meeting of the Board for February 26.

On February 20, the President announced that he was reassuming the full responsibility for oil import policies and that there would be a full review of these policies by the Executive Offices of the President.

The proceedings involved in considering a foreign-trade zone application are, of course, separate from those applicable to allocations under the Mandatory Oil Import Program. Nevertheless, as indicated by the President's announcement, for the first time in many years the White House is conducting a comprehensive evaluation of oil import policies. The matter of oil allocations to refineries and petrochemical plants in foreign trade zones will very likely be affected by such a review. In our judgment, all interests will best be served if the President's position on these matters is available to the Board before the Board decides. We are advised by counsel that the procedures applicable to the Board permit the exercise of such discretionary judgment.

I am confident that the importance of assuring an adequate supply of petroleum products for New England and every other section of the country will be a major consideration of the Administration's review of oil import policies.

Sincerely yours,

MAURICE H. STANS,
Secretary of Commerce.

Mr. MCINTYRE. Mr. President, Secretary Stans' response to my questions was inadequate. He agreed that foreign trade zone applications were, "of course," separate from questions under the oil import program but then went on to state that he would like to know what the President's position on oil imports is before he goes on to fulfill his responsibilities under the Foreign Trade Zones Act. If Secretary Stans' curiosity about decisionmaking in other departments and agencies of Government were permitted to interfere with all his responsibilities as Secretary of Commerce, his Department would come to a grinding halt. For instance, would the Secretary delay all overseas expenditures of his Department pending a Treasury review of our balance-of-payments policy? Or suppose his curiosity infected others in Government. The Congress is now reviewing our military commitments around the world. Should the Departments of State and Defense announce that our present treaties and obligations are in a state of suspended animation until the review is concluded? Obviously if Mr. Stans' view of his role were followed to its logical conclusion, Government could not function.

Mr. Stans, however, has an inaccurate view of the functions of the Foreign Trade Zones Board and the administration of the Foreign Trade Zones Act. That law imposes an obligation to reach a decision on the merits of an application in accordance with the criteria of the act. Mr. Stans may wish that oil import questions could be considered. He may think it logical that they be taken into consideration, but that is not the law. An administration which has put so much emphasis on law and order might like to set an example by putting its own house in order, or does the administration believe that some laws are more worthy of observance than others?

I specifically asked the Secretary to cite authority under the Foreign Trade Zones Act and regulations which provide him with the power to delay decision for reasons relating to oil imports. He cited no legal theory or opinion but merely made the conclusionary statement that he had discretionary authority. It is my considered opinion that the reasoning behind his statement was omitted because the act itself provides no such justification.

The stalling of the decision on this trade zone application is not new to this Senator nor to the people of Maine and New England. The previous administration played the politics of oil on the Foreign Trade Zone Board and successfully escaped the responsibility for reaching a decision. The Nixon administration has arranged its own strategy for stall, but the result is the same. The law is flouted, the interests of the people of New England are shunted aside. I fully agree that a public review and reform of our oil import program is essential, but that is not the issue before the Foreign Trade Zones Board. The issue before the Board is found in the statute, and I quote from the Foreign Trade Zones Act, "If the Board finds that the proposed plans and location

are suitable for the accomplishment of the purpose of a foreign trade zone under the act, and that the facilities and appurtenances which it propose to provide are sufficient, it shall make the grant."

Mrs. SMITH. Mr. President, I endorse the statement of my New England colleagues in principal but I wish to disassociate myself from the specific endorsement of the Occidental Petroleum Co.

I disassociate myself from the specific endorsement of, or advocacy for, any specific oil company by any name because I prefer to concentrate on the principle involved in the issue.

INADEQUATE SOIL CONSERVATION BUDGET REQUESTS

Mr. BYRD of West Virginia. Mr. President, I am concerned about the budgetary proposal for fiscal year 1970 for Soil Conservation Service programs, included in the U.S. Department of Agriculture budgetary submission currently undergoing hearings by the Senate Appropriations Committee.

I believe this matter should be brought to the attention of Members of the Senate. I believe they may wish to take a look at a proposal which states a nationwide limit of 25 new starts for watershed planning and 25 new starts for watershed works of improvement for the coming fiscal year. I believe that the Members of the Senate, who are aware of the magnitude of the water pollution crisis which faces this Nation, will not wish to ignore the threat to one of the programs basic to a full-scale attack on that problem.

Speaking for my State of West Virginia, I have received reports on a number of items of importance to the State which are seriously threatened by the present fiscal year 1970 budgetary proposal for the Soil Conservation Service. I would like to bring these to the attention of other Members of this body.

I believe that other Senators may find similar situations in their own States.

First, I am advised that the watershed program, provided under Public Law 566, and the Potomac flood prevention program are making good progress in West Virginia. Many of the flood-water retarding lakes being built are developed for multipurposes, including municipal water supply, industrial water supply, and recreation.

The watershed program in West Virginia is benefiting our local economy by furnishing flood plain protection for houses, businesses, industry, and agriculture. It is helping to create more jobs and a better way of life for our people.

However, the current proposal for an unrealistic limitation of 25 new starts for watershed planning and 25 new starts for watershed works of improvement—for all of the United States—threatens to sabotage these vital, ongoing programs.

I believe that the Senate will want to remove these limitations after a review of the facts.

Consider this: In West Virginia alone,

merely one State, and that a State with a relatively light population total, we would expect to have at least six watershed projects in a category where construction could be started during fiscal year 1970. To put a limitation of 25 new starts for 50 States, many with heavy population totals, is truly unreasonable. And I hope that Congress will strike out this limitation.

Federal specialists working with the present national watershed program tell me that, while they feel the watershed program is making good progress, they already are limited in many areas due to the lack of enough funds for full program activity. Based on their inventories, these specialists advise me that what we actually need to do is to double the amount of watershed development in West Virginia. In my State, we have many watersheds on which construction could be started and where local people could meet their commitments for program advancement, if Federal funds can only be made available.

The budgetary provisions for watershed programs should, realistically, be increased for fiscal year 1970, not reduced.

As a second aspect of budgetary proposals for Soil Conservation Service activities for fiscal year 1970, the proposal for flood prevention is nearly \$8 million less than the \$28 million available for flood prevention in 1969. We use these funds in West Virginia for preventing floods on the Potomac River watershed. I am unable to imagine what forecast can have been made which would justify reduced flood protection in West Virginia for this coming year.

I urge the Senate to act to restore the flood prevention appropriations to the 1969 level.

As the third aspect of the Soil Conservation Service budgetary proposals for fiscal year 1970, so dismaying to those of us who fully realize what the detrimental effects will be, if these proposals are permitted to stand, cuts are proposed in the conservation operations item, through which technical assistance is provided to conservation districts throughout our Nation.

Conservation district officials inform me that they are highly disturbed by the steady reduction of Federal Government support of soil and water conservation district programs because of personnel ceilings imposed in the Federal Establishment and the increased cost of doing business. And well they may be, for I am told that there is already a shortage of more than 2,000 man-years of technical assistance to handle the current workload of districts in the 50 States.

I call to the attention of the Members of the Senate that no funds are provided in the budgetary proposal for the Soil Conservation Service for fiscal year 1970 to staff new conservation districts which are being organized in fiscal year 1969. No funds are proposed in the budget estimate to provide a technical staff to serve new conservation districts in fiscal year 1970. Thus, in staffing these new conservation districts, it will mean that \$1 million worth of technical assistance must be withdrawn from existing con-

servation districts. I believe that the Members of the Senate can anticipate the dismay and resulting protests which such action can be expected to arouse at State levels.

Since their creation, conservation districts have been moving progressively and with substantial success toward the creation of new wealth and new opportunities in both rural and urban America. District programs have strengthened the economy, improved agriculture, retarded erosion and pollution, cut back on water waste and floods, enhanced recreation, served the public interest in many notable ways, and have more than paid their way many times over in terms of cost and benefits.

The future need for resource conservation and development are even more pressing today because of the expanding requirements of the population in our Nation.

I urge that Congress appropriate the additional conservation operations funds which are so essential to provide full technical staffing for each district to meet the current and future resource requirements of our Nation.

As a fourth item of importance to my State of West Virginia, there are two resource conservation and development projects, one near the city of Parkersburg and the second near Princeton, which are creating the chance for strong, local leadership, and the solving of many local problems by group and community action.

Yet under the level of budgetary proposals—\$10 million—for resource conservation and development for fiscal year 1970, it is expected that a decline in operations would result, from an average per project of around \$208,000 in fiscal year 1968 to a little over \$142,000 in fiscal year 1970. This would represent an average reduction of about \$66,000 per project.

I wish to urge that the Senate not merely accept this \$10 million item in the budget but support a more realistic funding.

Mr. President, as a nation, we express more and more concern and worry for the quality of our environment. As Members of the Senate, we are aware that our actions here, in company with the activities taking place across our land to conserve and improve our soil and water resources, affect the quality of our environment. Our vigorous and consistent support of programs to help offset past detrimental effects is needed, and it is needed on a consistent basis. A piecemeal, off-again, on-again, approach will not serve to carry forward the work which must be done.

I think the time has come when we must face up to the fact that past budgetary actions do not permit us the luxury of relaxation of our efforts. Past funding is not adequate to maintain the programs that are increasingly demanded by the growing complexity of problems presented by our deteriorating environment. We must continue to provide adequate appropriations as the indispensable weaponry to protect the resource base of America.

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. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

S. 1827—INTRODUCTION OF A BILL TO AMEND INTERNAL REVENUE CODE TO PROVIDE MINIMUM INCOME TAX; S. 1828—INTRODUCTION OF A BILL TO AMEND INTERNAL REVENUE CODE TO PROVIDE INCREASED MINIMUM STANDARD; S. 1829—INTRODUCTION OF A BILL TO AMEND INTERNAL REVENUE CODE TO SUSPEND INVESTMENT CREDIT

Mr. HARRIS. Mr. President, I introduce, for appropriate reference, three separate but related bills amending the Internal Revenue Code:

First. Minimum income tax: This bill would provide for a minimum income tax on large incomes, and would bring in increased annual revenues of approximately \$1.2 billion.

Second. Increased minimum standard deduction: This bill would increase the minimum standard deduction for smaller taxpayers, relieving over one-half of the 2.2 million poverty-level families from any tax liability and providing tax reduction for other low-income families. The reduction of annual revenue from the passage of this bill would be approximately \$1.1 billion and, therefore, would be adequately covered by the minimum income tax.

Third. Suspension of investment credit: This bill is tied in with the extension of the 10-percent income tax surcharge, requested by the administration, beyond June 30, 1969, and would suspend the present 7-percent investment credit, originally enacted to spur business and industrial investment in plant and equipment, during the term of the surcharge extension, resulting in increased annual revenue of approximately \$3.3 billion. This bill also provides that the 10-percent surcharge would be reduced by a percentage equivalent to the additional revenue which will be realized from suspension of the investment credit. Thus, the 10-percent surcharge would be reduced to 7 percent, thereby giving much-needed relief to the average middle-income taxpayer without any net effect on the revenues realized.

These three bills, if enacted by the Congress, would be a major beginning toward attaining a more equitable system of taxation and a more just apportionment of the tax burden among classes of taxpayers.

The voice of the American taxpayer is being heard in the office of every Congressman and Senator on Capitol Hill.

A spontaneous grassroots movement has begun. It reflects the dismay of taxpayers who are subject to Federal, State, and local demands for more and more tax dollars.

More importantly, it reflects the anger of the average taxpayer who knows there are many who carry little or none of the burden.

We cannot continue to ignore the abuses and inequities that exist in the Federal income tax system. That they have existed for many years only makes them more burdensome.

Many efforts have been made in the past to reform the system. Most have failed.

We must restore the faith of America's 110 million taxpayers in our tax system. If we do not, we certainly face, in the words of former Treasury Secretary Joseph W. Barr, "a taxpayer revolt."

But our most compelling reason for reform is simply that it is the right thing to do.

I believe we have arrived, finally, at a time when effective tax reform can be realized.

Our colleagues on the Ways and Means Committee of the House of Representatives are conducting hearings on this matter. Certainly we all agree that there is urgent need for general tax reform.

However, I believe that some of the most glaring injustices in our tax system are the most easily corrected.

What I am proposing today is that we take some necessary first steps to insure that every taxpayer shares the tax burden in as equitable a manner as possible.

While I am introducing these bills as a member of the committee on finance, I should point out that the 1968 Democratic platform states that—

The goals of our national tax policy must be to distribute the burden of government equitably among our citizens.

Our Federal tax system does not meet this standard.

In theory, we have a progressive system of taxation based on ability to pay. In fact, we have a regressive system that places the heaviest burden on those least able to carry it.

MINIMUM INCOME TAX

Several weeks ago I announced my intention to introduce a bill to provide for a minimum income tax on large incomes. The first of the three bills I introduce today would carry out that intention. While I am introducing this bill as a member of the Committee on Finance, I should point out, as I have on other occasions, that this bill would, taken with the second bill increasing the minimum standard deduction, carry out the provision of the 1968 Democratic platform, which states as follows:

We support a proposal for a minimum income tax for persons of high income based on an individual's total income regardless of source in order that wealthy persons will be required to make some kind of income tax contribution no matter how many tax shelters they use to protect them.

I am confident that there are perfectations and improvements which may be made in this bill, both in general concept and in technical implementation. But I believe that the basic intent and purpose of the bill is sound and must be enacted into law. I am very hopeful that we can secure hearings on this bill as soon as possible, giving all those affected an opportunity to testify. From this testi-

mony we can make whatever corrections of improvements that may be indicated.

For example, we ought to be awfully careful that the effect of this bill will not make the State or municipal bond market any more difficult or increase the interest rate. This market is already more difficult than it should be and interest rates are already too high. If there is to be any adverse effect on the market, since it is the abuse of this source of income by some taxpayers which we intend to get at, we would want to write into this bill an equalizing subsidy to the issuing authority so that the issuing authority would not be penalized by this bill. If that could not be worked out, then that portion of this bill would have to be substantially altered or deleted.

As the bill is presently written, it would provide for a minimum income tax to be paid by large taxpayers, taking into account income from regular sources as well as income from: interest from State and municipal bonds; net long-term capital gains; percentage depletion and intangible drilling and development costs; accelerated depreciation on real property; appreciation on property given to charity; and stock options granted to corporate executives.

The inequities which exist under the present tax system compel reform. In the year 1967, 155 Americans with incomes of more than \$200,000 paid no Federal income tax, and of this group 21 earned more than a million dollars. At the same time 25 million citizens earning less than \$3,000 annually paid \$1½ billion in Federal income taxes.

Presently, many wealthy individuals can arrange their income so that it comes from one or more tax-favored sources and thereby pay taxes, if at all, on a much lower rate. In many cases the effective rate is as low as 1 or 2 percent of the real income. Quite often, the result is that a man who earns over a million dollars a year from real estate investments can avoid Federal taxes completely, while a married couple with an income of \$2,200 must pay \$84.

In a recent year a taxpayer whose net worth is \$1.5 million paid income taxes of only \$685. Another with an income of \$20 million paid nothing. Still another who earned from real estate investments over \$1 million every year for 14 years paid no Federal income tax. While this was happening, most of the middle- and lower-income families were paying the regular rate.

These abuses and inequities in the Federal income tax system can no longer be tolerated.

Sheldon S. Cohen, former Internal Revenue Commissioner, when testifying before the House Ways and Means Committee on March 28, 1969, concerning needed tax reform, stated:

Whether our taxpayers will continue to be patient and understanding is really beside the point. The bulk of our citizens should no longer be required to assume significant burdens of taxation while others are preferred and undertaxed. Our system presently works so well that it is considered the model of the world. This is so because of the high level of voluntary compliance by our citizens. We, therefore, owe it to the American people to constantly strive to

make the system more equitable—because that is the right thing to do—and because it will maintain and improve voluntary compliance which is the backbone of the system.

The minimum-income tax legislation I am proposing would eliminate the most glaring inequities in the present system. The proposal does not eliminate these preferences, but would simply require a tax where the use of the preferences is being abused. Former Commissioner Cohen in his testimony before the House Ways and Means Committee, commented on the soundness of a minimum income tax and stated:

The minimum income tax does meet and fulfill a fundamental need—a more realistic and just apportionment of the tax burden. To that end its necessity is clear—it is unjust to create a class of tax millionaires while requiring the vast majority of Americans to make significant tax contributions to our Government.

The net effect of the minimum-income tax bill I propose will be that those taxpayers affected will be taxed at the regular rates on at least 50 percent of their total income. It applies to individuals, corporations, trusts, and estates. Thus, a taxpayer who has an actual income of \$500,000 a year from totally tax exempt sources and who has paid no tax in the past will now pay \$160,000. Similarly, a taxpayer with a total income of \$600,000, of which only \$200,000 is taxable now, pays approximately \$125,000 in taxes. Under the new law, he will pay a total tax of approximately \$195,000.

The minimum tax bill I have introduced also provides for the allocation of deductions between taxable and non-taxable income. At the present time, it is possible for a taxpayer to receive a double advantage from his tax-exempt income.

In this case, the personal deductions allowed every taxpayer for various expenses are subtracted only from his taxable income.

Thus, a man may earn \$100,000 a year, three-fourths of which is not taxable because the income is derived from one or another tax preferred investment. His adjusted gross income is only \$25,000 and from this he can deduct various personal expenses further reducing his tax liability.

Under the bill I propose, he would be required to allocate his deductions proportionately between taxable and non-taxable income. This is a far more equitable procedure since obviously his expenses were paid out of his combined income.

The above explanation is an attempt to make the legislation proposed more understandable, because I am reminded of the statement of Judge Learned Hand on complicated tax measures, when he said:

In my own case the words of such an act as the Income Tax, for example, merely dance before my eyes in a meaningless procession, cross-reference to cross-reference, exception upon exception—couched in abstract terms that offer no handle to seize hold of—leave in my mind only a confused sense of some vitally important, but successfully concealed, purpose, which it is my duty to extract, but which is within my power, if at all, only after the most inordinate expenditure of

time. I know that these monsters are the result of fabulous industry and ingenuity, plugging up this hole and casting out that net, against all possible evasion; yet at times I cannot help recalling a saying of William James about certain passages of Hegel: that they were no doubt written with a passion of rationality; but that one cannot help wondering whether to the reader they have any significance save that the words are strung together with syntactical correctness.

Mr. President, I think that quotation sums up, somewhat, the feelings that many taxpayers have about our very complicated tax system. That is why I have joined the distinguished chairman of the Finance Committee, the Senator from Louisiana (Mr. Long), and others, in trying to find some way, in addition to reforming the tax system to simplify it so that the average taxpayer may have a better understanding of the tax system and its effect upon him and his actions.

Today, however, we are talking about reform and improvement in the tax system, and I have just discussed the minimum income tax bill.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 1827) to amend the Internal Revenue Code of 1954 to impose a minimum income tax, to require the allocation of deductions allowed to individuals in certain circumstances, and for other purposes, introduced by Mr. HARRIS (for himself and Mr. HART), was received, read twice by its title, and referred to the Committee on Finance.

INCREASE MINIMUM STANDARD DEDUCTION

Mr. HARRIS. Now, Mr. President, I want to turn my attention to the second bill which I have today introduced, one for an increase in the minimum standard deduction.

It is closely related to the minimum income tax. It provides for a corollary increase in the minimum standard deduction for smaller taxpayers. It would relieve over one-half of the 2.2 million poverty-level families from any tax liability and would provide tax reductions for other low-income families.

The bill I offer is identical to the recommendations of the Johnson administration Treasury Department and simply raises the minimum standard deduction from its present \$200 plus \$100 for each allowable exemption, to \$600 plus \$100 for each allowable exemption, subject to the existing overall limit of \$1,000.

The reduced revenue from this proposal would be approximately \$1.1 billion, a reduction more than fully covered by the additional revenue which would be realized from the minimum income tax, \$1.2 billion.

This bill would carry out the provision in the 1968 Democratic platform, which stated:

We also support a reduction of the tax burden of the poor by lowering the income tax rates at the bottom of the tax scale and increasing the minimum standard deduction. No person or family below the poverty level should be required to pay income taxes.

We may praise the widow in the Biblical parable who voluntarily, from her

mite, gave proportionately far more than the rich man; but our Government should not require such involuntary generosity from its poorest citizens.

Our tax system should not be an extra hurdle for those who already have enough hazards in their race for economic survival.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 1828) to amend the Internal Revenue Code of 1954 to increase the minimum standard deduction, introduced by Mr. HARRIS (for himself and Mr. HART), was received, read twice by its title, and referred to the Committee on Finance.

SUSPENSION OF INVESTMENT CREDIT

Mr. HARRIS. Mr. President, the third bill I am introducing is designed to dampen inflationary pressures while giving some immediate relief to middle-income taxpayers, who now pay more than their fair share of Government costs.

The bill is tied in with the extension of the 10-percent income tax surcharge, requested by the administration, beyond June 30, 1969, and would suspend the present 7-percent investment credit during the term of such surcharge extension.

The suspension of the investment credit would permit a reduction of the 10-percent surcharge to 7 percent, as is provided in this bill, without any net effect on the revenues realized, since suspension of the investment credit will bring in an additional \$3.3 billion.

The investment credit, enacted in 1962 during the administration of President John F. Kennedy to spur business and industry investment in plant and equipment, was suspended by Congress upon the recommendation of President Lyndon B. Johnson when the economy became overheated in 1966. The suspension, which became effective on October 10, 1966, was to have lasted for a period of 15 months, but was restored on March 9, 1967.

Despite the relatively short period during which the investment credit was then suspended, two private studies, one by the Economics Department of McGraw-Hill Publications, Inc., and the other by Lionel D. Edie and Co., Inc., indicate that the suspension was definitely anti-inflationary in its effect.

The need to curb inflation is a matter of highest priority today. Thus, the administration has recommended the extension of the 10-percent tax surcharge. Since a flat increase in taxes at all income levels, even with some exceptions at the bottom, is inequitable and regressive, it would seem fairer to grant some relief to the overburdened middle-income taxpayer by not asking for the full 10-percent surcharge extension, and, instead, cutting down also on the inflationary pressures of plant and equipment expenditures.

This approach is especially indicated by reason of the fact that capital expenditures for this year are projected to be 14 percent higher than they were last year.

Since manufacturers which were operating at 90 percent capacity during 1966 were operating at approximately 84 percent of capacity 2 years later, during the third quarter of 1968, I believe there is no sound reason to believe that the suspension of the investment credit would add to inflationary pressures by allowing demand to outrun supply. To the contrary, by cutting down on the inflationary pressures of otherwise increasing capital expenditures, running some 14 percent higher this year over last year, the suspension of the investment credit would, in my judgment, have an important anti-inflationary effect.

The bill I propose calls for the suspension of the investment credit, effective on the date of introduction of the bill, with an exception for contracts already entered into for capital investments as of that time. The bill does not provide other exceptions, as was done in the 1966 bill, because I felt these matters ought to be the subject of hearings in the light of present circumstances.

Thus, this bill has two important objectives. First, the suspension of the investment credit will help curb inflation; second, the suspension of the investment credit will increase revenues by \$3.3 billion, permitting reduction of the present surcharge tax from 10 percent to 7 percent, thereby giving much-needed relief, particularly to the middle-income taxpayer. It may be that at hearings on this bill, the facts developed may warrant an increase in individual exemptions from the present \$600 figure as an alternative to the approach provided in this bill, that is, a reduction in the surcharge.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 1829) to amend the Internal Revenue Code of 1954 to reduce and extend the tax surcharge and to suspend the investment credit during the remaining period of applicability of the tax surcharge, introduced by Mr. HARRIS (for himself and Mr. HART), was received, read twice by its title, and referred to the Committee on Finance.

CONCLUSION

Mr. HARRIS. Mr. President, the three bills which I have introduced will by no means erase all of the inequities in the present Internal Revenue Code. Nevertheless, I believe they represent significant steps toward effective tax reform.

They will insure that the burden of taxation falls more fairly on all taxpayers. The taxpayers of America are demanding fairness in our tax system, and they are entitled to nothing less. These bills will move us much closer to that goal.

Mr. President, I ask unanimous consent that there be printed at this point in the RECORD a summary of the three bills; a copy of the minimum income tax bill with a section-by-section analysis of it; a copy of the increased minimum standard deduction bill; and a copy of the investment credit suspension bill.

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

SUMMARY OF BILLS

1. MINIMUM INCOME TAX

This bill would require every individual, corporation, trust or estate with substantial income to make a fair contribution to the cost of operating our Government and would operate as follows:

A. The taxpayer would compute his tax as he has done in the past under the present provisions of the Internal Revenue Code;

B. The taxpayer would total the following: income from interest on state and local bonds; deductions for capital gains; percentage depletion in excess of cost; amount of depreciation in excess of straight-line depreciation on real property; amount of appreciation in property donated to a charitable organization; difference between fair market value and the cost of stock acquired pursuant to stock option plan; and the amount of the deduction claimed for intangible drilling and development costs in the case of oil and gas wells—all less certain deductions including a special \$5,000 deduction;

C. If the aggregate of the items and deductions mentioned in paragraph 2 do not exceed taxable income the taxpayer computes his tax in the regular way. If that amount is greater than taxable income, the taxpayer is subject to the minimum tax; and

D. To one-half of the total income, taxable and preferential the regular rate table would be applied.

This bill also requires that individuals allocate certain personal deductions between taxable income and the income from the items described in Paragraph 2.

2. INCREASED MINIMUM STANDARD DEDUCTION

This bill simply increases the minimum standard deduction from \$200 plus \$100 for each allowable exemption to \$600 plus \$100 for each allowable exemption, subject to the existing overall limit of \$1,000.

3. SUSPENSION OF INVESTMENT CREDIT AND REDUCTION OF SURCHARGE

This bill calls for the suspension of the investment tax credit during the applicability of the tax surcharge. There would be excepted from the suspension property acquired pursuant to legally binding contracts entered into not later than April 15, 1969.

This bill in addition calls for a reduction of the tax surcharge from 10% to 7% for the period beginning June 30, 1969.

S. 1827

A bill to amend the Internal Revenue Code of 1954 to impose a minimum income tax, to require the allocation of deductions allowed to individuals in certain circumstances, and for other purposes

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

Section 1. Short title, etc.

(a) SHORT TITLE.—This Act may be cited as the "Minimum Income Tax Act of 1969".

(b) AMENDMENT OF 1954 CODE.—Except as otherwise expressly provided, whenever in this Act an amendment is expressed in terms of an amendment to a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1954.

Section 2. Minimum income tax.

(a) IMPOSITION OF TAX.—Subchapter A of Chapter 1 (relating to determination of tax liability) is amended by adding at the end thereof the following new part:

"PART VI—MINIMUM INCOME TAX

"Sec. 55. Minimum income tax.

"(a) IMPOSITION OF TAX.—Except as provided in subsection (e), in the case of any individual, corporation, trust, or estate, in lieu of the tax imposed by section 1 (relating to

tax imposed on individuals), section 11 (relating to tax imposed on corporations) and section 641 (relating to tax imposed on estates and trusts), there is hereby imposed for such taxable year a minimum tax equal to the amount computed under subsection (b), if such minimum tax exceeds the tax imposed on such individual, corporation, trust, or estate by this chapter (other than this section) for such taxable year.

"(b) MINIMUM TAX RATE.—The minimum tax shall be computed in the same manner as the tax otherwise imposed by this chapter except—

"(1) the taxpayer's taxable income for the taxable year shall be equal to his section 55 income, and

"(2) the tax applicable under section 1 (relating to tax imposed on individuals) and section 11 (relating to tax imposed on corporations) shall be applied to one-half of the amount of the section 55 income for the taxable year.

For purposes of the preceding sentence, in determining the amount of any allowable credit or deduction whose amount is limited or determined with reference to tax liability under chapter 1, the tax liability shall be equal to the amount imposed by this section.

"(c) SECTION 55 INCOME.—For purposes of this section, the term 'section 55 income' means the taxable income (as defined in section 63) for the taxable year plus

"(1) any amount excluded from gross income for the taxable year by reason of section 103(a)(1) (relating to interest on certain governmental obligations), plus

"(2) in the case of an individual, estate, or trust, the amount of the deduction allowed under section 1202 (relating to deduction for capital gains) for the taxable year, plus

"(3) an amount equal to the amount by which the allowance for depletion under section 611 (relating to allowance of deduction for depletion) for the taxable year exceeds the adjusted basis of the property at the end of the taxable year (computed without regard to the deduction for depletion for such taxable year), plus

"(4) the amount, if any, by which the deduction under section 167 (relating to depreciation) with respect to real property for the taxable year, was greater than it would have been under the straight line method of depreciation (applied to such property for such taxable year), plus

"(5) the amount by which the fair market value of any property (other than money) the subject of a charitable contribution during the taxable year for which a deduction under section 170 (relating to charitable, etc., contributions and gifts) is allowable (without regard to the percentage limitations specified in sections 170(b)(1) and 170(b)(2)) exceeds the taxpayer's adjusted basis therefore under section 1011 (relating to adjusted basis for determining gain or loss), plus

"(6) the amount equal to the difference between the fair market value of stock received by the taxpayer, pursuant to the exercise during the taxable year of a qualified stock option (as defined in section 422) and the price paid for such stock, plus

"(7) the amount of any deduction for the taxable year for intangible drilling and development costs in the case of oil and gas wells pursuant to the exercise by the taxpayer of the option to deduct such costs under the provisions of Treasury regulations 1.612-4, less.

"(8) any expenses and interest otherwise nondeductible under section 265 (relating to expenses and interest relating to tax-exempt income), but only to the extent such expenses and interest are allocable to an obligation described in section 103(a)(1), the interest income from which for the taxable year is included under paragraph (1), less

"(9) any expenses and interest otherwise nondeductible under section 265 (relating to expenses and interest relating to tax-exempt income), but only to the extent such expenses and interest are allocable to an obligation described in section 103(a)(1), the interest income from which for the taxable year is included under paragraph (1), less

"(9) the amount, if any, of deductions disallowed under section 277 (relating to limitation on deductions for individuals), less

"(10) a special deduction of \$5,000 (\$2,500 in the case of a married taxpayer filing a separate return).

"(d) SPECIAL RULES.—

"(1) BASIS ADJUSTMENT FOR DEPRECIATION.—If a taxpayer is subject to the minimum tax imposed by this section for a taxable year, and his section 55 income for such year includes an amount under subsection (c) (4), the proper amount of the depreciation allowed or allowable for the taxable year for purposes of section 1016 (relating to adjustments to basis) shall be determined in accordance with regulations and rules prescribed by the Secretary or his delegate.

"(2) NET OPERATING LOSS DEDUCTION.—The allowance of net operating loss deductions under section 172 (relating to net operating loss deductions), for purposes of computing section 55 income shall be subject to such rules, limitations, and modifications as are necessary to effectuate the purposes of this Act that the Secretary or his delegate shall by regulations prescribe.

"(3) STOCK OPTION AND INTANGIBLE DRILLING COST ADJUSTMENT.—If a taxpayer is subject to the minimum tax imposed by this section for a taxable year, and his section 55 income for such year includes an amount under subsection (c) (6) or (c) (7), appropriate adjustment shall be made to the basis of the property involved in accordance with regulations issued by the Secretary or his delegate.

"(e) EXCEPTIONS.—This section shall not apply to—

"(1) the tax imposed under the provisions of section 871(a) (relating to income not connected with United States business), and

"(2) the tax imposed under the provisions of section 881 (relating to tax on income of foreign corporations not connected with United States business).

"(f) SPECIAL DEFINITIONS.—If a taxpayer is subject to the tax imposed by this section for a taxable year—

"(1) GROSS INCOME.—The term 'gross income' shall, with respect to such taxable year, have the same meaning otherwise applicable under the subtitle, except that the aggregate of the amounts specified in subsections (c) (1), (c) (5), and (c) (6) shall be added thereto.

"(2) ADJUSTED GROSS INCOME.—The term 'adjusted gross income' shall, with respect to such taxable year, have the same meaning otherwise applicable under this subtitle, except that the aggregate of the amounts specified in subsections (c) (1), (c) (2), (c) (5), and (c) (6) shall be added thereto.

"(3) TAXABLE INCOME.—The term 'taxable income' shall, with respect to such taxable year, have the same meaning otherwise applicable under this subtitle, except that the aggregate of the amounts specified in subsections (c) (1) through (c) (7), inclusive, shall be added thereto, and the aggregate of the amounts specified in subsections (c) (8) through (c) (10), inclusive, shall be subtracted therefrom."

"(b) CLERICAL AMENDMENT.—The table of parts for subchapter A of Chapter 1 is amended by adding at the end thereof the following new item:

"PART VI—MINIMUM INCOME TAX"

"(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to taxable years beginning after December 31, 1968.

Section 3. Limitation on deductions for individuals.

"(a) DEDUCTION LIMITATION.—Part IX of subchapter B of chapter 1 (relating to items not deductible) is amended by adding at the end thereof the following new section:

"Sec. 277. Limitation on deductions for individuals.

"(a) GENERAL RULE.—If an individual for a taxable year has section 277 deductions, such deductions shall be disallowed in an amount equal to the aggregate of such deductions multiplied by the section 277 percentage.

"(b) DEFINITIONS.—For purposes of this section—

"(1) SECTION 277 DEDUCTIONS.—The term 'section 277 deductions' means the amounts allowable as deductions (other than under the provisions of this section) under the following sections, but only if not otherwise deductible under section 162 or in determining adjusted gross income under section 62—

"(A) section 163 (relating to interest).

"(B) section 164 (relating to taxes).

"(C) section 165(c) (3) (relating to casualty losses).

"(D) section 170 (relating to charitable, etc., contributions and gifts).

"(E) section 213 (relating to medical, dental, etc., expenses).

"(F) section 216 (relating to deduction of taxes, interest, and business depreciation by cooperative housing corporation tenant-stockholder).

"(2) SECTION 277 PERCENTAGE.—The term 'section 277 percentage' means the percentage that the aggregate of the amounts described in paragraphs (1) through (7), inclusive, of section 55(c) (relating to section 55 income) bears to the taxpayer's adjusted gross income (as defined in section 62) plus the amounts described in paragraphs (1) through (7), inclusive, of section 55(c)."

"(b) CLERICAL AMENDMENT.—The table of sections for such Part IX is amended by adding at the end thereof the following new item:

"Sec. 277. Limitation on deductions for individuals."

"(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to taxable years beginning after December 31, 1968.

SECTION-BY-SECTION EXPLANATION, MINIMUM INCOME TAX BILL

SECTION 1. SHORT TITLE, ETC.

"(a) Short Title: Subsection (a) of section 1 of the bill provides that the bill may be cited as the "Income Tax Reform Act of 1969."

"(b) Amendment of 1954 Code: Subsection (b) of section 1 of the bill provides that, except as otherwise provided in the bill, whenever in the bill an amendment or repeal is expressed in terms of an amendment to or repeal of a section or other provision, the reference is considered to be made to a section or other provision of the Internal Revenue Code of 1954.

SECTION 2. MINIMUM INCOME TAX

"(a) Imposition of Tax: Subsection (a) of section 2 of the bill amends the Internal Revenue Code by adding a new section 55. In general, section 55 imposes the minimum income tax and contains the provisions specifying the rate of the tax, the conditions under which it applies, and the items of income or deduction which are included in the computation of the tax.

Section 55. Minimum income tax

"(a) Imposition of Minimum Tax: Subsection (a) of section 55, as added by the bill, provides that any individual, trust, estate, or corporation is subject to the minimum income tax if that tax is greater than the regular income tax to which he would otherwise be subject.

"(b) Minimum Tax Rate: Subsection (b) of section 55 provides the rate of the minimum tax. The minimum tax is equal to the regular income tax rate otherwise applicable to the taxpayer, computed as if his taxable

income for the year were one-half his "section 55 income," that is, his expanded income for minimum tax purposes. The term "section 55 income" is defined in subsection (c) of section 55. This means that if the total of the items added to taxable income (gross income less deductions and exemptions) in determining "section 55 income" is equal to or less than taxable income, he will not be subject to the minimum tax. On the other hand, if this amount exceeds taxable income, the taxpayer will know he is subject to the minimum tax and will compute his tax in the manner described.

For example, if an unmarried taxpayer had taxable income in 1969 of \$60,000, his income tax (without the surcharge) would be \$28,790. If the total of the items to be added to taxable income under the minimum tax provisions did not exceed \$60,000, his tax would not be adjusted under this bill for that year. If, however, the aggregate of such items were \$100,000, his "section 55 income" would be \$160,000. He would then compute his tax for the year by applying the regular rate table to one-half of \$160,000, or \$80,000. The resulting tax would be \$41,790, an increase over the regular tax of \$13,000.

As under the regular income tax, the taxpayer is permitted to reduce his minimum income tax liability by the amount of any credits allowed under the law, such as the retirement income credit. If the computation of an allowable credit involve a limitation based on tax liability for the year, the taxpayer would utilize the minimum tax liability in making the computation of the allowable amount of the credit.

"(c) Section 55 Income: Subsection (c) of section 55 defines the term "section 55 income." In general, "section 55 income" means taxable income plus the aggregate of the items specified in subsection (c).

"Section 55 income" is the base used for computing the minimum tax. Also, by totaling the various items specified in subsection (c) and comparing that with taxable income, the taxpayer will know whether he is subject to the minimum tax.

In practice it is assumed that the tax forms will contain a simple schedule for listing the items set forth in subsection (c). The taxpayer will complete this schedule and will compute his tax in the regular way if the resulting amount is not greater than taxable income. If it is greater, he will substitute the minimum tax computation for the regular income tax computation.

Under subsection (c), "section 55 income" means taxable income, plus

1. Interest income received on state and local bonds which is excluded under section 103 in determining the regular income tax.

2. The 50% deduction allowed to individuals, estates, and trusts for long-term capital gains.

3. The amount of percentage depletion claimed which exceeds the cost of the property with respect to which the depletion allowance is granted.

4. In the case of buildings and other depreciable real property, if the depreciation deduction is claimed on the basis of some accelerated depreciation method, the excess thereof over the amount which would have been allowed if the straightline method were used.

5. The amount of the appreciation (fair market value less cost) in property donated to a charitable organization.

6. The difference between the fair market value and the cost of stock acquired pursuant to the exercise of a qualified stock option.

7. The amount of the deduction claimed for intangible drilling and development costs in the case of oil and gas wells.

The resulting figure is then reduced by deducting therefrom the following three items:

1. Expenses and interest (otherwise non-deductible under section 265) attributable to carrying state and local bonds, the interest income from which is included in "section 55 income."

2. The amount of an individual's personal deductions which are disallowed under the companion proposal relating to the allocation of deductions.

3. The amount of \$5,000 (\$2,500 in the case of a married taxpayer filing a separate return). This is a special deduction allowed only in computing the minimum tax.

(d) *Special Rules:* Subsection (d) of section 55 provides special rules designed to insure that the effect of including certain items in the minimum income tax are properly reflected for other purposes.

This subsection authorizes the Secretary of the Treasury to issue rules and regulations to prescribe the basis adjustments which are required when a taxpayer is subject to the minimum income tax for a taxable year, and his "section 55 income" for such year includes excess real estate depreciation, the profit realized when stock is acquired below its current market value pursuant to a qualified stock option, or the deduction of intangible drilling costs.

For example, if a taxpayer claims a depreciation deduction of \$50,000 with respect to a building under an accelerated depreciation method, his basis in that building is reduced by \$50,000. However, if straight-line depreciation on the building was only \$30,000, the \$20,000 difference is includable in "section 55 income" under the bill. If the taxpayer is subject to the minimum income tax, it would be improper to reduce his basis \$50,000 since he did not receive an effective deduction of \$50,000. Similarly, it would be incorrect to reduce basis only \$30,000, since the \$20,000 difference was not taxed under the regular income tax rate structure, but rather under the lower minimum income tax rates. Consequently, an adjustment must be made which reduces basis for the \$20,000 taxed under the minimum income tax only by an amount which properly reflects the relationship between the minimum income tax and the regular income tax in this case.

The Secretary of the Treasury is also granted authority under subsection (d) to prescribe rules necessary to adjust net operating loss deductions to reflect the minimum income tax.

(e) *Exceptions:* Subsection (e) of section 55 prescribes two exceptions to the minimum income tax. The tax does not apply to income earned by nonresident aliens and foreign corporations not connected with the conduct of a trade or business in the United States. Under the regular income tax, these amounts are taxed at a flat 30% rate (unless otherwise provided by treaty) without the allowance of any deductions or exemptions.

(f) *Special Definitions:* Subsection (f) of section 55 contains special definitions of the terms "gross income," "adjusted gross income," and "taxable income" in the case where a taxpayer is subject to the minimum income tax. Under subsection (f), these terms are adjusted to reflect the proper inclusion in each case of items specified in subsection (c). This will facilitate the operation and application of procedural provisions of the Code, such as requirements to file tax and estimated tax returns, the imposition of penalties, exceptions to statute of limitations provisions, etc.

(b) *Clerical Amendment:* Subsection (b) of section 2 of the bill makes a clerical amendment to a table of parts in the Code required by the addition of section 55 to the Code.

(c) *Effective Date:* Subsection (c) of section 2 of the bill provides that the minimum income tax provisions will apply to taxable years beginning after December 31, 1968. For most individuals who report on a calendar year basis, this means that the minimum

income tax will apply to the calendar year 1969. For other taxpayers who report on a fiscal year basis, the new provision would apply to their taxable years beginning in 1969.

SECTION 3. LIMITATION ON DEDUCTIONS FOR INDIVIDUALS

(a) *Deduction Limitation:* Subsection (a) of section 3 of the bill amends the Internal Revenue Code by adding a new section 277. In general, section 277 limits the amount of certain personal deductions allowed to individuals to reflect an allocation of such items between income subject to tax and items which are untaxed.

Section 277. Limitation on Deductions for Individuals

(a) *General Rule:* Subsection (a) of section 277, as added by the bill, provides that an individual's "section 277 deductions" for a taxable year will be disallowed in an amount equal to the aggregate of such deductions multiplied by the "section 277 percentage."

(b) *Definitions:* Subsection (b) of section 277 defines the terms "section 277 deductions" and "section 277 percentage."

Paragraph (1) of subsection (b) defines the term "section 277 deductions" to mean the following deductible items, but only if such items are not otherwise allowable as an ordinary and necessary business expense, or as a deduction from gross income in arriving at adjusted gross income: interest; state and local taxes; casualty losses; charitable contributions; medical expenses; and the deduction allowed to owners of cooperative apartments for taxes and interest.

Paragraph (2) of subsection (b) defines the term "section 277 percentage" as the percentage that the total of items added to taxable income under section 55(c) (without regard to the deductions allowed in computing "section 55 income") bears to the sum of that amount plus the taxpayer's adjusted gross income.

The operation of section 277 can be illustrated by the following example. Assume an individual taxpayer for a given year has \$25,000 of salary income and \$15,000 of tax-exempt interest income. He itemizes his deductions and claims \$5,000 as a charitable contribution deduction and \$3,000 as a deduction for state income and sales taxes. His "section 277 deductions" total \$8,000. The "section 277 percentage" is 37.5% (\$8,000 divided by \$40,000). Consequently, \$3,000 (\$8,000 multiplied by 37.5%) of the charitable contribution and state tax deductions are disallowed under this provision.

(b) *Clerical Amendment:* Subsection (b) of section 3 of the bill makes a clerical amendment to a table of parts in the Code required by the addition of section 277 to the Code.

(c) *Effective Date:* Subsection (c) of section 3 of the bill provides that the allocation of deductions provisions will apply to taxable years beginning after December 31, 1968, the same effective date for the minimum income tax imposed by section 2 of the bill.

S. 1828

A bill to amend the Internal Revenue Code of 1954 to increase the minimum standard deduction

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 141(c) of the Internal Revenue Code of 1954 (relating to minimum standard deduction) is amended to read as follows:

"(c) Minimum Standard Deduction.—The minimum standard deduction is an amount equal to the sum of—

"(1) \$100, multiplied by the number of exemptions allowed for the taxable year as a deduction under section 151, plus

"(2) (A) \$600, in the case of a joint return of a husband and wife under section 6013,

"(B) \$600, in the case of a return of an individual who is not married, or

"(C) \$300, in the case of a separate return by a married individual."

SEC. 2. The amendments made by this Act shall apply to taxable years beginning after December 31, 1968.

S. 1829

A bill to amend the Internal Revenue Code of 1954 to reduce and extend the tax surcharge and to suspend the investment credit during the remaining period of applicability of the tax surcharge

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 48 of the Internal Revenue Code of 1954 (relating to definitions and special rules for purposes of the investment credit) is amended by redesignating subsection (k) as (l) and by inserting after subsection (j), the following new subsection:

"(k) SUSPENSION OF INVESTMENT CREDIT DURING APPLICABILITY OF TAX SURCHARGE.—For purposes of this subpart—

"(1) GENERAL RULE.—Section 38 property which is tax surcharge suspension period property shall not be treated as new or used section 38 property.

"(2) TAX SURCHARGE SUSPENSION PERIOD PROPERTY DEFINED.—Except as otherwise provided in this subsection, the term 'tax surcharge suspension period property' means section 38 property—

"(A) the physical construction, reconstruction, or erection of which begins either during the tax surcharge suspension period or pursuant to an order placed during such period, or

"(B) which is acquired by the taxpayer either during the tax surcharge suspension period or pursuant to an order placed during such period.

"(3) BINDING CONTRACTS.—To the extent that any property is constructed, reconstructed, erected, or acquired pursuant to a contract which was, on April 15, 1969, and at all times thereafter, binding on the taxpayer, such property shall not be deemed to be tax surcharge suspension period property.

"(4) TAX SURCHARGE SUSPENSION PERIOD.—The term 'tax surcharge suspension period' means the period beginning on April 16, 1969, and ending on the last day on which the tax required to be deducted and withheld on wages under section 3402 includes any amount attributable to the tax surcharge imposed by section 51."

(b) The amendment made by subsection (a) shall apply to taxable years ending after April 15, 1969.

SEC. 2. (a) Section 51(a) of the Internal Revenue Code of 1954 (relating to imposition of tax surcharge) is amended to read as follows:

"(a) IMPOSITION OF TAX.—

"(1) CALENDAR YEARS.—In addition to the other taxes imposed by this chapter, there is hereby imposed on the income of every person whose taxable year is the calendar year a tax equal to—

"(A) for calendar year 1969, 8.5 percent of the adjusted tax for such year, and

"(B) for calendar year 1970, 3.5 percent of the adjusted tax for such year.

"(2) FISCAL AND SHORT TAXABLE YEARS.—In addition to the other taxes imposed by this chapter, in the case of taxable years ending after June 30, 1969, and beginning before July 1, 1970, there is hereby imposed on the income of every person whose taxable year is other than the calendar year, a tax equal to the sum of—

"(A) 10 percent of the adjusted tax for the taxable year, multiplied by a fraction the

numerator of which is the number of days in the taxable year occurring before July 1, 1969, and the denominator of which is the number of days in the taxable year; and

"(B) 7 percent of the adjusted tax for the taxable year, multiplied by a fraction the numerator of which is the number of days in the taxable year occurring after June 30, 1969, and before July 1, 1970, and the denominator of which is the number of days in the taxable year.

"(3) LIMITATION.—In the case of—

"(A) a husband and wife (or surviving spouse) who file a joint return under section 6013 and whose adjusted tax for the taxable year is less than \$580,

"(B) an individual who is a head of a household to whom section 1(b) applies and whose adjusted tax for the taxable year is less than \$440, and

"(C) any other individual (other than an estate or trust) whose adjusted tax for the taxable year is less than \$290,

the tax imposed by paragraph (1) or (2) shall not be greater than an amount equal to twice the tax which would be imposed by paragraph (1) or (2) if the tax were imposed on the amount by which the adjusted tax exceeds \$290, \$220, or \$145, respectively."

(b) (1) Section 3402 of the Internal Revenue Code of 1954 (relating to income tax collected at source) is amended by adding at the end thereof the following new subsection:

"(n) WAGES PAID AFTER JUNE 30, 1969, AND BEFORE JULY 1, 1970.—In the case of wages paid after June 30, 1969, and before July 1, 1970, the amount required to be deducted and withheld under subsection (a) or (c) (1) shall be determined in accordance with tables prescribed by the Secretary or his delegate which shall take into account the tax imposed by section 51."

(2) Section 963(b)(3) of such Code is amended by striking out "June 30, 1969" and inserting in lieu thereof "June 30, 1970".

(c) The amendments made by subsections (a) and (b) (2) shall apply to taxable years ending after June 30, 1969, and beginning before July 1, 1970. The amendment made by subsection (b) (1) shall apply with respect to wages paid after June 30, 1969, and before July 1, 1970.

THE ABM ISSUE

Mr. BAKER. Mr. President, the remarks of the distinguished majority leader on yesterday dealing with the ABM issue have caused me great concern. First, I would like to state that I entirely agree with the distinguished majority leader (Mr. MANSFIELD) that debate on the ABM ought not to be a hard and fast political confrontation. It is obvious, I think, to the majority leader, as it is obvious to this very junior member of the minority, that there is substantial and well reasoned support for the Safeguard system on the Democratic side as well as on the Republican side, and there is opposition to the deployment of the Safeguard system on both the Democratic and Republican sides of the aisle. It is not a crystallized political confrontation.

I think one of the basic strengths of this body is that it has always, in my judgment, exercised its free will and important constitutional functions to the maximum, not by institutional political confrontations, but, rather, the Senate, in the scheme of Government, has taken into account the intricacies and delicacies of important issues that confront this country, and, indeed, the whole world.

So, I commend the majority leader for his admonition, yesterday, that the issue of the deployment of the Safeguard ABM system is not, and should not be, a political confrontation between the Republicans and Democrats. Once again, it is not. Nor should it be.

It has come to my attention that there has appeared in print, in a publication of the Democratic National Committee called the "Demo Memo," a little article entitled "A Look at the Issues: No. 1. ABM—Safeguard or Hazard?" which deals primarily with opposition to the ABM system. As I read the article I do not believe it represents a uniform consensus of opinion on the Democratic side.

It has also come to my attention that remarks attributed to the new Republican National Committee Chairman, Representative ROGERS MORTON appeared in the New York Times and the Baltimore Sun this morning and indicated that the resources and facilities of the Republican National Committee would be devoted to support of the deployment of the ABM Safeguard system.

Taken together, both of these matters disturb me somewhat. That is why I was especially pleased to read this morning the remarks by the distinguished majority leader urging consideration of this issue on its merits and admonishing against an institutional confrontation between the Democratic and Republican Parties and why today I call Representative ROGERS MORTON to discuss this matter with him further. I was told by Representative MORTON that it is not the intention of the Republican National Committee to try to turn this matter into an institutional political confrontation but to espouse what it feels to be the reasonable and logical reasons which go into making up the decision of the President of the United States with respect to the deployment of the Safeguard ABM system.

I do not care to criticize Senator HARRIS as chairman of the Democratic National Committee, nor do I criticize Representative MORTON as chairman of the Republican National Committee, for taking any position. Both of them are Members of Congress, one of them of this body and the other of the other body, and both are entitled, and required, I suppose, by the Constitution, to have and espouse their individual views.

Both of the governing bodies of our two great national parties are probably required, by the very nature of things, to take a position one way or the other, in general terms; but the point of these remarks is simply to join with the majority leader in hoping that we do not have a national, partisan, political confrontation on this issue, and to applaud Representative MORTON for what he said today in his conversation with me that he had no such intention and did not intend to proceed in that manner.

Mr. President, on another aspect of this matter, I would like to exercise my own constitutional prerogative as a Member of this body, not as a Republican, but, rather, as a conscientious American citizen and elected official of the United States, to say I support the Safeguard ABM system. I support the deployment of the ABM. I supported it in the last Congress during a Democratic

administration. I support it now during a Republican administration.

I support it for different reasons than many of my colleagues do, and certainly I support it for reasons that my colleagues who oppose it do not find convincing.

I shall not impose on the time of the Senate to rehearse all the facts and circumstances which make up my somewhat difficult judgment of where we should go in this field. I wish to make only one point, and I hope to make it clearly, because I feel very keenly about it.

Since Hiroshima and Nagasaki, this world has lived essentially in a state of balanced terror. That term is used so often that it takes on now the coloration and character of a cliché, but it is still accurate. It is a state of balanced terror. There is American terror that the Russians can incinerate us, and there is Russian fear that we can incinerate them; fear that each might perish at the hands of the other.

We have contributed to that state of balanced terror by building, in greater and greater numbers, in an ever-spiraling increase, more and bigger and more accurate offensive intercontinental ballistic missiles, with nuclear and thermonuclear warheads, with destructive capacities ranging from kilotons to 15 or even 25 megatons, which could destroy all of mankind.

So far, with God's help, and the judicious restraint of the super powers of the world, we have avoided a nuclear holocaust; but I fear it cannot so continue; I fear that a state of balanced terror based on offensive weapons may lead us into the very incineration that we must avoid.

I really grow weary of a moral, conscientious United States of America basing its defensive strategy on the proposition that it always will build more and more and bigger and bigger offensive nuclear weapons and point them at Moscow or Peking.

I think if I were a citizen of the Soviet Union and lived in Moscow, I might be a little bit concerned by the knowledge that the United States is building greater numbers of ever-larger thermonuclear-tipped intercontinental ballistic missiles, and pointing them at me. I know I grow weary of being held hostage—one of perhaps 70 or 80 million Americans—to the nuclear threat of the Soviet Union. I am sure they would grow weary, as I grow weary, of this continuing escalation of the threat of offensive nuclear blackmail. It has worked so far, but I am not sure it will always work.

I believe that the arms spiral is fed by the continuing requirement that we equalize the offensive threat of Russia by building greater, more deadly, and more novel offensive weapons. I believe the arms spiral can be defused and decelerated by dedicating a part of our energy and effort to a defensive posture in this Nation. There is, I believe ample—certainly abundant—proof, that the Soviets do not consider the ABM system provocative. But you can bet your bottom dollar that they consider MIRV provocative, or that they consider FOBS provocative; and you can certainly bet that if we propose to put, as

we could, a 50 or 100 megaton warhead on a Saturn V rocket, and point it at Russia, that this would be considered provocative. But the same amount of money spent on a defensive posture is not; and the reaction of the Soviet Union so far supports that thesis.

It seems to me that there is something vaguely immoral about the greatest and most moral nation on earth defending itself by saying, "I can kill you quicker than you can kill me." I believe the time has come when we have got to bring our intellectual and moral resources to bear on some different course. I believe that the deployment of an anti-ballistic-missile system is it. I believe it is distinctly superior, from a moral standpoint, to dedicate our assets and our treasure to the evolution, development, and deployment of a defensive system that is calculated to defend this country and its population, and which categorically cannot hurt or injure anybody outside the continental limits of the United States because of the limited range of defensive weapons, rather than to build 7,000-mile monsters, with 20 megaton warheads, that can kill 30 million people in one 4-mile fireball.

So, Mr. President, I am tired of an ICBM mentality that proposes to defend this country by nothing other than the threat of destroying someone else. That is not befitting the strongest and most moral nation on earth.

We are at the crossroads. We now have it in our grasp, by reason of the gifts of science and technology, to do something, I believe, effectively to defend ourselves, other than continuing to hold mutual hostages of 80 to 100 million Russian citizens versus 80 to 100 million American citizens under the threat of nuclear annihilation.

That is why I support the Safeguard system, and that is why I hope that the moral strength and the conscience of this Nation will rise up to say, "We have had enough of an ICBM mentality; we have had enough of being the bully; we have had enough of responding to the Russian threat by saying, 'We can burn you up faster than you can burn us up,'" and we will begin to think in terms of trying to defend ourselves instead of provoking a reaction from the Soviet Union.

I hope these arguments are persuasive, because I feel that the future of this Nation, therefore the future of the free world, is intertwined inextricably with the decision we make at this point in history.

So in conclusion, Mr. President, I am pleased that our new Republican Chairman has assured me that Republicans and Democrats together will be welcomed in the support of the deployment of this system, and that he is aware that Republicans and Democrats together will oppose it, and that for his part, he does not foresee and hopes to avoid a partisan political confrontation.

I have so much confidence in our two-party system and in the integrity and the promise of both of our great national parties that I feel sure that there must be a similar reaction in the Democratic National Committee.

Mr. President, I yield the floor.

THE NUCLEAR ROCKET ENGINE

Mr. ANDERSON. Mr. President, the revised budget submitted today by President Nixon continues support of NERVA, the nuclear rocket engine. This project in which the Atomic Energy Commission and the National Aeronautics and Space Administration jointly participate has my strong support. A March 29, 1969, article published in *Business Week* magazine reflects on the success of this program to date and tells why it has many enthusiastic supporters.

I request that this article, "NASA Puts an Atom in Its Tank," be inserted in the RECORD.

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

NASA PUTS AN ATOM IN ITS TANK

A flash of flame, a cloud of steam, and a muffled roar—from a distance of two miles across the barren Nevada desert at Jackass Flats, it looked like just another static rocket test.

But last week's successful first "burn" of the Nerva XE nuclear rocket engine was the culmination of two decades of experimentation by engineers and scientists backed by NASA and the AEC. It also was a critical first step in developing what could be the work-horse space engine for the U.S. in the next two decades.

The 50,000-lb-thrust XE isn't meant to fly. But it is put together in exactly the way a flight engine would be built. This means that if it continues to perform well, technicians can move on to the next step in the program to start to build a 75,000-lb. flight version by this summer.

Then by 1977—barring any huge technological hurdle—the first U.S. nuclear rocket could be performing in space.

CAPABILITIES

Nerva isn't designed as a booster for getting heavy payloads off earth, as are the Saturn V and the Titan IIIM. It will be used to power the upper stages of space vehicles, firing only after they are safely out in space to prevent the release of radioactive matter in earth's atmosphere.

But once out in space, Nerva's virtues are numerous. It is a light, flexible, compact energy source. It is more efficient than any liquid or solid rocket propellant, chiefly because it uses a different principle to produce its power.

All space engines today are powered by chemical rockets operating on the same principle that moves an auto—internal combustion. An oxidizer and a fuel are brought together and burned in a combustion chamber, and the resulting hot gases are forced through a nozzle to provide thrust.

The nuclear rocket engine operates by heat exchange. Liquid hydrogen passes through a hot nuclear reactor and is heated to temperatures of around 4,500°F. The rapidly expanding hot gas forces its way out through an exhaust nozzle. Although shielding requirements would necessarily add weight to the Nerva-powered rocket stage, there is no need for it to carry an oxidizer. Thus, the net weight saving would be substantial.

ADAPTABLE

Milton Klein, NASA's Nuclear Propulsion Office manager, predicts that Nerva's greatest asset will be its adaptability. It should be able to respond, he thinks, to any space mission NASA manages to think up for it.

Among its first jobs will be long, unmanned, interplanetary trips. But it also should be able to perform complicated earth-orbital work, where many stops and starts and changes in orbit are needed. One of the goals of the 75,000-lb. Nerva is a total op-

erating time of one hour, with 10 stop and start cycles. This is four times the lifetime and more than seven times the thrust of the Apollo moon-descent engine. But engineers are already talking about the next step—a nuclear engine that could operate on a stop-start basis for a total of two hours or more in space.

None of the many roles suggested for Nerva are being pushed by the AEC or NASA, nor by Nerva's prime contractors—Aerojet-General Corp. for the rocket and Westinghouse Electric Corp. for the reactor. The reason: They are fearful that Nerva could become tied to one particular space mission and would rise or fall as goes the mission.

COMPATIBLE

The whole Nerva development, they maintain, has been a unique and farsighted piece of planning. Its funding, unlike that of most space projects, has been modest and restrained. Over the past 20 years, only about \$1.1-billion has been spent on developing a nuclear rocket engine. Total cost, by the time the 75,000-lb-thrust engine is tested, will be nearly \$2.2-billion.

This could turn out to be the best investment the U.S. has made in a piece of space hardware, however. Nerva already is compatible with almost any large booster or second-stage engine the U.S. has built to date. And it should be simple to work into future rocket booster designs. Some time in the late 1970s, says Dr. Chandler C. Ross, senior vice-president of the Nuclear Div. of Aerojet-General, it could make "a beautiful combination with a 260-in. solid propellant booster rocket."

In performance, says Ross, nuclear rocket engine can be considered twice as powerful as chemical engines. Doubling the performance of an engine, he says, means getting twice the performance from the same weight of fuel and that means a doubling of what engineers call "Delta V," or change in velocity. It is this change in velocity that gets a rocket off the launch pad and into orbit, or out of orbit and into space.

This little trick, which Nerva will be able to deliver 10 times or more, will be valuable in making course changes on long interplanetary trips or for changing orbits near earth. Nerva should be powerful enough to switch a satellite, say, from an equatorial orbit to a polar orbit. And, though nobody talks about it, this would also enable future manned spacecraft to go up and inspect orbiting military satellites which are on patrol.

TEST PATTERN

Long before Nerva's time arrives, however, it probably will be the best understood, most perfected engine in history. Already, says Ross, "we have a higher state of knowledge about the nuclear engine than we do about the automobile engine." For one thing, the nuclear engine is amenable to precise modeling: It works the way the engineering curves say it will. And it is easier to understand than a chemical rocket, because scientists' understanding of the physical behavior of gases is greater than their understanding of chemical combustion.

One of the main objectives of the present testing program with the XE engine is to see how it operates in an environment that partially simulates the vacuum of space. This is being done on a new engine test stand (ETS-1) at the U.S. Nuclear Rocket Development Station at Jackass Flats. When shielded doors weighing 1-million-lb. are closed tightly around Nerva and its test equipment, a vacuum can be drawn on it simulating an altitude of 100,000-ft.

The ETS-1 is made out of aluminum because that metal doesn't absorb radiation as steel does. This permits test personnel to get back to work quickly after a power run in which radiation is produced. Other unusual features of the facilities are the re-

actor maintenance assembly and disassembly buildings, where technicians tear down an engine with large mechanical manipulators while they are safely housed behind a radiation shielding window.

OPENING UP

At the moment, Aerojet and Westinghouse seem to have a monopoly on the nuclear rocket engine business. But North American Rockwell Corp., which is studying the engine to see how it might better power the S-11 stage of the Saturn V rocket, says it hopes some day that the nuclear engine program will again be thrown open to competition.

If nuclear rocket engines become big business, North American, as well as several other large aerospace companies, will be clamoring to get into it.

WEST GERMANY'S STAKE IN AVOIDING A NEW ARMS RACE

Mr. HARTKE. Mr. President, the distinguished economic analyst Eliot Janeway recently made another contribution to rationality in an article he wrote on a particular economic consequence of the new missile race that looms so forebodingly before us.

Many of us who have the gravest reservations about President Nixon's call for deployment of an ABM system see as one of the compelling reasons against it the tremendous strain it would place on our own economy. What we sometimes tend to ignore is the fact that any sharp escalation in the United States-Soviet arms race will almost certainly have damaging consequences for our allies as well.

This is the point that Mr. Janeway makes so cogently in regard to the German Federal Republic, in the article that I now ask unanimous consent be printed in the RECORD.

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

WORLD STABILITY KEY IS WEST GERMANY (By Eliot Janeway)

NEW YORK, February 23.—The more of a nagging backache Viet Nam remains, the more of a powder keg the middle east becomes, the more of an outrage the Red army occupation of Czechoslovakia is, the more of an inflationary burden the missiles race imposes, and the more of a force for monetary instability the weakness of the French franc becomes, the more strategic a key to world stability Germany becomes.

The outward and visible form trouble takes in world affairs nowadays reflects underlying stresses and strains in America's relations with the soviet powers. While a new Russian-American missile race would portend a long-term international political catastrophe and would assure an immediate international financial catastrophe, nevertheless if it develops in spite of the negotiation aimed at avoiding it, it would develop as the consequence of troubles recurring between Russia and America on more familiar fronts.

For the barometer measuring the rise and fall of atmospheric pressures between Moscow and Washington is not located along the air waves missiles travel nor is it centered in Viet Nam or in the Mediterranean. West Germany is where it is. When trouble backs up from the fringe fronts to the critical front on which both sides are committed to gamble and on which neither side can afford to lose, West Germany is where the confrontation centers.

CALLED "THE HEARTLAND"

Europe is what yesterday's geopoliticians used to call the heartland, and what today's geoeconomists have no alternative but to think of as the heartland. And West Germany is more than ever the heartland of Europe—Europe's entire economy pulsates at the pace set by German industry.

Thus, it seems that the more things change, the more they remain the same. The change of intercontinental emphasis President Nixon's projected tour suggests for American strategic policy gives recognition to this abiding fact of life.

In the nick of time, too. For the condition of West Germany is not nearly as robust as it is said to be or as the raw figures of her formidable performance in the world economic competition suggest. The German economic achievement has been advertised as a miracle. This is more than an exaggeration. It is misleading. Like most misconceptions, it rests on a familiar phenomenon—in this case, the well-known willingness of the German people to work hard and to save diligently.

But the German people have always been willing and, indeed, anxious to work hard and to save diligently. Yet they have not always been able to stage an economic performance that could plausibly qualify as a miracle. The controlling factor in the German economy is not economic at all. It is political, in the sense in which confidence in peace results from the negotiations of statesmen and fear of war feeds on mistrust of the plays of power politicians.

The moment the German economy was freed to operate under the security umbrella provided and financed by America at the end of World War II, it gathered miraculous momentum despite the destruction which had supposedly gutted it. So long as the American umbrella remained intact and unchallenged in power terms, the German economy continued to break its own records—even after the Communists scored their psychological coup in erecting the Berlin wall.

NEEDS SECURITY UMBRELLA

But ever since the Red army moved into its new positions dominating Czechoslovakia and threatening Germany, the continuing momentum of the German productive mechanism has gradually come to seem less important than the ability of the west to pack enough muscle and to develop enough flexibility of maneuver to patch up the security umbrella under which the German economy needs to operate to insure prosperity for itself and security for Europe.

From here on out, the "German economic miracle" looks like it will remain as impressive as American strategic policy proves effective, no more and no less. If a new missile race is allowed to start—especially against a background dominated by an intensification of Red army crackdown operations against the former satellites—Germany will be caught up in it.

A return to the sorry past of German military budgeting will cut short the happy future open to German productivity by freedom from arms burdens. Meanwhile, the fact of uncertainty has been enough to stop the speculation on the presumed strength of the German deutchmark. The proliferation of fiscal fall-out from a new missiles race would subject Germany's currency to the same suspicion that is now plaguing markets everywhere else.

THE NIXON REORGANIZATION PLAN

Mr. MUNDT. Mr. President, President Nixon's recent statement on the restructuring of Government service systems is

a significant step in decentralizing Government and making Government more compatible with the times as we face the last one-third of the 20th century.

As a candidate, Dick Nixon pledged that he would modernize our governmental structures so that the ever-growing functions of Government could be performed with a maximization of efficiency and economy. President Nixon's recent statement proves that he is a man of his word, and that the people of this country can expect their Government to achieve its goals with increased efficiency over the past performance of the bureaucratic maze which had far too often engulfed the functions of Government and the demands of its citizens.

I am certain that the people of the United States who have long cast an eye of suspicion on the "inefficiency in Washington" will be pleased to know that our President is taking an active step which will coordinate and decentralize the roles of Government, reduce waste and inefficiency at all levels, and promote economy at this most crucial period in our Nation's history.

I ask unanimous consent that the President's statement and the press conference of Messrs. Moynihan, Hughes, and Ziegler relative to the subject of restructuring the Government be printed in the RECORD.

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

STATEMENT BY THE PRESIDENT ON RESTRUCTURING OF GOVERNMENT SERVICE SYSTEMS, MARCH 27, 1969

The Reorganization Act which the Congress has passed and which I am signing today gives the President important tools in his effort to make the machinery of government work more effectively. As a part of that same effort, I am announcing today certain structural changes which I am making in the systems through which the government provides important social and economic services.

It was possible for me to take these particular actions without the authority extended under the Reorganization Act. I announce them at this time, however, because they provide specific illustrations of ways in which we can make significant improvement in the quality of government by making it operate more efficiently.

This restructuring expresses my concern that we make much greater progress in our struggle against social problems. The best way to facilitate such progress, I believe, is not by adding massively to the burdens which government already bears but rather by finding better ways to perform the work of the government.

That work is not finished when a law is passed, nor is it accomplished when an agency in Washington is assigned to administer new legislation. These are only preliminary steps; in the end the real work is done by the men who implement the law in the field.

The performance of the men in the field, however, is directly linked to the administrative structures and procedures within which they work. It is here that the government's effectiveness too often is undermined. The organization of federal services has often grown up piece-meal—creating gaps in some areas, duplications in others, and general inefficiencies across the country. Each agency, for example, has its own set

of regional offices and regional boundaries; if a director of one operation is to meet with his counterpart in another branch of the government, he often must make an airplane trip to see him. Or consider two federal officials who work together on poverty problems in the same neighborhood, but who work for different Departments and, therefore, find themselves in two different administrative regions, reporting to headquarters in two widely separated cities.

Coordination cannot flourish under conditions such as that. Yet without real coordination, intelligent and efficient government is impossible; money and time are wasted and important goals are compromised.

This is why I said in the campaign last fall that "the need is not to dismantle government but to modernize it." The systematic reforms I announce today are designed to help in that modernization process. I would discuss those reforms under three headings: rationalization, coordination and decentralization. It should be recognized, of course, that the three elements are interdependent. Without one the others would be meaningless.

I. The first concern is to rationalize the way our service delivery systems are organized. I have therefore issued a directive which streamlines the field operations of five agencies by establishing—for the first time—common regional boundaries and regional office locations. This instruction affects the Department of Labor, the Department of Health, Education and Welfare, the Department of Housing and Urban Development, the Office of Economic Opportunity, and the Small Business Administration. The activities of these agencies—particularly in serving disadvantaged areas of our society—are closely related. Uniform boundaries and regional office locations will help assure that they are also closely coordinated.

The eight new regions and the locations of the new regional centers are as follows:

Region I (Boston): Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont.

Region II (New York City): New York, New Jersey, Puerto Rico, and the Virgin Islands.

Region III (Philadelphia): Delaware, District of Columbia, Kentucky, Maryland, North Carolina, Pennsylvania, Virginia, and West Virginia.

Region IV (Atlanta): Alabama, Florida, Georgia, Mississippi, South Carolina, and Tennessee.

Region V (Chicago): Illinois, Indiana, Minnesota, Michigan, Ohio, and Wisconsin.

Region VI (Dallas-Fort Worth): Arkansas, Louisiana, New Mexico, Oklahoma, and Texas.

Region VII (Denver): Colorado, Idaho, Iowa, Kansas, Missouri, Montana, Nebraska, North Dakota, South Dakota, Utah, and Wyoming.

Region VIII (San Francisco): Alaska, Arizona, California, Guam, Hawaii, Nevada, Oregon, and Washington.

I am asking all other federal agencies to take note of these instructions, and I am requesting that any changes in their field organization structures be made consistent with our ultimate goal: uniform boundaries and field office locations for all social or economic programs requiring interagency or intergovernmental coordination.

My directive also asks that the five Departments and agencies involved provide high-level representation in cities where regional offices do not exist. Such physical relocations as are required will be made over the next eighteen months, with special efforts to minimize disruptions to the programs, the employees, and the communities involved.

II. The second step in this reform process emphasizes coordination. It calls for an ex-

pansion of the regional council concept from the four cities where it presently operates (Chicago, New York, Atlanta, and San Francisco) to all eight of the new regional centers. The regional council is a coordinating body on which each of the involved agencies is represented. It offers an excellent means through which the various arms of the federal government can work closely together in defining problems, devising strategies to meet them, eliminating friction and duplications, and evaluating results. Such councils can make it possible for the Federal government to speak consistently and with a single voice in its dealings with states and localities, with private organizations, and with the public.

III. The third phase of this systematic restructuring of domestic programs focuses on decentralization. I am asking the Director of the Bureau of the Budget to join with the heads of nine departments and agencies in a review of existing relationships between centralized authorities and their field operations. Participating in the review will be the Departments of Agriculture; Commerce; Health, Education and Welfare; Housing and Urban Development; Labor; Transportation; Justice; the Office of Economic Opportunity; and the Small Business Administration.

This review is designed to produce specific recommendations as to how each agency: (1) can eliminate unnecessary steps in the delegation process; (2) can develop organizational forms and administrative practices which will mesh more closely with those of all other Departments; and (3) can give more day-by-day authority to those who are at lower levels in the administrative hierarchy. Decentralized decision-making will make for better and quicker decisions—it will also increase cooperation and coordination between the Federal government on the one hand and the states and localities on the other. Those Federal employees who deal every day with state and local officials will be given greater decision-making responsibility.

Again, this action is a concrete manifestation of a concern I expressed during the campaign: "Business learned long ago that decentralization was a means to better performance. It's time government learned the same lesson."

Some of the reforms which I am announcing today have been urged for many years—but again and again they have been thwarted. This inertia must be overcome. Old procedures that are inefficient, however comfortable and familiar they may seem, must be exchanged for new systems which do the job as it must be done.

The particular reforms I have discussed here are part of a broad and continuing process of restructuring the basic service systems of government. The reorganization of the Manpower Administration in the Department of Labor—announced on March 13—is another example of this process. So are the reforms which are being made in the postal system and in the Office of Economic Opportunity.

I have established both the Urban Affairs Council and the Office of Intergovernmental Relations in part so that the government could be better advised on additional improvements in service systems. Further systematic restructuring is on the way. Each reform, I believe, will have a major impact on the quality of American government—an impact which will benefit all of our citizens—in all parts of our country—well beyond the lifetime of this Administration.

The Federal government has been assigned many new responsibilities in the last several decades—many of which it carries and many of which it fumbles. Many of the disappointments and frustrations of the last several years can be blamed on the fact that administrative performance has not kept pace with legislative promise.

This situation must be changed. The actions I announce today are important steps toward achieving such changes. By rationalizing, coordinating, and decentralizing the systems through which government provides important social and economic services, we can begin at last to realize the hopes and dreams of those who created them.

PRESS CONFERENCE OF DANIEL P. MOYNIHAN, ASSISTANT TO THE PRESIDENT FOR URBAN AFFAIRS; PHILIP S. HUGHES, DEPUTY DIRECTOR, BUREAU OF THE BUDGET; AND RON ZIEGLER, PRESS SECRETARY TO THE PRESIDENT MARCH 27, 1969

Mr. ZIEGLER. You have the statement by the President on restructuring of Government service systems. It is relatively self-explanatory. Dr. Moynihan and Sam Hughes are here to discuss this with you and answer any questions you may have. Their comments are on the record, contrary to yesterday when it was on a background basis.

Is Frank Porter here? (Laughter.)

Dr. Moynihan.

Dr. MOYNIHAN. One can say anything one thinks on the record on something about the public administration because it never gets printed anyway. If we had a war to announce, by golly, everyone would be here.

This is about the first major reorganization which the President has put into effect. I think it is a matter of some interest, as Sam Hughes, our distinguished Deputy Director of the Budget will attest, that it has been something Presidents have been trying to put into effect for almost 20 years now.

This is the first time in the history of the American Republic that the regional boundaries of the major domestic programs will be co-terminus.

You see how quickly you lose audiences with things like that? (Laughter.)

The pattern has built up that each department, when departments have been established and agencies have been established, their regional boundaries have responded to the sort of peculiarities of subjects or the Congressional arrangements that led to their enactment or just randomness. The result has been that there has been wide variation in the regional headquarters.

There are two subjects, if I could point this out. One is what is the city which has the regional headquarters, and secondly, which are the States that make up the region. Both the States have varied and the regional headquarters have varied. This, as we have gradually found in domestic affairs as more and more we have had to work one program in relation to another or we have developed programs such as Model Cities, which, by definition and by statute presumed the working between different departments on a common subject, that the regional arrangements simply impeded us very seriously.

It made it possible to stand in the Fish Room, now in the Roosevelt Room, and announce enormous events and nothing happened, because there was no structure out there to make it happen, because if there is a rule in political science, it is that Government follows its structure.

What the President has done in the face of not a little bit of presumed difficulty, is to draw common boundaries to establish common regional headquarter cities for this beginning group of domestic departments with the expectation that they will be expanded in the future.

It is this, I think, that begins to make not just the question of coordination of Federal programs a serious issue and a possible result, but also begins to give some structure to the subject of decentralization. It can't be decentralized government unless you have a system of arrangements in the field to which, with authority, with discretion and responsibility, it can be given.

I think we are creating such a structure. It will be a long time, perhaps, in becoming

a reality, but it is an absolutely indispensable first move. As I say to you, for 20 years we have sought this arrangement and now, at length, we have it.

I suppose my final comment would be that there is still quite a bit of detailed working out of the forms in which authority is delegated from different agencies to their regional headquarters. As between different departments, there are quite different levels of regional responsibilities, initiative and so forth, and bringing some responsibility into that is the work of years to come—the year to come, in any event.

Q. Can you really put these together in a field where you do have a central office or are we going to have a half dozen or dozen offices to go to? Can one person speak with authority in the regional authority?

Dr. MOYNIHAN. Sam, do you want to join me here at the lectern?

That is the work of the years to come. We have already begun in four cities a Regional Council, begun last August; just getting some sense in itself, not more than announced, really. But the question of how much of a coherent decision-making apparatus we will be able to develop at regional levels remains to be seen.

It becomes a question of how much you want, but it is now possible to find that out, and up until now it has simply been a hypothetical question for professors.

Q. Will these offices all be in one office building?

Dr. MOYNIHAN. Some of these are pretty large offices. There is a Federal Office Building in each of these cities. In some cases they will all be in the same structure and in other cases they will not. Some of these are big places.

If I could just say, in the whole question of public administration, making the Government work, in delivering public services, the biggest single weakness of the American National Government has been its field structure.

Mr. HUGHES. I agree.

Dr. MOYNIHAN. And not to attend to that is just not to be serious about this subject. It is perhaps the least exciting subject in Government, and that has been the source of the problem, just not in being able to muster the attention of persons to its absolutely essential nature.

For that reason it was almost the first issue we took up in the Urban Affairs Council out of the experience that if you didn't take it up early and get it done fast, other more glamorous issues would drive it into the next Administration.

Q. Will you save money, too, or is this just for efficiency?

Mr. HUGHES. I would regard it as in the interest of efficiency. In your terms it is a management action. It could produce savings. It is not designed to do that. Rather, it is designed to make it easier to manage Federal programs out in the field where services must be delivered, and also to make it easier for the States and cities to deal with the Federal agencies.

Think of the Governor of Colorado, for instance, or the Mayor of Denver, who must deal with Federal regional offices in Denver, San Francisco, Fort Worth-Dallas, or Kansas City. He has an almost impossible kind of a problem, in a physical sense, to span. He is left with correspondence and telephone calls and so on.

So the co-location is the starting point for a whole range of actions which, as Pat said, we hope to evolve over the coming months.

Q. How many Congressmen are losing offices in their cities and how mad are they about it?

Mr. HUGHES. On the latter point, I am not really an authority. My impression is that the decibels, at least at this point, are not impossibly high. Part of the difficulty over

the years, the major part of the difficulty has been, as Pat said, on the one hand this is not a glamorous kind of action, and on the other hand it has been a kind of controversial action and has taken courage and determination on the part of the agency heads, the Urban Affairs Council and the President to bring it off.

If you are interested, we have a map of the revised organizational structure, and a listing of the State movements that are involved, agency by agency. The picture gets fairly complicated because each agency, and in some instances even bureaus within agencies, have a different field structure, so you have to look at it in fairly fine detail.

Dr. MOYNIHAN. Could I add one point? In those cities which have been regional headquarters for departments and will cease to be, we are leaving behind a high-level department representative responding to the fact that those are important cities and are intended to be sub-regions at the very least.

There will be very little actual movement of people here as compared to that which would take place in the normal course of events.

Q. What do you estimate, about 1,800 people?

Mr. HUGHES. Probably less than that net, and we anticipate that the moves will take place, to the extent they are necessary, over a year or a year and a half, so that the personal impact could be minimized.

Dr. MOYNIHAN. These are high-level and particularly high-level people in America tend to move around anyway.

Q. Do you mean you are not closing offices?

Mr. HUGHES. I think the situation is this: With eight regions obviously there are major concentrations of population that would not have a regional office in them. On the other hand, to have as many regions as would be implicit in that kind of arrangement creates an impossible kind of administrative structure.

So as we see it, the ideal would be to have cities not included as regional headquarters, like Kansas City, St. Louis, Detroit, Pittsburgh, perhaps, as focuses within a particular region, focuses of Federal personnel also, and having significant Federal representation and some authority in their own right.

Q. Can either of you name the cities that are losing regional headquarters?

Dr. MOYNIHAN. There are five times eight.

Mr. HUGHES. We can list cities. There are lots of moves back and forth. Because of the change of structure certain agencies move one way and other agencies move another. We can, if you would like, take an agency at a time after this session, if you want to, and discuss the moves individually. We know this, but—

Q. Are there 40 different regional offices now?

Dr. MOYNIHAN. You have eight regions and five agencies. You don't have 40, but you have a maximum of 40. The areas from which people are moving in and out are much simpler.

Mr. HUGHES. I can run through the list. Charlottesville will be affected; Washington, D.C., Austin, Kansas City has been discussed; Birmingham, Baltimore, Nashville. There are a number of moves back and forth involving New York City itself, depending on whether the particular agency had headquarters there or not. New Orleans, Cleveland, Seattle—

Dr. MOYNIHAN. I will give you an example of the kind of thing involved. New York City is no longer a regional headquarters for HUD, but it becomes a regional headquarters for other agencies. People who were in New York City in a HUD arrangement who will move to New England and HUD—

Mr. HUGHES. HUD stays.

Dr. MOYNIHAN. But the New England people go out. HUD's regional headquarters remain in New York, but there will be a transfer of persons who have been in New York

working on New England which now goes to Boston. It sounds complex, but it is a simple reorganization.

Q. Will Buffalo, New York be affected by any of these moves?

Mr. HUGHES. Not so far as I know.

Q. The President said the things you are doing today are not involved in the signing of the Reorganization Act. What are you planning to do with the Reorganization Act to streamline the Government, or what are the plans of using the powers of the act the President has just signed?

Dr. MOYNIHAN. Don't you think we have enough trouble for one day? (Laughter.)

Q. You don't have that in the works?

Dr. MOYNIHAN. Yes. Remember that the reorganization powers have existed for 20 years, and are sort of a standing concomitant of the Presidency and in a normally effective Government reorganization considerations are always going on. It is a more intensive point than in the earlier Administration and President Nixon has spoken with special interest on this. I think you can look forward to proposals, but we have nothing right now.

Mr. HUGHES. Lots of things are being looked at.

Q. You pointed out that for 20 years people have been interested in this. Can you identify some of the obstacles that have come up over the years?

Dr. MOYNIHAN. I think Sam put it best. This is the kind of subject that people who are close to Government are very passionate about and people out of Government don't even know about. It always happens. To be associated with the movement of some resources from one part of the Congressional map to another. So there have always been people who by definition will have to be against it.

This combination of a rather low level of public interest and a rather specific level of local opposition has meant by and large that no President has ever been willing to bite the bullet. Now we have done so.

Mind you, once it takes place, then the new arrangements become sacred and absolutely imbedded in the Constitutional division of the Republic.

Mr. HUGHES. I think a factor, also, is the growing obviousness of the need to do this sort of thing, given the structures that the President has set up, the Urban Affairs Council, the interrelationship that this group of agencies and others who are involved in urban problems.

Q. What progress is being made in those cities picked for Regional Councils?

Mr. HUGHES. The Regional Councils that have been established are four in number. They were established at the only four cities where the four agencies involved happen to have co-located regional offices.

Interestingly enough, none of those regions coincide. For instance, the New York regional office, those four agencies have only one State in common, New York State. So that they have been experimental in nature thus far. They have proved, in our judgment and I believe in the judgment of the people who have participated in the Councils, to be a very useful and productive experiment in working together in a fashion that is increasingly necessary, but still is somewhat novel in Federal activities, and this particular geographic action that we are talking about here is designed to encourage that kind of cooperation.

The Federal Government has been organized categorically over the years and agency programs, I think, have tended to construct walls around themselves. We need, by these kinds of measures, to attempt to pierce these walls and put doors in them, and so on, and by the process of co-location and the advantages that are obvious in these four cities, have people being able to meet and discuss common problems, whether it is the Model Cities program or any other of mutual interest.

Those advantages, I think, have appeared in these four locations, and we do plan, hopefully, if the experiment succeeds, to extend it in other areas and to other agencies and programs where there is this same kind of relationship and need.

Dr. MOYNIHAN. We are going to establish Regional Councils in the four regional headquarters. Automatically that is done today.

Q. What is the make-up of these Regional Councils? Who sits on them?

Dr. MOYNIHAN. HEW, HUD, Labor and OEO. Mr. HUGHES. We started with these as a nucleus. We don't regard it as the end of it all, but we do want to keep the Councils more or less homogeneous in terms of their interest and involve those agencies essentially that would be involved in the Urban Affairs Council structure here in Washington.

Q. The figure 1,800 was dropped, and then you seemed not sure of that. How many people are going to be moved out of the cities?

Dr. MOYNIHAN. The problem there is that these moves will be phased over 18 months and an unknown number of those people will leave their jobs for other reasons, find other places they can stay in and so there will be an empty slot moved—join the Army.

Q. Can you give me a count at all?

Mr. HUGHES. I would say 1,200 or 1,400 may be confronted with a move at some time in this period. I hate to use the numbers, because they focus attention on a problem that may not exist, given the time interval, given turnover, and given the opportunity to establish what may be called essentially sub-regional offices in some of these cities where the employees might otherwise have to move from.

Q. Are these only high-level people, or are you talking about clerical support, too?

Mr. HUGHES. The numbers involve the total range of personnel. Some of them obviously will elect to stay, perhaps, in these agencies or otherwise disassociate from the regional office so they don't have to move. That is part of the problem of estimating the moves.

Q. Do you mean then that there will be 400 who might find jobs in the cities they are now working within Government. Is that your estimate?

Dr. MOYNIHAN. Sure. It is a long-established industrial practice now when you have to make changes in personnel to do them through the normal turn-over as much as you can. These end up to be surprisingly painless affairs if they are given time and advance notice.

Q. I am still not clear on whether any of the current regional offices will completely close in Kansas City.

Dr. MOYNIHAN. Is Kansas City a regional headquarters?

Mr. HUGHES. Yes.

Dr. MOYNIHAN. It will no longer be. That is the one that immediately comes to mind.

Q. Some will disappear but reappear as sub-regional offices?

Dr. MOYNIHAN. Yes. They may have to go around and write "sub" on some of the windows.

Q. Is Kansas City—

Mr. HUGHES. There is a map which would show the new regional structure and we have a map which shows agency by agency the impact in terms of boundaries.

Q. How about the numbers of jobs?

Mr. HUGHES. The jobs we don't have, simply because we don't know what the impact will be over a period of time on these people. We don't know how the sub-regional structure will be involved.

Dr. MOYNIHAN. If we seem to be a little vague on this, it is not that we are vague, it is because this is an immensely complex subject. If you want to know why we are doing it you ought to sit down and spend the day trying to find out what is the present state.

We set up a regional council of four major departments in New York City—New York City being the headquarters for each of those departments or agencies—only to find that the only State those four departments had in common was New York itself. It is just not beyond anybody's comprehension, it is just a very complex business.

Q. You have not said exactly whether there will be any regional offices completely closed down. Is the answer no?

Dr. MOYNIHAN. Yes, there will be, in terms of specific departments.

Q. Which ones?

Dr. MOYNIHAN. All over this map. We can spend the afternoon on it and we will give you the data.

Q. Are those the ones you read?

Mr. HUGHES. I read the list of cities where there are now regional offices or equivalent which would be affected by this action.

Q. Does that mean they will be closed down?

Mr. HUGHES. No. It means that that will no longer be a regional office. There may be—and in my judgment probably will be—personnel remaining there, perhaps the same personnel, but that will not have the label on it, on the door "Regional Office."

Dr. MOYNIHAN. Let's be very clear. There are not going to be any doors locked in this process. There is no major city in the country that doesn't have in it offices of almost all the major departments of Federal Government. The question is: Where we have tried to establish regional systems, we have settled on eight, and the question is: can we transfer to those areas a measure of initiative, a measure of responsibility and authority so that in fact the work of Government in those very areas can go on closer to the areas involved. Most of these regions are, in terms of population, if you broke these eight regions up and put them in the U.N. Gazetteer, they would be the 8th, 9th, 10th, 11th, 12th, 13th and 14th biggest and richest countries in the world.

Finding a structure where you can give real power and authority is difficult. It is not a question of the taking of people out of Kansas City and into St. Louis and so on. There are going to be HUD and HEW, DOT and Labor people in all those places. It is a question of where do you locate the man you call Regional Director and what kind of authority do you give him and do you give to each of your people a sufficiently convergent set of powers and responsibilities so they in fact can sit down and make decisions of their own that have consequences.

Q. Implicit in that, it seems to me, there will have to be a coordination among these agencies in the level of authority granted regional directions.

Dr. MOYNIHAN. That is correct. That is the next phase of our operation.

Q. Is there going to be any single man representing all of those?

Dr. MOYNIHAN. No, we have specifically rejected that idea.

Q. How about in the cities where you are leaving some people behind, is there going to be a single man there?

Dr. MOYNIHAN. No. The curious fact of the American National Government is that there is only one "single man" and he is called the President and that is the arrangement we have.

Q. I would like to talk about Kansas City. You are going to move HEW, OEO and Labor. That is 825 people involved. That is \$10 million a year in payroll. HEW said it will cost them \$800,000 to go to Denver. The Missouri and Kansas delegations, Republicans and Democrats alike, are upset. They don't understand why you are moving three bigger offices to Denver instead of two smaller ones to Kansas City.

Dr. MOYNIHAN. These are numbers that have to do with the headquarters functions.

They do not in any sense reflect a necessary net loss to that city of Federal employees or Federal payroll. They just don't. It would be our hope that any actual change to this would be very minimal, indeed.

They are changes in our organizational structure, not in the economic structure of Kansas City.

Mr. HUGHES. I think that is a fair statement. The reasons for Denver versus Kansas City—judgments differ on this—but there are reasons of transportation networks, regional practices, regional associations, the suitability of Denver versus Kansas City as the headquarters city for the mountain states and those sorts of things.

We have tried, also, to minimize the moves within the total structure.

Dr. MOYNIHAN. Let's be very candid. When you ask what is the difference between Kansas City and Denver, the answer is that a good case can be made for either, but if you are going to have one regional headquarters you have to have one. It has just been the unsatisfactory nature of the decision that has been part of taking 20 years to make it.

Mr. HUGHES. One of the problems here is that you can slice 50 States and some territories and so on almost an infinite number of ways and it has been extremely difficult to get any measure of consensus or agreement as to the best arrangement. In evolving an arrangement, you cannot just look at the mountain states or Kansas City or Denver. You have to look at the country and the feasibility of fanning out from Washington, how many regions there ought to be in total and those kinds of questions. That is what we tried to stress.

Q. Can we find out about our specific regions?

Dr. MOYNIHAN. The Bureau of the Budget has it.

Q. Should we call the Bureau?

Dr. MOYNIHAN. Yes.

Mr. ZIEGLER. We will pass out maps, together with that release, which spell out the area covered in each region. They will give you an indication of what area the various headquarters cover.

The Press. Thank you.

DWIGHT D. EISENHOWER— IN MEMORIAM

Mr. TYDINGS. Mr. President, of only one other citizen in the history of the Republic could it be said "First in war; first in peace; first in the hearts of his countrymen." This memorial to the Father of our Country applies as well to its 34th President, whose passing we now mourn.

His nation's hero in war, its leader in peace, beloved by his fellow citizens and the citizens of the world, Dwight David Eisenhower epitomized the vigor, conviction, discipline, and integrity which are the foundation stones of our country.

He was an American. He was a great American of his era. And even in retirement he enriched our national life with his summons to the fundamental values in the American heritage.

We will miss him. But his life will not be honored if we simply recall his virtue as some relic of our national past. We must, instead, live as he would have lived: tolerant of the views and failings of others, but relentlessly demanding in the energy, honesty and vigor with which we pursue our own life and work.

So let us honor our departed leader. Let us be proud to have been his countrymen.

DEDICATION OF OLIN D. JOHNSTON ROOM AT UNIVERSITY OF SOUTH CAROLINA—ADDRESS BY GOV. ROBERT E. MCNAIR

Mr. HOLLINGS. Mr. President, on April 2, 1969, I was pleased to be present for the ceremony marking the dedication of the Olin D. Johnston Room at the University of South Carolina.

The late Senator Johnston, known and beloved by most of the Members of this body, held for 20 years the seat I now occupy.

It is only fitting that the University of South Carolina chose to honor Olin Johnston, in view of his many services and years of dedication and hard work in its behalf. On this occasion, the dedication remarks were delivered by our State's distinguished Governor, Hon. Robert E. McNair. Governor McNair's remarks were eloquent in their simplicity and, indeed, caught the spirit of the life of this great man.

I ask unanimous consent that they be printed in the RECORD.

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

REMARKS BY GOV. ROBERT E. MCNAIR AT CEREMONY MARKING THE DEDICATION OF THE OLIN D. JOHNSTON ROOM AT THE UNIVERSITY OF SOUTH CAROLINA, APRIL 2, 1969

It is a great personal honor for me to be able to participate in this dedication today, because I looked upon Olin D. Johnston as a friend and a great teacher in the art of serving our fellow man. Time permits us to look with some perspective now on the life and career of this man, and yet the vision does not dim. Again and again, we recall the image of the tall senator talking with the factory worker, or the small farmer, or the public employee. We recall him in the role of a man who championed difficult causes. Those causes were difficult because they served nobody but the people, and anyone familiar with public life knows that the little man, the common man, has no lobby in Washington or Columbia. He expresses himself with the only power he has—the vote—and he used this power to send Olin Johnston into high public office for more than four decades.

We are gathered here today with so many distinguished friends of Senator Johnston to dedicate this room to his memory. It is a fitting and proper tribute because this great university belongs to South Carolina, and so did Senator Johnston. I express my congratulations and appreciation to those who have made this memorial possible, because I hope that South Carolinians in the generations ahead will continue to benefit from this man's contributions to our state and nation. This memorial room brings together in one place so many of the papers and other important items of his life and career, and makes his memory a living one for us all.

I would hope, however, that this room will serve as more than a source of research and interest for students. Olin Johnston was a working man, and those who made his public life possible were working people. I would like for that great corps of South Carolinians who loved and depended upon him to feel that this is their room, too. I would hope that the factory worker, the farmer, and the public employee will come to this place, and will understand more fully exactly how much this man gave to all South Carolinians.

We live in days of relative prosperity today, and although we still face many deep and serious problems, our state is experiencing wave after wave of economic expansion. These are days of optimism and confidence

in the future of South Carolina. But these are also days when we cannot permit ourselves to forget where we have been. Most of all, these are days in which we must understand fully why we can now say with hope and assurance that South Carolina's day of fulfillment is within reach.

We can say so because in the depths of deepest trouble, our state had a man of vision, courage and strength to lead us. We had a man who looked honestly and frankly at our problems, and met them head-on. History will record that Olin Johnston brought electricity into the homes of thousands of South Carolina farm families. It will record that many thousands of industrial workers gained better working conditions through his efforts, and learned a new sense of dignity through his example.

History chose a particularly challenging period for Olin Johnston to serve his state and his nation, and we can be thankful for it. He governed his state twice—in the depths of the nation's worst depression, and in the midst of our nation's most brutal war. They were not happy times or easy times. Perhaps more than any other time in this century, they were times which demanded a man of excellence to lead his people and Olin Johnston was that man.

He was a man of conviction who arrived at a time when hard decisions had to be made. All of us connected with the leadership of South Carolina today know just how important those decisions were. We know that the hard-fought battles he won for progressive government and fiscal responsibility have formed the very foundation of our economic progress today. We must not let South Carolina forget the lesson he taught us in those difficult days.

But we cannot stand here today as South Carolinians and not realize that Olin Johnston was first and foremost an American, and for the last 20 years of his life served his nation in the United States Senate as a leader of nationwide prominence. Here this tall man from Anderson County reached his fullest height, and became a giant among his peers. Just as he championed the cause of the little man in South Carolina, he spoke up for the working people throughout our nation, and they looked to him for leadership. His colleagues knew this and recognized it. I can think of no better way to give expression to our thoughts than to use the words of our nation's leaders in speaking of Senator Johnston. His long-time Senate companion Senator Richard Russell of Georgia called him steadfast champion of the small farmer and workingman. Senator Margaret Chase Smith said he was the best friend the federal employee ever had. Senator George Aiken of Vermont said that "During his entire career in the Senate, he worked for those who needed his help most and whom it would have been easy to ignore and neglect."

Olin Johnston never ducked a good fight or a sticky problem. When 97 per cent of South Carolina's farmers were without electricity in their homes, he went, as Governor, directly to President Roosevelt and got the first REA grant to bring light to our state's rural areas. In the later years of his career, he was not afraid to cast the only southern vote for the Medicare program as proof that he never deserted those who needed help the most.

But what we say of Senator Johnston's accomplishments are only surface reflections of the inner character of this man. What we will recall after we close the history books on our state and nation will be the image of this strong and imposing man reaching out to grasp the hands of all those thousands of laboring South Carolinians who knew they could place their faith and trust in his large hands. Olin Johnston could speak and fight for them because he was one of them. If I could characterize his life in one phrase, I would have to say that he proved to all of

us exactly what America is all about. At a time when our state and nation were not so certain about their future, Olin Johnston gave them new reason to believe in our inner strength. His memory today, and the physical record of his accomplishments which we dedicate, give us that same strength today. These, too, are difficult times. They are not difficult in the same sense as the Depression or War years. These are times of moral uncertainty in our nation and in our world. These are days when we are pushing back the frontiers of space and scientific achievement at an unprecedented rate, but we sometimes do so at the expense of human values, and we leave a debt of unfulfilled individual aspirations. Some of our young people feel that we are de-humanizing our society as we become increasingly dependent upon machines and electronic equipment.

I say today that the life of Olin D. Johnston should be a living symbol to young people throughout America of just how important the individual spirit is in our society. He rose from the red clay of Anderson County and earned his education the hard way, working in our state's textile mills to send himself through Wofford College. Even before he received his law degree from the University of South Carolina, he had embarked on a career of public service in the South Carolina General Assembly.

He knew and understood personal sacrifice, even disappointment, and yet he used all his experience to make him a bigger, and a stronger man. He knew patience, and yet there was no more dynamic figure in our nation in bringing about the type of changes necessary to improve the lot of our working people. To those who would continue his struggle today to make our nation a better place for all persons to live, I suggest that they understand how this man turned ideas and concepts into action. It is easy to speak loudly in defense of a cause; it is much more difficult to deliver the actual means of improving a situation. Olin Johnston was a man who could deliver the type of positive action which meant the most to those whom he sought to represent and assist.

His close colleagues in the Senate knew perhaps best of all just the type of dedicated servant he was. Senator Eastland, a long-time friend, summed up his dedication to the common man this way: "When it came to loving, and being loved by just people, Olin Johnston had no peer. His devotion to his fellow man was deep and abiding. He served equally well the good and the bad, the poor and the rich, the ignorant and the intelligent, and all shades in between."

This was the nature of the man in whose memory we gather today. I am so pleased that Mrs. Johnston and so many members of his family could be with us today, because this is a happy occasion. In dedicating the Olin Johnston Memorial Room at the University of South Carolina, we not only express the appreciation of a grateful state, but we assure that the achievements of this man's life will be felt in the generations ahead. I am proud and honored to be a part of this dedication, because I can think of no greater legacy we can leave to South Carolinians of the future than the living influence of Senator Olin D. Johnston.

THE SS "HAWAIIAN ENTERPRISE"

Mr. TYDINGS. Mr. President, as a member of the Subcommittee of the Merchant Marine, I am very proud of a notable event which took place this April 10. The world's largest container-ship, the SS *Hawaiian Enterprise*, was christened in the port of Baltimore. The \$20 million vessel was dedicated by Mrs. Daniel Inouye, the charming wife of the Senator from Hawaii.

The ship was built for the Matson Navigation Co., one of the Nation's leading unsubsidized lines. The 34,700 dead-weight ton vessel, with a 32,000 shaft-horsepower engine and a top speed of 23 knots, illustrates the dedication and abilities of the men who build and comprise the American merchant marine. She is positive proof that America has not priced herself out of the shipbuilding market, as some of our critics would have us believe. Sparrows Point Shipyard's \$240 million worth of contracts also validates this proof.

The SS *Hawaiian Enterprise* gave us all a little scare, however. Like the typical woman, she could not make up her mind whether she really wanted to venture from the slip. It took a full 55 seconds for the ship to move into the Patapsco River. As Dan Mack-Forlist, general manager of the shipyard remarked:

It seemed like an hour, but it was only 55 seconds—a long 55 seconds.

But it would take much more than a minute's delay to lessen, in the slightest, our pride in Maryland's great port and shipyard facilities.

THE GREATER WASHINGTON JEWISH COMMUNITY FOUNDATION

Mr. RIBICOFF. Mr. President, in November 1965, the Greater Washington Jewish Community Foundation was organized as a new home for three independent Jewish social service agencies.

The foundation initiated a drive for funds, and the Jewish community of the Metropolitan Washington area can be very proud of its success. For private contributions have now paid the entire cost of the new \$8 million complex.

Much of the credit for this accomplishment goes to the foundation's president, Mr. Charles E. Smith, who has shown in so many ways that his foremost concern is the welfare of his fellow man.

Three events have been planned to celebrate the dedication of this magnificent community service complex in Rockville. The first of these, which will honor the Chief Justice of the United States, is described in detail in a newspaper story.

Mr. President, I ask unanimous consent that an article which was published in *The Jewish Week* be printed in the RECORD:

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

FOUNDATION WILL HONOR WARREN AT MASADA OPENING

The Chief Justice of the United States Earl Warren, who is also Chancellor of the Smithsonian Institution, will be the guest of honor and receive an award from the Jewish Community Foundation on the occasion of the invitational opening of an exhibit entitled, *Masada: A Struggle for Freedom*. The opening at the Smithsonian Institution's Museum of Natural History will be on May 17, at 8 p.m. The Chief Justice will be the guest of the Foundation and the Regents and the secretary of the Smithsonian.

The exhibit, one of three events in the dedication of the new Jewish Community

Foundation in Rockville will be followed by a Ball at the Washington Hilton Hotel June 14 and the Dedication ceremonies at the Foundation complex June 15.

Co-chairmen for the Masada are Sheldon S. Cohen and David Lloyd Kreger. In asking the Chief Justice to be the honored guest, Cohen referred to: "The struggle against enslavement of the human body and mind is never ending. In 73 A.D. on the rock of Masada in the wilderness of Judea, a few hundred valiant Jews stood off 6,000 Roman soldiers until outnumbered by 20 to one they realized defeat was inevitable and took their own lives rather than submit to enslavement. During your term as Chief Justice the Supreme Court has continued the struggle against enslavement in its historic decisions against discrimination, segregation, denial of rights and denial of opportunities."

In reply, the Chief Justice wrote: "It will be a great pleasure for me to be present on this occasion, and I am grateful to all of you for thinking of me in these terms."

Charles E. Smith, president of the Foundation said in speaking of the May 17 event, "Both this exhibition and the work of the Chief Justice remind us that freedom is not automatic. It must be preserved and protected by every man in every generation."

During the evening the Dedication Cabinet of the Foundation will present the Chief Justice with an appropriate bronze plaque depicting the Jewish community's appreciation of the Chief Justice on the occasion of the Masada opening.

Members of the Cabinet are: Justice Abe Fortas, Hon. Arthur J. Goldberg, Sen. Jacob K. Javits, Hon. Abraham A. Ribicoff, Hon. David L. Bazelon, Hon. Sheldon S. Cohen, Hon. Sol. M. Linowitz, the Hon. Lewis L. Strauss, Charles E. Smith, president of the Foundation; Bernard S. White, president of the Jewish Community Center; George Hurwitz, president of the Hebrew Home; Richard England, president of the Jewish Social Service Agency; Mrs. Joseph B. Gildenhorn, chairman of the Dedication Ball and David Lloyd Kreger, chairman of the Dedication.

The Committee has also invited the Ambassador of Israel, Yitzhak Rabin to participate in the presentation ceremonies. The Israel Exploration Society in Israel and New York's Jewish Theological Seminary brought the Masada exhibit to this country.

Working on the Masada Committee are Mrs. Norman Bernstein, representing the Jewish Community Center; Mrs. Robert Smith, representing the Hebrew Home; Mrs. Lee G. Rubenstein, representing the Jewish Social Service Agency and Mrs. Willard I. Zucker.

These three agencies, all members of the United Givers Fund, make up the Jewish Community Foundation.

The exhibition tells the story of archeological work done at Masada in 1963 by Professor Yigael Yadin of the Hebrew University in Israel and over 5000 volunteer archeologists from the nations of Europe and the U.S. Over a two year period they uncovered two palaces of Herod, his enormous storehouses, priceless scrolls, mosaics, jewelry, coins, lamps, cooking utensils, fruits and clothing as well as some of the Roman catapult balls the people of Masada fought against. The exhibit includes scale reproductions of houses, actual artifacts, models and history of this famous modern "dig" and its workers.

The Smithsonian has indicated that Masada is one of the most complete archeological exhibitions ever assembled and the story which it tells is full and accurate.

The exhibit which is free to the public, opens May 18 and will continue through July 20.

COSTLY MILITARY PROCUREMENT MISTAKES

Mr. GOODELL. Mr. President, on April 3, 1969, the Senator from Kentucky (Mr. Cook) and I visited Dayton, Ohio, to view the world's most costly museum exhibit—the XB-70 bomber now in the Air Museum in Dayton. We issued a joint statement at that time, in which we were joined by two other Republican Senators, MARK O. HATFIELD, of Oregon, and WILLIAM B. SAXBE, of Ohio. Two of our Republican colleagues, Senator JACOB K. JAVITS, of New York, and Senator JOHN SHERMAN COOPER, of Kentucky, issued supporting statements.

We made our trip to Dayton to dramatize the fact that military estimates of what is necessary to protect our national security are not infallible. The Military Establishment can make mistakes. The XB-70 was a \$1.4 billion mistake, obsolete before it was built. We wished to state our concern that the proposed Safeguard ABM may be another costly mistake; that after billions have been spent on it, it may be found to serve no purpose other than as a museum exhibit.

It has been pointed out that the civilian leadership in the Pentagon, especially former Secretaries of Defense Gates and McNamara, did not support the XB-70. This is true. It is also true, however, that the uniformed Military Establishment strongly supported the XB-70, and prevailed upon Congress to appropriate over a billion dollars for this useless bomber. The military was wrong then, as it was wrong about the "Snark," "Mauler," and "Navaho" missiles and the TFX fighter. Mistakes of this magnitude illustrate the importance of exercising the most searching independent scrutiny of the military's present claims in favor of the ABM and other costly items of hardware.

Mr. President, I ask unanimous consent to have printed in the RECORD the joint statement made by Senators Cook, HATFIELD, SAXBE, and myself, and the supporting statements made by Senator COOPER and Senator JAVITS.

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

STATEMENT BY SENATORS CHARLES E. GOODELL, OF NEW YORK, MARLOW W. COOK, OF KENTUCKY, WILLIAM B. SAXBE, OF OHIO, AND MARK O. HATFIELD, OF OREGON, ON THE PROPOSED SAFEGUARD ABM SYSTEM

I

We are standing here in the Dayton Air Museum before the world's most expensive museum piece—the XB-70.

The XB-70 bomber cost American taxpayers \$1.4 billion. It was obsolete by the time it was built. It added nothing to our nation's security. It was a huge, useless, billion-dollar-plus white elephant.

Now, the military establishment is proposing a new multi-billion dollar item of military hardware—the ABM. It will be still more expensive—costing anywhere from \$6 to \$20 billion or perhaps still more.

Will the ABM be a new Edsel of the air like the XB-70? Are we going to be standing before the ABM in this Air Museum in Dayton ten years from now? Is it going to be another dinosaur, obsolete before it is built? Will it cost us billions without adding to the nation's security? We fear it will.

We must do what is truly necessary to preserve our national security. But we have come here to the Dayton Air Museum to make the point that military estimates of what is needed to protect our security are not infallible. The military establishment can make mistakes, just as we all can.

The XB-70 was one of those mistakes. So were missiles like "Snark", "Mauler" and "Navaho" that became obsolete before they were built. So was the TFX single-design fighter on which we have been throwing good money after bad and which still isn't working.

There is only one way to avoid this sort of billion-dollar mistake. Members of Congress and independent, unbiased experts must exercise the most searching scrutiny of military spending projects. This process of inquiry will guard against XB-70's of the future. It will help prevent billions from being wasted that are needed to meet domestic social needs. It will help assure that the weapons systems that pass the test of impartial, intelligent examination are the best in the world.

II

We are now being called upon to approve billions of dollars of spending on the ABM. We have not, however, been given clear and convincing reasons why this system is necessary for our national security.

Because we feel the case for ABM is still full of gaping holes, we believe it our duty to oppose its deployment at the present time.

We are Republican Senators, but we feel the ABM issue transcends partisan considerations. We simply owe it to American taxpayers not to vote gigantic sums for a project that may simply end as no more than another museum piece like the XB-70.

The arguments that have been presented in favor of the ABM have been full of inconsistencies.

Secretary of Defense Laird has argued that the Safeguard ABM is essential to protect our Minutemen missiles against first-strike attack by the Soviet Union. He points to the Soviet SS-9, an intercontinental missile with a 25-megaton warhead capability, as indicative of this Soviet drive for first-strike capacity against our Minutemen deterrent.

According to this thinking, the ABM is essential to our security whether or not the Russians proceed with their own ABM.

On the other hand, Secretary of State Rogers has stated that the United States would consider negotiating a halt in the development of the ABM if the Soviet Union were willing to do likewise. Secretary Laird has said the same thing. This position is clearly inconsistent with Secretary Laird's testimony on the SS-9. If the SS-9 and other Russian hardware could really destroy our deterrent, how could we afford to negotiate our ABM away?

The Administration position is further complicated by President Nixon's statement that arms control talks with the Soviet Union will be approached in terms of "freezing" levels, not limitation or reduction. As for abandoning the ABM, the President is not hopeful. As long as there is a Chinese threat neither the U.S. or the Soviet Union, he feels, would look upon abandoning the ABM with much favor.

A basic weakness of the case for the ABM is that it ignores the deterrent capacity of our Polaris and Poseidon force under the seas.

Even if a Russian first-strike could knock out our Minutemen missiles in their hard sites, our Polaris and Poseidon missiles launched from nuclear submarines could devastate Russian cities, kill 50 to 100 million Russians, and poison their atmosphere. This would make a Russian attack suicidal.

Moreover, we will continue to move ahead in this undersea missile deterrent. Secretary of the Navy Chafee has stated that we

are planning an Undersea Long Range Missile System for introduction in the late 1970's.

President Nixon has pointed out that neither the Soviets nor the United States can protect its cities in a nuclear war. This stark potential of mass human destruction—and not any defensive missile system—is the ultimate deterrent against a world nuclear war.

It has been said that the ABM is a purely defensive system. Nevertheless, it will be a stimulus to the arms race. History has shown that there can be defensive arms races, as well as offensive ones. Now both great powers have a sword—the offensive nuclear missile. If one side gets an ABM shield as well as a missile sword it will inevitably seem more menacing to the other side. So the other side will rush to get an ABM shield too, or to strengthen its missile sword by developing penetration aids. This means a continued process of arms escalation.

III

The XB-70 certainly looks impressive, here in this museum. It weighs a half a million pounds. It is designed to fly three times the speed of sound. It is made of stainless steel and titanium. But it does us no earthly good as a museum exhibit.

The XB-70 is not the only white elephant in our arsenal.

In the past 15 years, we terminated over \$8 billion in major military hardware that never became operational. Of this amount, about \$3 billion was spent on aircraft, of which the XB-70 accounted for about one-third. About \$4 billion more was spent on various missiles such as "Snark", "Mauler" and "Navaho" which were abandoned before they were deployed. The attached table lists these abandoned weapons systems.

Is this the same story we are going to hear about the Safeguard ABM System one, two, or ten years from now?

Obviously, there is a need for research and development into new weapons technology. Admittedly, many theoretical concepts don't get off the drawing boards. However, why do we build equipment that is obsolete before it comes off the assembly line—equipment which we neither need nor can use? How much can we afford to spend on weapon abandonment?

The F-111 plane—TFX—is a painful case in point. Ever since this system for a single-design fighter plane for the Navy and the Air Force was proposed in 1961, we have been throwing good money after bad. Congress has appropriated \$6.5 billion for this system through fiscal year 1969, but the taxpayer doesn't get much for his money. The Navy version of the plane was cancelled last year because of costs and technical difficulties. The Air Force will receive fewer of its version of the plane this year than originally planned because the costs are too high and other types of aircraft can do the job.

The development of the FB-111—an "interim" strategic bomber version of the TFX—has always been open to question. Nonetheless, we forged ahead with production and deployment plans, despite rising costs and technical difficulties. On March 19, Secretary Laird told the Senate Armed Services Committee that the FB-111 program will be cut back; however, the program will be continued "to salvage what we can of the work in process." Meanwhile, we will "concentrate our efforts on the development of a new strategic bomber, AMSA." As the Secretary put it, "The FB-111 will not meet the requirements for a true intercontinental bomber and the cost per unit has reached the point where an AMSA must be considered to fill the void."

Haven't we heard this story before? Are there enough museums to house the FB-111s?

IV

How did we spend so much money in the past on these dead-end projects? Largely

through exaggerated estimates of our opponents' capabilities and inaccurate surveys of our own defense needs.

How often have we been told that we must spend huge sums on a weapons system of questionable utility because we will soon become "inferior" in striking power to the Soviet Union; or because the Russians will outnumber us on the basis of given production estimates; or because Russia will be able to "destroy" us?

And how many times have these predictions been inadequate and proven wrong?

In 1956, General Le May, then chief of the Strategic Air Command, warned us that the Russians were building a huge bomber force which would outnumber our bomber force 2-to-1 by the end of the decade. To counter this supposed bomber challenge, the United States appropriated billions for bombers.

But these bombers became obsolete as a deterrent against a Soviet attack. Our obsession with the numbers game in bombers proved misplaced. Arms competition shifted to missiles.

When a weapon becomes demonstrably obsolete, we should promptly discontinue it. But the military did not do this in the case of the XB-70 bomber. Instead we spent huge sums trying to keep this dying project alive. General Le May was still urging the usefulness of the XB-70 in testimony before the House Armed Services Committee in 1964.

The Air Force tried to salvage the XB-70 by making it a reconnaissance-strike plane (the RS-70). It was to follow an ICBM strike to see what targets remained. This plan also flopped.

The Air Force then tried to resuscitate the XB-70 as an experimental supersonic plane. Test flights measured the magnitude and effects of sonic booms produced by large aircraft in supersonic flights. Information obtained from the flights were to be applied to the supersonic transport program. But that program may itself be shelved. It has been reported that President Nixon's 11-member interdepartmental committee to study the SST project is expected to recommend that supersonic transport be deferred for a number of years.

So what did we end up with, in the case of the XB-70? A technological fossil in a museum. This must not be permitted to happen with the ABM.

What of the domestic impact of the ABM? Surely, our military spending must be considered in the context of the urgent needs to meet pressing social problems at home.

If it were clearly established that the ABM is essential in the interest of national security, we would have to build it notwithstanding the cost. We would have no choice but to tighten our belts on other spending.

But the ABM has not been shown to be essential. At best it is of unproven utility. At worst, it is useless or positively harmful. We simply cannot afford to let our domestic priorities be distorted by vast spending on costly military hardware of questionable usefulness. We cannot afford to add another exhibit to this museum at the expense of our deteriorating cities.

The experience of the XB-70 should be a lesson to us. We should think about what could have been accomplished had the \$1.4 billion for this airplane been spent on meeting some of our domestic needs. Some comparisons might be instructive.

The world's largest housing development—Coop City—has just been built in the Bronx. This ambitious, moderate-income project will house over 60,000 persons in modern, comfortable, low-cost cooperative apartments. It cost about \$340 million to build. For the \$1.4 billion spent on the XB-70, four Coop Cities could have been purchased and built. They would have housed 240,000 people—which is as much as the entire population of a medium-sized city.

Alternately, the \$1.4 billion for this airplane could have been spent to provide job

training for nearly 1,000,000 unskilled workers. This investment in human beings would have been paid back many fold—in higher wages and better living conditions—instead of sitting uselessly in a museum.

As long as the Pentagon fails to establish a clear and convincing case for the ABM, we cannot afford to spend billions on its deployment. We should not abdicate our own reason and judgment before the power and prestige of the military establishment.

This week, we mourn the loss of our great General and great President, Dwight David Eisenhower. We would do well to remember the words of his Farewell Address delivered to the American people in 1961:

"In the councils of government, we must guard against the acquisition of unwarranted influence, whether sought or unsought, by the military-industrial complex. The potential for the disastrous rise of misplaced power exists and will persist.

"We must never let the weight of this combination endanger our liberties or democratic processes. We should take nothing for granted. Only an alert and knowledgeable citizenry can compel the proper meshing of the huge industrial and military machinery of defense with our peaceful methods and goals, so that security and liberty may prosper together."

MAJOR PROJECTS TERMINATED BEFORE DEPLOYMENT DURING THE PAST 15 YEARS

Project	Year started	Year canceled	Funds invested (millions)
AIRCRAFT			
Army: XV-3 Convertiplane.....	1952	1960	\$10.1
Navy:			
Seamaster.....	1951	1959	330.4
F-8U-3.....	1956	1958	100.0
HSL-1.....	1950	1955	94.0
F-5D-1.....	1954	1957	49.0
A-2D-1.....	1950	1954	47.0
T-40.....	1954	1958	33.0
A-2J-1.....	1948	1963	20.0
J-40 engine.....	1944	1953	18.0
F-10F-1.....	1950	1953	15.0
F-2Y-1.....	1949	1955	15.0
Air Force:			
ANP.....	1951	1961	511.6
F-108.....	1958	1959	141.9
XF-103.....	1950	1957	104.0
F-107.....	1954	1957	100.0
J-83 engines.....	1956	1959	55.0
C-132.....	1952	1957	54.0
T-61 engine.....	1957	1959	37.4
YH-16.....	1951	1954	23.4
X-21.....	1960	1966	36.0
X-19.....	1962	1966	16.0
XB-70.....	1958	1976	1,468.1
MISSILES			
Army:			
Hermes.....	1944	1954	95.4
Dart.....	1952	1958	44.0
Loki.....	1948	1956	21.9
Terrier (land based).....	1951	1956	18.6
Plato.....	1951	1958	18.5
Mauler.....	1960	1965	200.0
Navy:			
Sparrow I.....	1945	1958	195.6
Regulus II.....	1955	1958	144.4
Petrel.....	1945	1957	87.2
Corvus.....	1954	1960	80.0
Eagle.....	1959	1961	53.0
Meteor.....	1945	1954	52.6
Sparrow II.....	1945	1957	52.0
Rigel.....	1943	1953	38.0
Dove.....	1949	1955	33.7
Trifon.....	1948	1957	19.4
Orion.....	1947	1953	12.5
Typhon.....	1958	1964	225.0
Air Force:			
Navaho.....	1954	1957	679.8
Snark.....	1947	1962	677.4
GAM-63 Rascal.....	1946	1958	448.0
GAM-87 Skybolt.....	1960	1963	440.0
Talos (land based).....	1954	1957	118.1
Mobile Minuteman.....	1959	1962	108.4
Q-4 drone.....	1954	1959	84.4
SM-72 Goose.....	1955	1958	78.5
GAM-67 Crossbow.....	1957	1958	74.6
MMRBM.....	1962	1964	65.4
SHIPS			
Navy: Type II towed torpedo countermeasures.....	1945	1955	13.0

MAJOR PROJECTS TERMINATED BEFORE DEPLOYMENT DURING THE PAST 15 YEARS—Continued

Project	Year started	Year canceled	Funds invested (millions)
ORDNANCE, COMBAT VEHICLES AND RELATED EQUIPMENT			
Army:			
Vigilante.....	1952	1961	\$26.6
Tank, medium and heavy, T-95.....	1955	1960	18.0
Truck, cargo, 2½-ton.....	1946	1965	5.9
Truck, cargo, 16-ton.....	1959	1965	4.8
Truck, tank, 5,000-gal.....	1959	1966	(2)
Truck, wrecker, 20-ton.....	1959	1966	(2)
Area scanning alarm (E-49).....	1957	1966	3.9
Infantry mortar, 107-mm, XM-95.....	1960	1967	10.7
OTHER			
Army:			
AN/USD 5 drone.....	1957	1962	103.3
AN/USD 4 drone.....	1957	1960	40.0
Aerial tramway.....	1947	1957	13.5
Auto integrated switch.....	1958	1965	39.9
Navy:			
NRRS, Sugar Grove.....	1957	1962	70.0
High-energy boron (ZIP).....	1952	1959	123.0
Air Force:			
AN/ALQ-27.....	1957	1959	142.0
High-energy boron (ZIP).....	1956	1959	135.8
Dyna-Soar.....	1960	1963	405.0
Total.....			8,601.7

¹ Air Force costs only.

² The 3 trucks listed comprise the 16-ton series of the GOER program which was terminated in June 1965. Work was officially terminated on the tanker and wrecker in February 1966. The cost of the program was \$4,800,000.

Source: D.D.R. & E., Jan. 5, 1968.

STATEMENT BY SENATOR JOHN SHERMAN COOPER, APRIL 3, 1969

I support the initiative taken by Senators Goodell, Cook, Hatfield, and Saxbe. I am in agreement with their view that this country's democratic institutions will be strengthened by informed critical examination of such crucial issues as the ABM.

The purpose of those of us in the Senate who oppose deployment of the ABM at this time is to make it possible for the President, the Congress, and the people to consider fully and rationally the implications of a decision which will have such lasting effects upon the life of this country. We have the time to ponder in full security all aspects of this difficult problem. I am confident that through full and thorough inquiry and by hearing the opinions of this country's experts we will come to a sound decision.

I particularly respect the final tribute to President Eisenhower. The words of his last public statement were prophetic and will prove of lasting value to people of this country and will do much to strengthen our true security.

STATEMENT BY SENATOR JACOB K. JAVITS, REPUBLICAN, NEW YORK, APRIL 3, 1969

I welcome the initiative of my colleagues in focusing public attention upon the vast sums of money which have been poured into weapons systems that often proved faulty or obsolete before they even became operational. The billions which have been misspent in this way over the past decade could have been spent on productive civilian projects. The needs of the poor, of our decaying inner cities and of our deprived minorities have—in a budgetary sense—been kept on a starvation diet which contrasts starkly with the sumptuous amounts which have been appropriated for military weaponry.

We are now at a crossroads of perhaps historic import with respect to this fundamental "guns or butter" question. The Johnson Administration tried to avoid a choice and sought instead to pursue a guns and butter policy. The results have been disastrous for our economy which is wracked by inflationary pressures at home and balance of payments problems abroad.

Those of us who have opposed ABM deployment from the beginning feel that the Safeguard variant of the Sentinel system is an issue of especially great moment for our national decision on this weapons system may set the pattern for the next decade. We are poised at the brink. We could try now to gain control of the nuclear arms race through a dramatic gesture of self-restraint or we can plunge ahead with a whole new generation of weapons systems—weapons which will claim many hundreds of billions of tax dollars and will leave us on a new plateau where the balance of terror is less stable and less amenable to rational command and control by duly constituted civil authority.

WILTON J. MCKINNEY, GREENVILLE, S.C., HONORED

Mr. HOLLINGS. Mr. President, on Friday, April 18, 1969, citizens of Greenville, S.C., will hold an appreciation banquet for an outstanding citizen of their community and State. Wilton J. McKinney will be honored by his fellow citizens for his dedicated service to the youth of his community. This year Mr. McKinney has been selected by World Tennis magazine for the Marlboro Award for May. Donald Dell, captain of the U.S. Davis Cup team, will be on hand to present the award. Although this is a distinguished honor to Mr. McKinney for his dedication and interest in tennis, the appreciation dinner is far more meaningful for it recognizes his civic pride and dedicated service to youth of his community and State. Mr. McKinney has coached the Greenville Senior High tennis team for over 20 years and never had a losing season. Many of his players have won regional and national honors. He has held offices in the Southern Lawn Tennis Association and the South Carolina Lawn Tennis Association. Although employed full time by the Burlington Cotton Co., Mr. McKinney has contributed untold hours to the youth of his community in teaching and coaching tennis as well as counseling young people of the needs for responsible citizenship. The door of his home is always open, and "his" youngsters are often present and always welcome.

I am proud to join in this honor to Wilton J. McKinney.

CONGRATULATIONS TO SECRETARY LAIRD

Mr. METCALF. Mr. President, I wish to commend Secretary of Defense Laird for his decision yesterday not to permit defense contractors to include donations to "charitable and educational" organizations as part of the cost of doing military work. Some of the Nation's leading defense and aerospace contractors had sought this special treatment, which would enable them to include all donations as operating expenses, instead of simply getting a tax deduction as other businesses and individuals may receive for such donations.

As I pointed out in my remarks on this subject yesterday, beginning at page 8831, this policy would have put defense contractors in a preferential category above that of even utilities in some States, such as California, where the Public Utilities Commission decided that

the consumer should not be required to foot the bill for donations credited to the utilities.

As Roland Page of the St. Petersburg Times points out, in a series of articles appearing elsewhere in today's RECORD, Florida is one of those States—unfortunately a majority of the State utility commissions now permit the practice—in which the power, gas, telephone, and bus companies get the credit, but the customer foots the bill, for donations ranging from Governor Kirk's private police force to lighting a school football field.

The defense and aerospace contractors and their friends in the Pentagon proposed this little scheme, which would have cost taxpayers tens of millions of dollars a year, but which Secretary Laird has squelched, during the last administration. This proposed new policy was the kind that often slips through during the closing days of an administration. I think credit is due former Secretary Clifford and his associates for their refusal to approve the proposal, to the Washington Post and its Laurence Stern for publicizing it last Saturday, and especially to Mel Laird for throwing it into file 13.

PAMELA RANDOLPH

Mr. TYDINGS. Mr. President, on Friday, March 30, my staff and I were overtaken by a personal tragedy of the most poignant nature. Miss Pamela L. Randolph, a member of my staff since her graduation from the University of Maryland in June 1968, died very suddenly of a pulmonary embolism. Her passing has been a severe shock to me and to her associates. Our loss, and that of all who knew her, is very great.

Pam was in the springtime of her years. Just 23, pretty, capable, and full of life, she was to have been married in 8 days and begin a new and exciting life on the west coast. Her last day with us would have been that Friday on which she died, and a farewell party was planned for that afternoon.

Death at such a time of life is hard to accept. It leaves us desolate and conscious of our own uncertain destiny.

Pam's life was bright with promise and potential. She was on the crest of the wave. But she was not given the time to follow it through for the full measure of experience that comes with age alone.

To her parents, Dr. and Mrs. E. Burl Randolph of Clarksburg, W. Va., and to her fiancé, Mr. David Distad, I extend profound sympathy and fellowship in our sorrow. We sorely miss Pam, and yet will remember always her sparkle, her friendliness, her love of life.

CEREMONIES AT THE UNVEILING OF THE STATUES OF FATHER DAMIEN AND KING KAMEHAMEHA I

Mr. FONG. Mr. President, today Hawaii's congressional delegation will join representatives from Hawaii for the ceremonies commemorating the unveiling of the statues of two men who occupy illustrious positions in the history of Hawaii.

They are leaders who, by virtue of celebrated conquests in their respective endeavors, have achieved imperishable reverence and esteem in the hearts and minds of the people of Hawaii.

They became heroes in their implacable goals to better the lot and the future of the people they served. They are today the choices of the citizenry of Hawaii for memorialization in the National Statuary Hall.

These inspired men, one a conqueror of despair and a courageous servant of the victims of the most dread disease that man has known—leprosy—and the other, a brilliant military leader who founded the kingdom of Hawaii and what is today the 50th State of the United States of America, are the Reverend Joseph Damien DeVeuster and King Kamehameha I, first monarch of the Hawaiian Islands.

This day in April, when we gather to solemnize the memories of these gallant masters of their times and their destinies, is also a day of rejoicing in Hawaii.

The ceremonies are a further culmination of Hawaii's long drive toward the total benefits of representative government and of full-fledged membership in the Union of States.

The unveiling of the statues is commemoration, too, for the valiant and far-sighted men and women of Hawaii—past and present—who strove so diligently and so persuasively for more than 50 years to shape the dream of Hawaii statehood into reality.

Hawaii is proud of this moment.

It is profoundly honored that the statues of two of its renowned leaders are being received and given places of repose and high homage among the great of the greatest democracy on earth.

I for one look upon this day with deep respect, gratitude, and humility. No one, less than a century ago, could ever have visualized that we of a small group of islands in the vast Pacific would one day gather in this magnificent Rotunda to see our own immortals share places of exaltation in the hallowed halls of the Nation's Capitol. The very thought is awe-inspiring.

The Reverend Joseph Damien DeVeuster, known more popularly as Father Damien, and Kamehameha I both meet the qualifications for our State for enshrinement in the National Statuary Hall. They are indeed "illustrious men worthy of commemoration."

It is fitting that we here cite their achievements, their humanitarian deeds, and their conquests in the face of extreme adversities and disorder.

Some of the most notable and most concise biographies written about Father Damien and King Kamehameha are contained in a House of Representatives report authorizing the acceptance for the National Statuary Hall the statues of Father Damien and King Kamehameha. They read:

THE REVEREND JOSEPH DAMIEN DEVEUSTER, S.S.C.C.

Father Damien's voluntary sojourn among the lepers of Molokai, ministering to their physical and spiritual needs, has shown him to be one of the greathearted humanitarians

of all time. His compassion for these sufferers—forcibly banished to a lonely island—is a profound example of devotion to one's fellow men. His death from leprosy at the age of 49, after 16 years in the "living graveyard that was Molokai" continues to inspire men and women throughout the world in their fight to eradicate forever the disease from which he died.

The son of well-to-do peasants, Joseph (Father Damien) was born in Tremeloo, Belgium, on January 3, 1840. He entered the Sacred Hearts Congregation at Louvain, Belgium, and in October 1863 set sail for Hawaii from Bremerhaven, in his brother's place who fell ill of typhus, abroad the R. M. Wood at 9 o'clock in the evening. Father Damien got his first glimpse of Honolulu on March 19, 1864. After a few months to finish his priestly studies, young Father Damien was ordained on May 21, 1864, in the Cathedral of our Lady of Peace in Honolulu. Shortly thereafter, he was sent to the Puna district of the island of Hawaii. In July 1865, because of the poor health of one of the other priests, Father Damien was transferred to the districts of Kohala and Hamakua, which extended over 2,000 square miles, marked by steep cliffs, deep ravines, and valleys accessible only by canoe.

He spent 8 years building churches and administering to his parishioners and it was here that he saw many of them being separated from their families and forcibly removed to Molokai.

At his request, Father Damien landed on Molokai on May 18, 1873. During his 16 years on Molokai, Father Damien was everything to his flock: priest, administrator, infirmarian, coffinmaker, undertaker, gravedigger, builder of homes, and defendant for the unfortunate group of people who were segregated and thus best forgotten. In recognition for his efforts in alleviating the distressed and mitigating the sorrows of her unfortunate subjects, Princess Liliuokalani bestowed the Order of Knight Commander of the Royal Order of Kalakaua to Father Damien.

On April 15, 1889, Father Damien died, a victim of his charity, no longer robust but horribly disfigured and a leper. He was buried in the shade of the same pūhala tree that served as a home when he first arrived 16 years earlier.

In 1936 at the request of the King of Belgium, President Franklin D. Roosevelt permitted Father Damien's body to be exhumed and returned to Belgium. In February 1955 the case of Father Damien was formally introduced by the Roman Catholic Church and the first steps were taken toward his beatification. It is hoped and prayed by many of the faithful that he will be raised to the altar some day in the future.

Of him, Mahatma Gandhi said: "The political and journalistic world can boast of very few heroes who compare with Father Damien of Molokai * * * it is worthwhile to look for the sources of such heroism."

KING KAMEHAMEHA I

Kamehameha is a hero of the Hawaiian people because it was he who first united the islands under a strong rulership—strong enough to maintain independence during the critical years when the islands were first opened to the enterprise of traders and explorers from Europe and America.

The last quarter of the 18th century is a period of Hawaiian history marked by the emergence of Kamehameha as a victor in a running series of civil wars. The period of peace that followed 1796 enabled him, by the power of his personality, to make firm the foundations of the Hawaiian Kingdom—the polity which eventually emerged as a territory and later the State of Hawaii.

Kamehameha ("The Lonely One") was born in Kohala, Hawaii, on a stormy winter night soon after the middle of the century

(1758 is a probable date). Although his father and mother were of high rank, he was not in the direct line of kingly succession. At the time, the islands were divided into four kingdoms, each ruled by a leading chief. The young warrior grew up at the court on Hawaii and first gained prominence when he was assigned guardianship of the war god. As leader of five lesser chiefs of the Kona district, Kamehameha led their forces in two civil wars to insure an equitable distribution of land. Kamehameha's success in getting foreign arms and foreign recruits gave him the upper hand over chiefs visited less often by the traders. He collected the largest army ever seen in the islands and embarked in an immense fleet of war canoes.

After Maui and Molokai were captured the army landed at Waikiki and marched to Nuuanu Valley and drove the defenders off the brow of the pali (precipice). Eventually, Kauai and Niihau were ceded to him without a fight.

During the two decades after the islands were united, Kamehameha showed his statesmanship by quickly restoring the islands to prosperity. He urged the chiefs and commoners to raise food. Disorder and crime were put down and industry flourished. His policy of fairness in dealing with the traders from foreign lands who had begun to come to the ports of the kingdom added to its wealth and prosperity.

Kamehameha died on May 8, 1819, at Kallua, Hawaii, where he had retired in 1811. The customary funeral ceremonies were carried out and the bones of the great King were taken and concealed in a secret cave. "Only the stars of the heavens know the resting place of Kamehameha."

LAVINIA ENGLE OF THE LEAGUE OF WOMEN VOTERS

Mr. TYDINGS. Mr. President, almost 50 years have passed since women of the United States were guaranteed the right to vote. The XIX amendment to the Constitution was finally ratified in 1919.

We are, today, accustomed to the participation of women in political life, and seldom reflect upon the fact that they have not always had access to the ballot.

For Miss Lavinia Engle of Silver Spring, Md. the right to vote was preceded by many years of hard work. Miss Engle's mother was a crusader for women's suffrage, and Lavinia Engle was 21 when she joined the National American Woman Suffrage Association and began her work, with "justice, logic, and persuasion," for the enfranchisement of women.

She pursued this objective for 6 years after her graduation from Antioch College until women were finally allowed to vote, in 1920. At that time, the Suffrage Association became the League of Women Voters, and Miss Engle became director of the Maryland league. Subsequently, in 1930, she became the first woman delegate to represent Montgomery County in the Maryland Assembly.

Miss Engle's long career with the Social Security Board did not deter her active membership in the league throughout the intervening years. It would be impossible to calculate the extent of her achievement through half a century of active participation in league affairs. She has made an inestimable contribution to the league itself, and to the quality of

government in her county, in Maryland, and in the Nation.

I ask unanimous consent to have printed in the RECORD a profile of Miss Engle, published in the Washington Post's Potomac magazine on Sunday, March 16, 1969.

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

LAVINIA ENGLE OF THE LEAGUE OF WOMEN VOTERS

Fifty-six years ago Lavinia M. Engle of 500 Pershing drive in Silver Spring started one March afternoon to walk down Pennsylvania Avenue to dramatize the efforts then being made to obtain the vote for women. But Miss Engle and the thousands of other women who gathered at the foot of Capitol Hill for the march, never got to the other end of the avenue. Crowds, made up mostly of men, surged into the street and the police broke up the march. This was on March 3, 1913, and the next day Woodrow Wilson was inaugurated as President.

The uproar over the women's march did not end with Wilson's first inaugural, however. Two days later the Senate District Committee convened a hearing to look into the disturbances arising from the march. Among the witnesses was Alice Paul who, as a leader of the Woman's Party, organized the march. Today Miss Paul is the president of the Woman's Party and lives in the 19th century brick house across from the U.S. Supreme Court at 144 Constitution Ave. ne. which also serves as the headquarters for the Woman's Party. For 46 years the party has been pressing for a constitutional amendment guaranteeing equal rights to women.

After conducting its investigation of the march, the Senate District Committee concluded that "the line of march was not cleared and the parade was not protected as it should have been." The Committee also concluded that "some of the uniformed and more of the special police acted with apparent indifference and in this way encouraged the crowd to press in upon the parade."

Miss Engle, now 77, was in 1913 a 21-year-old graduate of Antioch College who aligned herself with the National American Woman Suffrage Association, pushing for integration of women into the existing political system, rather than with the more militant Women's Party, which advocated a completely feminine slate on all ballots: local, state and national. (One recent interviewer compared the past differences between the two groups to the present-day differences between integrationist civil-rights leaders and black militants.) Becoming an organizer for the Suffrage Association, she later advanced to field secretary and once traveled on mule back up a dry creek bed in West Virginia to argue (successfully) with a legislator for his support for a suffrage amendment to the State's Constitution.

The Suffrage Association became the League of Women Voters when the vote was won nationally in 1920, and in the 20s, Miss Engle was director of the Maryland League of Women Voters. In 1930 she became the first woman Montgomery County Delegate to the Maryland Assembly and later was appointed (but defeated for election) to the County Commission. In the mid-30s she went to work for the Social Security Board and remained with it and its successor agencies until finally retiring three years ago. Today Miss Engle is still an active member of the League of Women Voters and not only remembers the 1913 parade vividly but also has the gold-and-black banner proclaiming "Votes for Women" which she wore across her bosom as she and thousands of others vainly tried to march down Pennsylvania Avenue.

Her Quaker mother had been an early crusader for women's suffrage. And "early cru-

sader" is exactly the term Miss Engle would use. To her, "suffragette" is an offensive word meaning the radical Women's Party members who poured ink into mailboxes and chained themselves to gates. Her weapons, she says, were "justice, logic and persuasion."

DWIGHT DAVID EISENHOWER

Mr. BAYH. Mr. President, General Eisenhower served America as military leader, as President, as citizen. At all times, in all positions, he was a man utterly dedicated to the welfare of this Nation.

His interest in his country did not diminish when he left public office. As a private citizen he had a sustaining concern for the United States.

It was Eisenhower the citizen who came to Washington in 1964 to give his support to help in the adoption of the 25th amendment, the Presidential succession and disability amendment.

It was Eisenhower the citizen who at that time stated the creed he practiced, both as general and as President:

We do believe that all of us, of all parties and all levels of government, have as our first thought and concern, the United States of America.

And, if we do that, I think all of the other problems kind of recede in their immediacy, their urgency, and in their, you might say, crisis-type of complexion and they become resolvable by people of good will—that is, good Americans.

He believed in the American people, and they in him. To use the words of Dag Hammarskjöld:

He had been granted a faith which required no confirmation—a contact with reality, light and intense like the touch of a loved hand; a union in self-surrender without self-destruction where his heart was lucid and his mind loving.

Duty, honor, country, the code of West Point, became his personal commitment. He led America, both in war and in peace, and earned her love and respect forever.

America is greatly saddened by his loss.

A RESPONSIBLE APPROACH

Mr. HANSEN. Mr. President, all of us can, I believe appreciate the sincerity and honesty so implicitly experienced in the President's situation report to Congress.

Most striking to me is his emphasis on the "responsible approach to our goal of managing constructive change in America."

In view of the mass of legislation enacted during the last session of Congress—and, I understand, the two previous sessions—it is my opinion that the President should be congratulated for taking the time that certainly is essential to establish priorities for his legislative proposals to Congress—legislation that "we know we can execute once it becomes law."

The maze of overlapping and duplicating programs already enacted, the hodgepodge of programs piled on programs, is evidence enough of the need for a complete reassessment of many of our domestic programs before adding any more administrative layers, particularly to the already foundering welfare programs.

The President will surely have full support for an increase in social security benefits to help those who have suffered most from the cruel impact of inflation and who cannot bargain for themselves as the continuing rise in the cost of living hits hardest at those on fixed or retirement incomes.

He has placed the priorities where they need to be: an early end to the war in Vietnam, new measures to combat crime, tax reform, postal reorganization, development of our airways and airports, labor and manpower programs and, most importantly, a halt to inflation. Unless we can stabilize prices and restore fiscal responsibility and confidence in the Federal Government, no domestic program is likely to succeed.

The President's message is one of the great majority of hard working, self-reliant, overtaxed, and too-little-appreciated Americans have been waiting to hear. Long on patience and short on complaining, they are entitled to the tax relief the President proposes.

They deserve some honest answers followed by some honest action. Their pleas for an end to irresponsible Federal spending and wasteful, inefficient and ineffective Federal programs have gone unheeded too long. But it is not a turning back of which the President speaks.

It is a new approach to the lingering problems of poverty, welfare, crime and inflation that massive spending has not only failed to cure but, in many cases, has actually aggravated.

Certainly there must be a better way, and I believe the President's proposal to trade the "false excitement of fanfare for the abiding satisfaction of achievement" will appeal to the American people and, I hope, to Congress.

JACK MASUR, M.D.: A EULOGY

Mr. TYDINGS. I deeply regret the passing of one of the country's greatest physicians, Dr. Jack Masur, Assistant Surgeon General of the Public Health Service and director of the clinical center at Bethesda, Md.

Jack Masur dedicated his life to serving his fellow man. His contributions to the medical profession have been heralded throughout this country and in nations around the world.

During his career he served as the executive director of numerous hospitals, Chief medical officer of the Vocational Rehabilitation Center and as Assistant Surgeon General. Dr. Masur was a fellow of every important medical association in the country and received the Public Health Service Distinguished Service Award in 1965.

He is perhaps best remembered for his contributions to the National Institutes of Health. The original plans for the Bethesda Clinical Center were conceived by Dr. Masur and with his guidance the center has become not only the largest such medical facility in the world but also one of the most excellent institutes available, from a technological standpoint.

He is also one of the world's outstanding hospital planners and designers. Architects from nations around the

world sought his counsel on the design of new hospitals and medical facilities.

No single tribute to the late Dr. Masur can adequately convey the greatness of the man. I know, however, that I speak today for the thousands of persons who have been helped by this extraordinary man.

I ask unanimous consent that the text of Dr. W. Palmer Dearing's eulogy of Dr. Masur be printed in the RECORD.

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

JACK MASUR, M.D.: A EULOGY

(By W. Palmer Dearing, M.D.)

It is with deepest humility, but also with a sense of high privilege that I undertake to speak for a few moments in behalf of all of us who have come together here to recall, to recognize, to honor, and to resolve to fulfill the life and work of Jack Masur.

I yield to no one in the enormity of my personal loss. At first contemplation it was overwhelming. When Barbara and Henry asked me to undertake this labor of love, my first thought was, "I cannot physically go through with it."

Suddenly I awakened from self-indulgent grief to realize that I was only one among a great multitude who had been healed in body and spirit, who had gained wisdom and insights, who had found light and strength for the road ahead through the knowing of this compassionate, courageous, dedicated, gifted, utterly honest, truly humble man. Each of us in this specially blessed multitude knows and cherishes the warm, flesh-and-blood portion that Jack gave of himself to each of us to guide, to cheer, to heal, to warn, to support. Yet, like the widow's cruse of oil, Jack was ever filled and ready to give, and give again.

What a waste, then—what a betrayal of Jack's life and work it would be to dwell on the depth of our bereavement! Let us rather direct our thoughts toward the objectives he set, to applying the lessons he taught (always first by his own example, may I say), and toward approaching the standards of excellence which he recognized, admired, and always practiced.

Each of us has his own choice selection from Jack's infinite list of attributes—his love and pride in family, his humor, his appreciation of beauty in nature and in people, his ecumenical religious sense and devotion, his intolerance of sham and cant, his towering rage at inhumanity, sloth, carelessness, or insincerity—the catalogue is endless.

As with Jack's attributes, even so with his accomplishments—their magnitude cannot be contemplated, much less recorded, here. He demonstrated that medical administration is a high calling, demanding the best in the highest traditions of a physician's service to humanity; he showed how to bridge the gap between strictures of Federal services and progressive leadership in the American Hospital Association; at the request of President Johnson, he filled the breach six weeks before Medicare's appointed day when the Government awoke to the need to know the real status of resources to meet its imminent obligations for health services to the elderly; his talents were sought and freely given in England, Holland, West Germany, and Israel.

On top of all this and much more, he was the best equipped frustrated fisherman I have ever known.

Among his greatest accomplishments, I have chosen three to expand on for a moment: The Clinical Center, Jack's counseling of colleagues, and his success in achieving and maintaining the pre-eminence of concern for the patient in medical care and research.

In a very real sense, the Clinical Center is Masur, and Masur is the Clinical Center.

This man had served his Country brilliantly during the war and had returned to his chosen field—the voluntary hospital system—where a rewarding future was assured. Yet when a government research hospital to round out the NIH bench research effort was only a gleam in a few starry eyes, Jack Masur perceived its potential for advancing our knowledge of patient care as well as the scientific base of medicine. He turned from the comfortable, honorable future which lay before him to return to the modest prerequisites, the limitations, and frustrations of government service to create and thereafter to direct the greatest medical institution of its kind in the world.

Turning to the second accomplishment I have chosen for special comment, Jack was without parallel in counseling of colleagues. His unswerving devotion to people as people, plus his diligence and formidable insight, made him the Country's single most important recruitment and placement agency in the hospital, medical education, and medical care world. He knew every vacancy, every need, every resource. His wisdom, discretion, and judgment brought information and requests to him, and he always responded promptly, carefully, and cogently.

Jack Masur's crowning accomplishment, however, and the one which poses the greatest challenge to us who follow, is his achievement in maintaining the care and welfare of the patient at the pinnacle of objectives and performance at the Clinical Center and at every institution which he touched. This meant not only application of his standards of excellence, but also intolerance of anything less. In practical terms, it meant accommodation of patient welfare considerations with the real and legitimate research interests of the collection of institutes which the Clinical Center was created to serve, and subordination of research interest to patient welfare when there is conflict. Jack Masur knew that only by strict application of this principle can a great public institution such as the Clinical Center survive honorably, or in the long run survive at all, in today's world.

Now having said all this, my friends, this is a very human occasion. We are privileged to share the grief and the pride of Jack Masur's bereaved, yet fortunate family—fortunate in that they and all of us had the experience and have the heritage of his greatness. With Barbara, Nancy, Henry, Jenny, and Corinne; with Jack's sisters Ida and Mary and his absent brother Louis and all their families, we share gratitude as well as their grief.

I want to close with a quotation from the classics Jack loved and knew so well—a solemn pledge attributed to a Frenchman named de Grellet who died more than 100 years ago. It characterizes Jack Masur's approach to life as I knew him:

"I shall pass through this world but once. If, therefore, there be any kindness I can show, or any good thing I can do, let me do it now; let me not defer it or neglect it, for I shall not pass this way again."

THAT LAST CIGARETTE

Mr. MOSS. Mr. President, an article entitled "That Last Cigarette: An Investment in Life," written by Donna Logan, a staff writer for the Denver Post, was recently published in that newspaper. The article was based upon an interview with Dr. Charles D. Demong, a noted Denver chest and heart surgeon. Dr. Demong lamented that one of the saddest aspects of lung cancer is that while in most cases this disease can be prevented, it is nonetheless on the rise.

Dr. Demong pointed out a most important fact:

The risk of lung cancer is materially reduced for smokers who give up the habit.

He pointed out that atypical cells in the lungs disappear shortly after a person quits smoking, owing to the elimination of the irritating elements of cigarette smoking.

Mr. President, the article reports that lung cancer this year will kill approximately 59,000 persons in this country. I ask unanimous consent to have the article printed in the *RECORD*, hoping that its message, like that of an increasing number of statements, will offer encouragement to smokers who are seeking to overcome this habit, and will help to reduce the temptation to our youth to take up smoking.

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

THAT LAST CIGARETTE: AN INVESTMENT IN LIFE

(By Donna Logan)

Snuffing out your last cigarette can add years to your life, says a noted Denver chest and heart surgeon, Dr. Charles D. Demong.

In a relatively short time after a person quits smoking, any atypical cells in the lung disappear because the irritating factors in cigarette smoke are removed, Demong said in an interview.

April is Cancer Crusade month, sponsored nationally by the American Cancer Society.

"The risk of lung cancer is materially reduced for smokers who give up the habit," says Demong, "yet the disease is getting to be common."

CLAIMS 160 LIVES A DAY

Lung cancer, in fact, claims more lives—160 a day—than any other form of cancer in the United States, and is the leading cause of cancer death among men, according to the American Cancer Society.

But women, too, are increasingly falling victim to the disease because more of them are smoking now.

"The sad thing," says the physician, "is that in most cases lung cancer is preventable."

Demong quit smoking cigarettes a year ago and turned to pipe smoking. More doctors, in fact, have given up the habit than any other segment of the population, he said.

"There's no doubt that there's a direct relationship between smoking and lung cancer, and coronary heart disease. So why smoke?" says Demong.

"There has to be a choice by people if they want to assume the additional risk of smoking cigarettes," Demong says.

Prevention and early detection are the most important aspects of the problem.

SOME ARE CURED

"Many who have it are cured, but frequently it (lung cancer) is advanced by the time we see it," he said.

What are the symptoms of lung cancer? The most common symptom, says Dr. Demong, is a persistent cough.

"People who smoke, however, attribute their cough to smoking when, in fact, it may indicate lung cancer."

Other symptoms are blood in the sputum, "a common occurrence," he said, and a shadow on the lung shown by X-ray which doesn't respond to the usual treatment.

YEARLY CHECKUP

The diagnosis of lung cancer can be made through a regular chest X-ray examination which should be made "at least every year," Dr. Demong said; examination of sputum cells and a bronchoscopy examination.

Despite these tests, exploratory surgery often is necessary to establish a diagnosis of lung cancer, he said.

Squamous carcinoma—the most common type of lung cancer—"all is associated with smoking," he said, while adenocarcinoma can be found in persons who don't smoke.

"Quite a few can be cured by X-ray and surgery," the Denver surgeon said, "and chemicals are also used but there is nothing really effective about chemotherapy for lung cancer."

Lung cancer this year will kill approximately 59,000 persons in the United States—49,000 men and 10,000 women.

HUMAN RIGHTS AND PEACE

Mr. PROXMIER. Mr. President, in these days of war and confusion, skirmishes and anxiety, we on this whirling globe are all reaching out for the brass—perhaps I should say golden—ring of peace and stability. We search for peace in the Middle East, in Nigeria and Biafra, in Vietnam, and closer to home, in the troubled cities of our land. Our quest ranges from devoted work in the interests of peace to the quiet praying for peace. Some make the achievement of peace their life's goal—others accept peace as a virtue unattainable.

And yet, if we were to look in our own backyard, we can find a road which can help lead to peace. A road to peace is one made up of the untrammelled human rights of mankind. These inalienable rights—those of life, liberty, equality before the law and in society, are secure when peace is assured, and are trampled when the hope of peace is ground to dust.

These rights, translated into contemporary terms, form the basis of the Human Rights Conventions which are now before the Senate. The Human Rights Conventions, on Genocide, Forced Labor, and the Political Rights of Women, are attempts, as effective as man can make them, to secure rights which have been violated and to promote rights which have been forgotten. If we are to have peace in this world, we must secure the common rights of mankind. And if we are to secure those rights, we must ratify the Human Rights Conventions.

As we in this Chamber pursue our thoughts on peace, it would be well for us to remember the relationship of human rights to peace, forcefully stated by President Kennedy in 1963 when he said:

And is not peace, in the last analysis, basically a matter of human rights?

I hope we have the courage to take the first step to peace, the ratification of the Human Rights Conventions.

THE SUPERSONIC TRANSPORT

Mr. CANNON. Mr. President, this morning the Washington Post published an article entitled "Nixon To Omit New Funds for SST Prototype." The article stated that the budget presented to the Congress does not contain new funds for the transport prototype. The budget apparently will make available "left-over funds from previous years."

I think this is a serious error on the part of our Government at a time when we have problems with balance of pay-

ments—at a time when we are facing a tremendous growth in the air transport market.

The international SST era began in December 1968 with the first flight of the Russian TU-144. This was followed in March of 1969 by the flight of the French Concorde, and just in the last few days the British version of the Concorde also made its first flight.

Mr. President, here are three supersonic transports already in the air, and we have yet to begin construction of the U.S. version of the supersonic transport. It has been estimated that revenue passenger miles in the free world will increase at least sixfold between 1969 and 1990. It has been estimated that \$125 billion worth of new commercial aircraft will be required to carry this traffic. Of this expanding traffic the SST market will total about \$25 billion by 1990. The proposed American SST design can obtain at least \$20 billion of this \$25 billion market through the sale of at least 500 SST's, 270 of them to foreign airlines.

We should remember that the aerospace industry is the largest single production element in the total American economy. Of about 69 million workers in the United States some 1,400,000 work in the aerospace industry. As a comparison, the automobile industry employs something over 800,000; and the steel industry, over 500,000. The prospective direct employment for producing 500 SST's will involve approximately 50,000 additional people at peak production. There will be an additional 150,000 in industries connected with the production of the aircraft. The original investment \$1.2 billion will be returned by the sale of the 300th aircraft and an additional \$1.2 billion will be paid by the time we sell the 500th airplane.

Mr. President, if we do not proceed with the supersonic program, we will lose both new jobs and new tax revenues, and certainly our No. 1 position in the world's aircraft industry.

Mr. President, I ask unanimous consent to have printed in the *RECORD* the Washington Post article and an open letter to President Nixon from Wayne Parrish, the editor-in-chief and president of the American Aviation publication.

The open letter has in it 15 points telling why the United States should proceed with this aircraft. I think it is well worth reading.

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

[From the Washington Post, Apr. 15, 1969]

NIXON TO OMIT NEW FUNDS FOR SST PROTOTYPE

(By Spencer Rich)

The budget being sent to Congress today by President Nixon does not contain new funds to start construction of the supersonic transport prototype, it was learned yesterday.

The Nixon budget does make available—as did President Johnson's proposals—leftover funds from previous years (recently estimated at \$92.7 million) for continuation of research, development and related activities.

But Mr. Nixon is not now requesting any of the additional \$212 million that officials of Boeing, the company that is working on

the aircraft, have said would be needed in Fiscal 1970 to begin construction of an operational prototype plane.

Officials said yesterday that Mr. Nixon's decision not to seek funds now for a prototype does not necessarily imply that the plane project is being killed.

Rather, they said, it indicates that Mr. Nixon has not yet made up his mind about whether, and at what pace, to go forward with the controversial project, which has been beset by public fears of sonic boom, by design revisions, and by the budgetary squeeze.

Officials said that if Mr. Nixon decides to begin moving to prototype construction, he could conceivably take some of the money from the President's contingency fund or ask Congress for a supplemental appropriation. Mr. Nixon still has some working time left, because the new funds need not be provided before the start of Fiscal 1970—2½ months from now.

Mr. Nixon's message to Congress yesterday outlining his new program made no mention of the SST.

In the related field of air traffic control and airport development, Mr. Nixon is revising President Johnson's package of proposed air user taxes. But his Administration reportedly has not yet made a decision on whether to set up a trust fund that would receive income from the user taxes and spend it solely on new air facilities and improvements.

The Nixon air user tax package would bring in more than \$150 million a year in revenues, and would include the following taxes:

An increase in the ticket tax on domestic passenger service from the current 5 per cent level to 8 per cent. (Mr. Johnson's proposed increase was to 7 per cent.)

Imposition of a 5 per cent waybill tax on air cargo, carried mainly by the major airlines. (Mr. Johnson had asked 3 per cent.)

An increase in the gasoline tax for general aviation (private planes) to 7 cents a gallon instead of the current 2 cents for the 10 years starting in 1969. (The Johnson proposal raised the tax in steps to 10 cents by 1972.)

Imposition of a 7 cents a gallon tax on jet fuel used in general aviation for the 10 years starting in 1969. (The Johnson proposal reached 10 cents by 1972.)

As compared with the Johnson program, Mr. Nixon's air user taxes lean more heavily on the airlines and their passengers than on general aviation. The basic idea behind the user taxes and the related, undecided trust fund proposal is to help fund a vast expansion of the Nation's airports and air traffic control systems to meet future aviation needs and insure flight safety.

The SST, being built by Boeing with General Electric providing the engines, has already cost the Government nearly \$500 million, and under current estimates the figure will exceed \$1.2 billion by the time the plane has test-flown 100 hours.

Boeing officials said yesterday that they are now gunning to put the plane into the air on a commercial basis in 1978, but fear that any delay in building a prototype—they are actually talking of building two prototypes—would delay the plane sufficiently so that it will lose a large part of the overseas sales market to the British-French Concorde, a prototype of which flew for the first time earlier this year, or to the Russian TU-144.

"If we have to delay much beyond then, the Concorde may have reached a second-generation plane and we could be in trouble," one official said.

He estimated that if the Government were to provide \$110 million for a start on a prototype this year, his company could hold its scientific team together and not ultimately lose more than about 9 months in the 1978 target date.

[From American Aviation, Apr. 14, 1969]

AN OPEN LETTER TO PRESIDENT NIXON: SST—WHAT'S THE QUESTION?

(By Wayne W. Parrish)

You have facing you, Mr. President, a decision as to whether to proceed with America's supersonic transport project, to slow it down drastically, or even to scrap it.

In the largest sense, your review is of your own making, because Congress has backed the program consistently since its inception in 1961. So have Presidents Eisenhower, Kennedy and Johnson. The only extraordinary factor about an SST review at this time is that anyone should be questioning the project at all.

There has been considerable sniping at the American SST from a few editorial writers and from a small group in Congress, and from some of your own economist advisers. None of these critics can reasonably qualify as experts in either aeronautics or in world air transportation and its competitive impact in the global economy.

Before you yield to any of the fallacious arguments against the SST, we suggest you take a sharp look at the following hard facts:

(1) If the U.S. does not go ahead with an SST, our own U.S. airlines will have no choice but to buy supersonic transports abroad. It is impossible for an international American carrier to compete against supersonics without having some themselves. This is a major concern not only in the delicate matter of balance of payments, but in the area of national prestige and the maintenance of a strong U.S. aircraft manufacturing establishment.

(2) Supersonic transport is an inevitable, logical, natural progression of aeronautical development of the jet age. Passenger traffic on long-haul intercontinental routes will go by SSTs, regardless of who builds them. Speed is and has been for four decades the dominant factor in growth and preferences in world air transportation. To determine the impact of SST, it is only necessary to hark back to the initial subsonic jets of 10 years ago. Those airlines that held back on their orders and were late starters with jets saw their traffic crippled; some barely managed to remain in business. This is a simple fact of life. Passengers will choose speed over all other factors.

(3) One of the arguments being used against an American SST is that the military has no requirement for such an airplane. Without fear of contradiction, 100% of this argument stems from the position taken some years ago by then Secretary of Defense Robert McNamara. Without fear of contradiction, not a single responsible military man in or out of service would support that view. A dozen years ago the Pentagon took a similar official position against subsonic jet transports. Where would the military be today without its jet fleets? For that matter, where would the White House be without jet transportation? The military will require supersonic transports as sure as the sun will rise tomorrow; to be without them would be unthinkable. As has been proved over and over again, Mr. McNamara was not the greatest military/defense brain this country has ever had.

(4) We ask you, Mr. President, what would be the reaction around the United States about 1973 or 1974 when the first SST to land at John F. Kennedy Airport in New York would be a Soviet Tu-144 or the British/French Concorde—and the U.S. would not be proceeding with its own SST? Remember how we lagged in our space program until the Soviets jolted the world with Sputnik I? Remember how costly it was for the U.S. to push the panic button in a great rush to regain our lost prestige? The Soviets long ago determined their role in supersonic transport and have been working diligently toward this end ever since. The British and French have

likewise been at work. Both of those SST prototypes have now flown, and both models should be operating commercially by 1973.

(5) A great deal of fuss has been made by critics about the sonic boom. Most of these critics have never heard one. Look at the facts. First of all, no SST will take off or land at supersonic speeds; it's impossible to do so in any case. There will be no really substantive noise or operating differential from present-day jets. Noise improvements are being made and will continue to be made.

Secondly, the American SST is designed to fly economically across the U.S. and other land areas at subsonic speeds. Supersonic speed is for long-haul, over-water routes, and if you will look at the globe you will see that the larger part of it is water and the major intercontinental air routes are over water. The sonic boom is not a problem. Any supersonic, airplane, military or commercial, can be a problem if one wants to create it. In realistic operating terms, the answer is no. And even the sonic boom itself will inevitably be controlled in time. In fact there is good reason to believe that high-level supersonic flights will be able to operate over land some time down the road without public objection.

(6) The U.S. has maintained the number-one civil aviation position in the world for many decades. This position has made a very major contribution to our balance of payments. Are you, Mr. President, and are the SST critics, prepared to give up this number-one position? If we should scrap our SST (God forbid!) this would be the best news the French, British and Soviets would have in decades. It is a very great mistake to underestimate the Soviet Union's determined drive to sell their Tu-144 in the world market. Up to now, the airlines of the world have come to the U.S. to buy. But what if we have nothing to sell in the next round?

(7) There has been a great deal of loose talk about government subsidy for the SST. This is not a subsidy project. It is the financing of an investment. Under the very tight contract with The Boeing Co., the government will be repaid its investment 100%. The world market for SSTs is estimated at 500 by 1990. If we sell 300 SSTs, the American taxpayer gets his money back. If we sell more, the taxpayer bets back interest plus a share in the profits. What other government program calls for such repayment in dollars plus share of profits? And this does not take into account the contribution to the economy of having 50,000 workers employed in building the airplanes.

(8) Mr. President, please ponder this one: If the SST project is scrapped, the U.S. would not have one single forward aeronautical program of any kind. The thousands of talented engineers and scientists who have been involved in the supersonic art would vanish into other lines of work. These teams could never be pulled back again. What a travesty that would be for a nation that now is the number-one civil aviation power in the world!

(9) And here is a startling fact: If the SST project is cancelled, no less than one-half billion dollars would go down the drain—gone and lost. The critics seem to forget that SST has been under way for eight years with full backing of Congress and government.

(10) The cost of two prototype SSTs with 100 hours of test flying is estimated to be \$1.3 billion, with the manufacturers bearing a significant part. Part of this cost has already been expended. (It is estimated that heroin addicts in the U.S. need to find, rob or steal \$1.5 billion per year just for fixes, a total loss to the community. Isn't it time to put a sound investment in proper contrast with the costly, cancerous evils that pervade our country today?)

(11) At \$40 million per airplane, 500 SSTs add up to a tangible market of \$20 billion. Half of these sales would be to foreign airlines. Are you prepared to sign away this vast

market, not only losing dollar sales to this country but forcing American carriers to export their dollars for purchases of supersonic transports overseas?

(12) Are you aware, Mr. President, that airlines have deposited \$59.5 million in down payments on American SST orders—without interest—and that some major foreign airlines have also put money into the U.S. as down payment even though they could not be required to do so?

(13) There has been a lot of irresponsible talk that the British/French Concorde (already in flight testing) will not be able to fly a full load of passengers between New York and London or Paris. This is nonsense. Pure misinformation. It is fully anticipated that nonstop, full-payload service with the Concorde will be inaugurated in 1973. Thus, the Concorde will have a five-to-seven-year jump on the American SST if we proceed now. Are you prepared to delay our entrance into the market even further?

(14) The British/French Concorde is a Stage I supersonic. So is the Tu-144. The U.S. made a decision some years ago not to compete with such a Stage I airplane, but to make an initial leap ahead to Stage II—a faster, larger and more flexible airplane that is as efficient subsonically as it is supersonically. The U.S. need not fear the Concorde if it is working on Stage II. In fact, the British/French project, as well as the Soviet Tu-144, is a welcome entrant into the supersonic era. American carriers have ordered and will fly the Concorde until the American Stage II SST is available. If there is no American SST, or if it is further delayed, this would indeed be an incredible posture for the U.S. and its air carriers.

(15) There has been some sniping that the SST would be "only for the few." Presumably this talk is based on an assumption that SST will require a premium fare. The same was said about subsonic jets a dozen years ago. There is nothing to indicate that an SST will require a higher fare, unless the initial operators of the Concorde place a premium on introductory services in light of the expected heavy demand. For the few? The jet has expanded world air travel immensely. Last year the airlines of the world carried 236-million passengers. The bulk of this travel was in jets. The same progression will come to the SST on long-haul routes. Air transportation is not for the few, it is for everyone, because there's hardly any other way to go.

Air transportation is the lifeline of the U.S. and the world. Scrapping the American SST will not hold back world air travel, it would merely take the leadership out of our hands.

THE LEAGUE OF WOMEN VOTERS' 50TH ANNIVERSARY YEAR

Mr. TYDINGS. Mr. President, when the 19th amendment to the Constitution was ratified 50 years ago, the National Woman Suffrage Association held a victory convention in Chicago from which evolved the League of Women Voters. Of the several groups that had worked for the enfranchisement of women, the league is now, by virtue of its subsequent growth and effectiveness, the most widely recognized.

League members throughout the country meet in small groups and large to discuss community and national issues and devise ways of affecting public policy. It is a determinedly political, but nonpartisan, organization. I think all of us here are aware of constructive efforts mounted by the league within our States and at the national level. There may be

no organization doing a more effective job of educating the public on major issues. Because league members are generally knowledgeable about the issues at hand and about the political process, their opinions command the attention of their fellow citizens as well as their representatives in the Government.

To cite just one example from my own experience with the league, I will recall the decisive role it played during the national debate on the reapportionment of State legislatures. After extensive study, the members of the league elected to support the one-man, one-vote principle, and to oppose the proposed constitutional amendment that would have allowed one house of a State legislature to be apportioned according to matters other than population. The announcement of the league's position had a decisive effect on the outcome of that debate in the U.S. Senate.

In recognition of the league's 50th anniversary year, the Washington Post recently published an article written by Julius Duschka in its Potomac magazine describing the present organization of the league and a little of its history. I commend Mr. Duschka's article to Senators 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:

THE LEAGUE OF WOMEN VOTERS: THEY'VE COME A LONG, LONG WAY (By Julius Duschka)

On a gray winter morning 15 women gathered in the comfortable family room of the Herman P. McNatt residence at 14620 Melinda Lane in Rockville to have coffee, exchange neighborhood gossip and talk about poverty in Montgomery County. Three of the women were knitting and another was turning worn-out collars on some shirts as Mrs. George McRory led a discussion, complete with hand-drawn charts, on the country's poverty problems and the inadequate community efforts to help its 1600 poor families.

A male reporter felt like an interloper as he sat in the back of the room listening to Peg McRory, who is a great-great granddaughter of Julia Ward Howe, author of the "Battle Hymn of the Republic." When you are the only man in a family roomful of women it is of course impossible to be inconspicuous. I was there because I had been told I could never understand the League until I had seen one of its unit meetings.

I became interested in the League of Women Voters when I learned earlier in the winter that the ladies were beginning a year-long celebration to mark the 50th anniversary of their organization and of the ratification of the constitutional amendment which gave women the right to vote. "Yes, we're celebrating for a whole year," Mrs. A. P. Guyol, national public relations director for the League, said rather defensively, "but the Girl Scouts spent three years celebrating their 50th anniversary."

For 50 years now women like those who gathered in Mrs. McNatt's family room out in Rockville the other day have been meeting in small groups and earnestly discussing such problems as poverty. Not only are League members earnest; they are purposeful, tenacious and often frighteningly well-informed. And they can be effective. No less a political realist than Sargent Shriver wrote the national president of the League last spring when he was still directing the war on poverty to praise the League for its support of the antipoverty program and to say

that the organization "surely helped to make the difference between passage and outright rejection or dismantling of a highly controversial and effective poverty program."

Men of course are always tempted to kid women's organizations. There is the clubwoman image of the Helen Hokinson cartoons in the *New Yorker* which showed the befuddled lady chairmen entangled in Roberts' Rules of Order. And there is the further feeling among men that despite women's demands for equality the ladies are always prepared to fall back on appeals to motherhood or on their own feminine winks and wiles even to get poverty legislation through a stubborn Congress where the pervading atmosphere all too often is still that of a man's smoker.

But what about the League of Women Voters at the decidedly matronly if not grandmotherly age of 50? To find out I went not only to a League unit meeting to sample its participatory democracy; I also spent some time at its national headquarters on the fifth floor of the American Psychological Association Building up on 17th st. and Rhode Island ave. nw. as well as on Capitol Hill. There, among other things, I found the remnants of the rival Woman's Party and its proud leader Alice Paul, who organized the woman's suffrage march down Pennsylvania Avenue 56 years ago—broken up by the police on the eve of Woodrow Wilson's first Inaugural on March 4, 1913.

The League of Women Voters is the daughter of the National American Woman Suffrage Association which along with the Woman's Party and some other organizations carried on for more than 60 years their fight for women's suffrage. The battle ended in 1920 when the 19th amendment to the U.S. Constitution was ratified. The amendment was adopted by the Senate and the House just 50 years ago, in 1919. Early in 1920, before the suffrage amendment had been ratified by the necessary three-fourths of the states but when it was already obvious that the amendment would become part of the Constitution, the National American Suffrage Association held its victory convention in Chicago. It was followed by the first national Congress of the League of Women Voters.

Carrie Chapman Catt, last president of the National American Suffrage Association and first president of the League of Women Voters, explained the League's purpose to the founding congress in these words: "We are going to be a semipolitical organization. We want to do political things. We want legislation. We are going to educate for citizenship . . . Be a partisan, but be an honest and independent one. Important and compelling as is the power of the party, the power of principle is even greater. Those who have struggled in a 60 years old battle for political freedom should not voluntarily surrender to political slavery—and one kind of partisanship is little more than that. It is possible, even though unusual, to be a partisan and an independent."

"To sail between the Scylla of narrow-minded partisanship on the left and the Charybdis of ultra-conservatism on the right," declared Mrs. Catt in her peroration, "is the appointed task of the League of Women Voters; through that narrow and uncomfortable passage it must sail to wreck upon the rocks or to glorious victory."

In the nearly half a century since Mrs. Catt spread out her vision of the League of Women Voters, the organization has been on some shoals and has had some glorious victories. The tiny, gray-haired and persevering Miss Paul still directs the Woman's Party from the early 19th century Alva Belmont House at 144 Constitution ave. ne. across from the U.S. Supreme Court building, continuing its 46-year-old campaign for an amendment to the Constitution guaranteeing women equal rights in all matters of law. But the League of Women Voters, now

under the direction of the fortyish, stylish Mrs. Bruce B. Benson of Amherst, Mass., is involved in all matter of issues ranging from foreign trade to the poverty program. The League now takes a neutral stand on the equal rights amendment, which it opposed for 30 years on the ground that it would take away from women protective labor regulations and other laws designed to help them.

"I'm not a feminist really," said Mrs. Benson, a blonde, attractive woman of 41 who favors gold jewelry, as we talked about the League in her modest, vaguely academic and New England office on 17th Street.

"A feminist," she continued, "is really someone who thinks women are better than men. I find myself very irritated with people who treat me as a woman rather than as an individual. If that young thing wants to be a jockey, let her be a jockey, not because she's a woman but if she's able to do it." (Mrs. Benson was referring to Diane Crump, the 20-year-old woman who has had such a difficult time trying to establish herself as a jockey in the face of opposition from male jockeys and from the men who control horse racing.)

Lucy Benson is fairly typical of the 150,000 members of the League of Women Voters. She is the wife of a physics professor at Amherst College. She joined the League in 1950 when the wife of the chairman of her husband's department asked her to. That's the kind of an invitation you don't turn down. But however reluctant Mrs. Benson may have been in the beginning she soon became a highly interested member. Like most other League members, Mrs. Benson is middle-middle to upper-middle class, well-educated (bachelor's and master's degrees in political science from Smith College and a master's thesis on the decline of the British Liberal party) and intensely concerned about the world around her.

Before becoming national president of the League last year, Mrs. Benson was head of the Massachusetts League. She led such a successful drive to end the excessive powers held by the Governor's Council that an infuriated legislator once referred to her group as the "League of Women Vultures." Commenting on Mrs. Benson's work as president of the Massachusetts League, a Boston newspaper noted: "She has dared to lead the League's 12,375 members far deeper into the thicket of politics than ever before. Today, as a result, the League of Women Voters of Massachusetts is unquestionably the most powerful political action group in the state."

In recalling her experiences in Massachusetts politics, Mrs. Benson said as she sat in her Washington office smoking a cigarette and occasionally sipping coffee from a paper cup: "Probably, most politicians do not attack the League because they are afraid it will boomerang on them as an attack on motherhood. Politicians have very mixed feelings about the League. Many wish the amount of energy we put into the League could be channeled into the political parties. Others want us to be barefoot, pregnant and in the kitchen."

Over the years the League has generally been allied with liberal causes. In the 1920's Mrs. Catt, an internationalist, got the League to sponsor a conference on ways to keep the peace and prevent war. The League has long advocated the removal of most restrictions on world trade. Domestically, the League in recent years has supported civil rights legislation and electoral college reform as well as the antipoverty program. But the League's program, which is supposed to percolate up from hundreds and even thousands of unit meetings to its biennial conventions (and does for the most part), has some curious blank spots. It has never taken a stand on the war in Vietnam and it has not become involved in the current surge of concern over consumer problems, an area that would seem

to be made to order for a liberal-minded women's organization.

One reason the League often does not quickly become involved in controversial issues is its tradition of study, study and more study. Its units, for example, are supposed to have been talking about Communist China for four years now. Open housing has been on the agenda while Federal legislation has been passed and gone into effect. Another problem which confronts the League is the feeling among some of its leaders and a lot of its members that they only influence themselves.

"Are we just talking to ourselves?" Mrs. Benson asked in the course of our conversation. "Sometimes I think this is true, but it is not because League members want to talk just to themselves. It's because we lack financial resources to get our information out."

Throughout the country last year, the League spent almost \$2.7 million, but only \$447,000 of that made up the budget of the national office in Washington. As part of its 50th anniversary the League is seeking to raise its national budget by one-third. Funds for its national office come about equally from members' dues, which are around \$10 a year and which are divided among local, state and national offices, and from contributions which members seek annually from businessmen. The League doesn't even pay all of Mrs. Benson's expenses as president. She spent three days a week in Washington and travels a great deal. "We have been and still are extremely poor," Mrs. Benson said, "and that's the honest-to-God truth. We still depend on voluntary contributions and that old sort of Lady Bountiful business."

Mrs. Benson and other League leaders think that the organization is probably more effective on the local and state levels than in national affairs. Local Leagues like to submit questions on key issues to candidates for public office, and these questionnaires often succeed in getting would-be fence-sitters to take positions on issues. Leagues have also helped to organize many successful campaigns for amendments to state constitutions and for reform of city charters.

But when it comes to influencing Congress or the executive departments in Washington, the League's role is much harder to assay. On a major issue before Congress there are so many pressures on both sides that it is difficult to know who is genuinely persuasive.

"Knowledge and tenacity are what we have," said Dorothy Sortor, a wide-eyed, attractive brunette who is congressional secretary—or chief lobbyist—for the League, when I asked her about the League's clout on Capitol Hill.

"League girls," Miss Sortor added, "like to read and they like to write. They know what's happening in the community, and congressmen are responsive to that. Members of Congress appreciate the quality of the letters that come in from the girls."

Senators and Representatives also appreciate the quality of the husbands of League members. Miss Sortor acknowledged that League members whose husbands are important men in a community are not about reminding Members of Congress of such not incidental facts. Sometimes the Senators and Representatives need no reminding because they quickly recognize the name of the League member who may be the wife of the president of the biggest bank back home.

As Miss Sortor makes the rounds of congressional offices she says that she still finds "a lot of men in government with a 19th century mentality."

"They say to you," Miss Sortor continued, "Oh, isn't it nice that you're interested in government?"

"Women," Miss Sortor added, "are still at a disadvantage intellectually, and the League

is a place where a woman can shine on her own merits. There are no strictly 'woman' issues left anymore. But the League is a place for women who are committed, who have tenacity and who have ability and the time to stick with something. You can't be involved in the world and then just go home to raise babies."

The League also has served as a training ground for women who enter public life. Esther Peterson, a former Assistant Secretary of Labor, got her start by going to League unit meetings for coffee, gossip and serious discussions of issues, as did Mary Keyserling, who until recently was director of the Women's Bureau in the Labor Department. Other League members who made good in public life in the Washington area include Joy Simonson, chairman of the District of Columbia's Alcoholic Beverage Control Board; Kathryn Stone, a former member of the Virginia House of Delegates, and Margaret Schweinhaut, a Maryland State Senator.

Being serious-minded, the members of the League not only are always examining the world about them but are also always looking inward, too. Among other things, this means (in these days when it sometimes is easy to mistake a man for a woman on the street) that the League members are reexamining the need for a woman's organization a half century after women won the vote.

"The question is," League President Lucy Benson said as we talked about the League's future, "whether a women's organization *per se* continues to have any validity. Or is it anachronistic? There have been suggestions that we change our name simply to the League of Voters. Even bastions of female education like Vassar are going co-educational. There is all this student activism and interest in public affairs. Maybe we should make it possible for all young people and not just young women to get involved in the democratic process through an organization like the League."

Maybe. But it is hard to visualize men in a Rockville family room with clipboards at the ready, earnestly discussing poverty, seriously trying to understand its causes and laboriously trying to think, as one woman put it that morning in the McNatt home, "about what really we should be focussing on."

There is something about the slow, educational process of the League of Women Voters that seems to be peculiarly suited to the legendary patience of woman. Besides, man still needs a conscience, and in matters political the League of Women Voters is often as good a conscience today as the suffrage movement was 50 years ago.

FOOD ASSISTANCE PROGRAMS IN VIRGINIA

Mr. SPONG, Mr. President, last Saturday I released a preliminary report on a tour of Virginia to view existing food assistance programs and to determine the extent of hunger and malnutrition which may exist in the State. The report covers the approach and the findings of the first 4 days of the tour.

I have announced my intention to visit additional areas, mainly urban ones, during the Memorial Day recess, and I intend to do so. Much legislation designed to rectify omissions and flaws in current programs is, however, being written at this time; as a result, I may not be able to reserve all comment on the existing programs until the completion of my tour, as I had hoped and as I had indicated in my report.

Nevertheless, the report does reflect findings which I believe will be of interest to a number of Senators. Therefore,

I ask unanimous consent that the text of the report be printed in the RECORD.

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

INTERIM REPORT ON FOOD PROBLEMS IN VIRGINIA

During the past week I visited Virginia localities to view existing food assistance programs and to determine the extent of hunger and malnutrition which may exist in the state. I visited in the Valley of Virginia, in the Southwest, in Northern Virginia and the South Central area—in one predominately white area, one predominately Negro area, and two mixed areas. I have been in twenty low-income homes, talked to nearly a hundred participants in various food programs and reviewed available aid with more than twenty-five officials. I saw in operation the food stamp program, commodity distribution centers, school lunch programs, Head Start operations, the VPI expanded nutrition program and Community Action Programs. I used the Easter Congressional Recess and plan to use the Memorial Day Recess for visits in order to avoid missing Senate sessions and possible votes.

My staff has visited with additional families and discussed relevant matters with public officials and interested private citizens. On the tour, I was accompanied by medical doctors and reporters who had access to the same information I had.

We found no cases of starvation.

We did find a number of persons living in desperate circumstances, many of them on welfare or pensions, who say they are, at times during the month, without food. We found many of these persons to be extremely dependent on food stamps or the commodity distribution program—the two principal Federal food assistance programs—and wondered how these people managed before the programs were instituted in their area.

We found anemia—especially in preschool children. While an average suburban community will have an anemia rate of about 14 percent in preschool children—due to a failure to eat properly, rather than a lack of access to a balanced diet—a Northern Virginia Head Start Program in an urban area discovered that 30 to 35 percent of its three-to-five year-olds suffered from anemia; a clinic in Appalachia learned 63 percent of its preschool patients were anemic; and a center serving central Virginia had a 55 to 60 percent anemia-rate for its preschool youngsters.

We found malnutrition in the rather subtle forms of iron deficiency and protein deficiency. There are children in Virginia who are sluggish, tired and apathetic as a result of iron deficiency. There are Virginia youngsters who do not grow well, who do not perform well physically and who may not perform well mentally as a result of protein deficiency.

I saw conditions I did not know existed. I saw youngsters in conditions which would fill middle- and upper-income parents with anguish and sadness. I saw mothers, with few assets, who were trying. But I also saw children whose physical and mental development has been and is being hampered by inadequate diet. And, I knew, that unless steps are taken, the odds are against these children ever sharing fully in the life of this nation, or contributing fully to their own upkeep or the development of their community.

When I decided to undertake this study, I knew that it would not be a popular thing to do. No Virginia representative could be unaware of the general antipathy throughout the state with regard to welfare and poverty problems. Virginia, with a tradition of economy, has often resisted federal expenditures for programs such as those I reviewed. Also, just as an individual dislikes having his faults widely known, a locality objects to having any less favorable aspects publicized.

Finally, there is, in many cases, the belief that hunger and malnutrition are racial problems, and this belief is often reinforced by the activities of black militants and white extremists, which make objectivity difficult. It was clear to me in my travels that the problem of food deficiency plagues both white and black Virginians.

Despite the opposition to such a tour, the fact remains that federal food programs operate in Virginia; there have been many complaints about them; and I felt a duty to determine first-hand the situation within the state, both in regard to the programs and to the extent of hunger and malnutrition.

Throughout the visits, I had a dual purpose—to educate myself and to educate the public. The best means of doing the latter seemed to be through the news media. Throughout my travels the press was with me; reporters were permitted to question, at all times, the accompanying doctors. I believe the information we developed justified the presence of the media. And I believe the validity of our findings could be open to question had we not allowed the press to accompany us.

Except for the doctors who were present, I asked no one to accompany us. At the same time, no one was turned away. No questions were asked of any individual, and no press coverage was permitted without first obtaining the permission of the person involved.

I am profoundly disturbed by the situations we found and by the consequences some of these situations can produce. A wide range of programs operate in the state, reaching numerous persons. Virginians can be proud of these. But there are citizens in the state with inadequate diets, and there are undernourished children in the developmental stage when their physical and mental capacities are being determined. We cannot, ostrich-like, bury our heads in the sand and hope that these problems will go away—hope that somehow these children will reach their full physical and mental capacities.

There is seldom a mother who does not want her child to have the necessary items to insure a healthy life. There should not be a citizen of this nation willing to see a child restricted either physically or mentally because of diet. If we do not provide for the proper growth and development of our children, we do not provide for our own future. We must take the required action—whether it be in education for the proper utilization of available foods or in the provision of needed food and food supplements.

Although I have visited only selected areas, I am convinced that the conditions I witnessed exist, in varying degrees, in all localities—generally off the main roads and out of sight of the traveller. I intend to pursue my study further—mainly in the urban areas—over the Memorial Day Recess. We should reserve comment on the operation of the programs until after the study is completed.

In the meantime, I urge additional Virginia localities to participate in the food programs; that constructive discussion take place at the local, state and federal levels with regard to meeting the problems which have been identified; and that current information and theories on the consequences of inadequate diet be refined by detailed, scientific surveys and studies.

INADEQUATE MEDICAL CARE CANNOT BE TOLERATED

Mr. BAYH. Mr. President, 4 weeks ago, I wrote to General Heaton concerning Army negligence in the medical treatment of Sgt. David Morgan, Sp5c. William Beach, and Pvt. Louis Harris. On April 4, I received an interim report from the Acting Surgeon General, Maj. Gen.

Glenn J. Collins stating the Army was reviewing the three cases.

In the letter I received and in the attitude observed by some members of the press who talked with the Surgeon General's office, the Army appeared to take a rather routine approach to the problem. They seemed to regard the three cases as isolated incidents.

The time has come for the Army and the Congress to take note that these three cases are not isolated. Since I made them public, 15 new cases involving Indiana boys have been brought to my attention. In addition, information has been forwarded to our office from throughout the United States. Two men have died from meningitis at Fort Dix, N.J., and in both incidents the families have held inadequate Army medical attention accountable. There have been 21 meningitis cases and two deaths from meningitis at Fort Ord. The recent Presidio trials have pointed out inadequate medical facilities found in Army stockades.

I realize that the Surgeon General has a very demanding and difficult job in providing adequate medical attention for so many men in the Armed Forces. And I realize sometimes men are guilty of goldbricking, of feigning illness in the service. But there is no excuse for the treatment of an increased number of very real cases, in what amounts to a rather cavalier attitude. There is no room for such an attitude and there is no room for negligence in medical treatment for too often a mistake can be fatal.

From my observation the medical problems seem to fall into two general classifications: First, negligence in actual medical diagnosis and care; and second, careless assignment of medically handicapped men to areas which are too demanding of their physical conditions.

I am asking the Surgeon General to review the entire medical structure that allows such cases to exist. I want him to find out where the fault lies, whether it is inadequate facilities, lack of funding, a shortage of personnel or whatever it is so we can get it corrected.

It is our very excellent medical system which is responsible for the outstanding medical aid being given in the combat zone in Vietnam. Never before in a war have men received such good medical attention and received it so promptly. Many lives have been saved, are being saved by professional, medical attention in Vietnam. The doctors, nurses, technicians have been doing outstanding work.

But American military men should receive the best possible care wherever they are. The area where the attitude which borders on negligence appears is here at home in the United States and in other noncombat areas. That is why I am asking the Army, now, to take immediate measures to find out what has been causing this epidemic in medical negligence.

The Army should first be given a chance to review its medical facilities and to correct the existing problems. Members of Congress are sympathetic to the large and demanding job the Army faces in providing medical care to our servicemen. We want to help the Army give the best possible service. But if the Army

does not respond promptly, action should be taken by the Congress.

I ask unanimous consent that a list of cases be printed in the RECORD.

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

CASES

1. Edgemont, Pa.: A young man with a cyst on his left leg who was placed on limited duty, yet recently received orders to report to Korea as an Infantryman. The cyst was found during basic training at Ft. Campbell. Since that time, he has been at Ft. Sam Houston, Ft. Leonardwood, and Edgemont. The Army keeps postponing surgery.

2. Hoosier reservist: A civilian doctor determined this man to be a diabetic in October. He reported this to his unit and was told to get proper documentation and submit it to Ft. Benning. This was done, but he received orders for active duty at Ft. Leonardwood as of April 21, 1969. The Army never responded to this diabetic case. It took a call from this office to get the man discharged.

3. Ft. Meade: A serviceman who had received shrapnel wounds in the head while in Vietnam. Walter Reed was to keep him under observation to see if the shrapnel remaining in his head moved toward his brain, but he has not been x-rayed since December. Presently, he is having great difficulty with his eyes, but there is no eye doctor at Ft. Meade where he is stationed. His duty is working around tanks where the vibrations are very great.

4. Ft. Gordon: While riding a motorcycle at Ft. Gordon, this serviceman was hit by a car and had his leg broken. His leg was set at the base hospital, but he, himself had to point out that it was crooked and had been incorrectly set. It was rebroken and reset. Complications ensued and osteomyelitis has set in. His parents visited him at Ft. Gordon Hospital and observed what they termed unsanitary conditions. The following is a direct quote from the letter which brought this case to our attention: "There were 30 boys in the ward, all with open sores of some kind, and the nurses and doctors went from one patient to another changing dressings, never washing their hands, dipping them in antiseptic solution, or wearing rubber gloves. We even observed in one instance, a sterile bandage dropped on the floor, picked up with their hands, and placed on an open wound."

5. Ft. Lewis: A young man due to report for shipment to Vietnam on April 24, 1969. He has arthritis in his right elbow so bad that his permanent Army records show this and state that he is not allowed to even carry a weapon.

6. Ft. Bragg: A serviceman who has received orders for Vietnam who has to wear a back brace and is supposed to be on limited duty.

7. Ft. Knox: This case is related about a serviceman's 15-month-old son who became quite ill and was taken to the base doctor. The doctor said he has only a sore throat and gave the child aspirins and cough syrup. The following day the child had a high temperature and again a base doctor in the pediatric clinic was called and the parents were told to give the child a cold bath to bring his temperature down. Finally the parents took their child to a civilian doctor who diagnosed it as a severe case of tonsillitis.

8. Ft. Gordon: This young man suffered a fractured leg in high school and steel plates and pins were required to repair it. At the time of induction, he presented letters stating this condition, but was drafted. He collapsed from the pain in this leg in February 1969 and was then assigned to limited duties. He was given orders to report to MP School which is very hard and strenuous. Although he has complained to his

officers at Ft. Gordon and reported to the dispensary, he has been told that the pain he was having was "the kind he could live with." He was sent back to duty and was told he was just "trying to get out of the Army."

9. Ft. Holabird: He had polio as a child which left one leg shorter than the other and has experienced continued pain with it. The Army has told him his condition was from *quadriceps* weakness. Another time he was called a phoney and a liar for his complaints. He has been given a couple of weeks of therapy, which had no results, and pain pills.

10. Ft. Knox: He received head injuries which affected his eyes while serving in Germany. Civilian doctors say he is going blind. Army doctors claim there is nothing the matter with his eyes. At this time he is training for Vietnam.

11. Ft. Knox: Involved in a firing range accident, he has suffered a complete loss of hearing in one ear. Currently in Vietnam doing administrative work, he is still doing guard duty despite a permanent profile because of his hearing.

12. Ft. Sill: His assignments are said to be only for limited duty, but this is not the case. He has been told that he has had hepatitis and even counseled at Ft. Belvoir about having checkups regularly, but nothing appears on his medical records to this effect.

13. On duty in Vietnam: Long having suffered severe problems with his feet, and civilian doctors having advised his draft board of this problem, he was drafted anyway. Since he had such problems, he was given a permanent profile which stated he should be on his feet only short periods of time, but is now spending a great deal of his time on his feet as a cook in Vietnam.

14. Ft. Belvoir: He injured his hand on February 14, 1969, but it appeared at the time that no bones were broken. He returned to duty and reinjured his hand. Given 15 days leave with hopes that the hand would benefit from this rest, he returned to Belvoir after the 15 days and has been in the hospital since. He receives therapy twice a week, but the hand is not responding to treatment.

15. Ft. Leonardwood: He was drafted after being withdrawn from school on doctor's orders for thyroid deficiency. He had a very bad skin rash as a reaction to medicine that he was given, also a rare lump in his neck and a fissure that needs surgery. A date had been set for this surgery when he was drafted. All of this was ignored at the time of his being drafted. It has taken letters from my office to have this young man discharged. I have not been given the word officially that he is being discharged, but I have received a letter from the young man to this effect.

THE TAXPAYERS REVOLT—AND THEY SHOULD

Mr. TYDINGS. Mr. President, I recently appeared before the quarterly meeting of United Democrats of Anne Arundel County to present my views on one of the most pressing issues facing Congress—tax reform.

I ask unanimous consent that the text of my statement be printed in the RECORD.

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

As the opinion polls revealed during the past election, the political concern foremost in the minds of the voters was neither Vietnam nor race relations—the issues that were supposed to dominate the election. It was taxes that vexed the voters most.

The increasing use of the phrase "taxpayer revolt" is no exaggeration. From my conversations with constituents across Maryland and from the mail I receive, it is clear that the taxpayers of this State are fighting mad over the swollen size of their tax bills and the glaring inequities in our Federal tax structure.

And well they should be. Last year a 10 percent surtax was imposed to combat inflation. At the same time, an estimated \$50 billion a year in potential tax revenue that could be used to combat price rises is slipping through the loopholes in our jerry-built Federal tax system into the pockets of a privileged few.

State and local sales and property taxes continue their astronomical climb to pay for needed Government services. At the same time billions that could be used to finance these services are syphoned off for the private profit of the special interests.

The middle income taxpayers on whom the tax burden falls most heavily and most unfairly struggle to make ends meet in this period of rapid inflation. At the same time we are told that 155 Americans filed returns in 1967 on incomes of more than \$200,000 a piece and paid not one penny in Federal taxes. 21 members of this group earned in excess of \$1 million that year.

Is it any wonder that the average taxpayer is in a rebellious mood?

The Congress must enact far-reaching tax reform. We must do it this year. For the faith in our tax system as a fair way of raising the money needed to finance Government services is fading fast.

The list of loopholes that need to be closed is long. Let me simply point out some of the most blatant inequities.

First there is the oil depletion allowance. Adopted in 1902 to aid the then-struggling oil industry, it permits a person to freely pocket 27½ percent on his total take from oil or gas wells as a "depletion allowance" before even thinking about calculating his tax. In theory, it is supposed to operate like the deductions businessmen are permitted for the depreciation of their plant and equipment. Unlike deductions in other industries, however, the oil depletion allowance continues year after year as long as the well keeps producing. It does not stop when the cost of the well is recovered.

As a result of this loophole, the Treasury estimates the cost of the average oil well is recovered 19 times over. In 1966 the top 20 oil companies in the Nation showed a total profit of more than 4½ billion. Yet they paid Federal income taxes at the rate of only 3½ percent; about the same rate a man and wife earning \$3000 a year must pay.

With the oil industry booming today, the depletion allowance is nothing more than an enormous tax dodge which costs the American people \$1.3 billion a year. But it is ferociously defended by a lavishly financed lobby with the help of a coterie of sympathetic Congressmen.

Another unconscionable loophole in the Internal Revenue Code is the provision that permits capital gains to go untaxed at death.

When shares of stock and other forms of property increase in value, the increase is subject to tax as a capital gain when the property is sold. However, if a man never sells his property and it passes to his heirs, neither he nor his heirs will ever have to pay income tax on the increase in value.

This loophole obviously favors the very rich who have large amounts of accumulated wealth to pass on their heirs. In addition, it costs the American people approximately \$2.5 billion a year in potential tax revenues.

Under current tax law, the first \$25,000 of a corporation's earnings are taxed at 22 percent while everything above that is taxed at 48 percent. To take advantage of this situation, busi-

nesses often break themselves up into a number of separate corporations, each earning \$25,000 or less. In this way, they avoid paying the extra 26% tax entirely.

There is one case of one enterprise that divided itself into 764 separate corporations for a tax savings of nearly \$5 million a year.

The cost of this multiple corporation dodge to us is approximately \$200 million a year.

The list of loopholes runs on and on, including unlimited charitable deductions, different tax rates for gift and estate taxes, the use of hobby farms as a shelter for other income, and accelerated depreciation on speculative real estate.

Each loophole gives some special interest group unwarranted advantage over the average American taxpayer. Each one forces the rest of us to pay heavier taxes than we would with an equitable tax system.

Despite the outrageous nature of these loopholes and their obvious inequities, eliminating them will be a monumental task. Those who benefit from them are well-organized, well-financed, and determined to keep them on the books. The lobbyists for these special interests already are beginning to swarm over Capitol Hill.

However, the time has come to unite against those who would perpetuate the privileges of the few against the many. No democracy can long tolerate such blatant inequalities in its laws and retain the confidence of its citizens.

I, for one, intend to fight for real tax reform until it is won.

THE SOUTHERN NEVADA WATER PROJECT

Mr. CANNON. Mr. President, southern Nevada has become quite alarmed over the delay in the construction of the southern Nevada water project, designed to eventually provide much needed water to the southern Nevada area.

The administration last week canceled bidding invitations for almost \$12 million worth of construction in anticipation of a budget squeeze. Meanwhile, the Colorado River Commission of Nevada had raised \$10 million through a bond issue to construct a water treatment facility on Saddle Island. The operation and repayment is premised on the project being completed on schedule; and at an interest rate of \$1,250 a day, the State stands to lose many thousands of dollars from inaction. In the meantime, southern Nevada water resources are depleting at a faster rate as hundreds of families a month relocate into the area. Las Vegas and Nevada water experts tell me the ground water basin is being depleted at an alarming rate.

This is a ridiculous way to run any Federal program. I call for an immediate reopening on the bidding, without the April 15 budget cut which will cause hundreds of thousands of Nevadans to face a serious water shortage.

I ask unanimous consent to have printed in the RECORD two letters, one from the Colorado River Commission of Nevada and one by the Las Vegas Chamber of Commerce, which describe the position in which southern Nevada is left due to this arbitrary move by the administration.

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

COLORADO RIVER COMMISSION OF NEVADA, Las Vegas, Nev., April 9, 1969.

The President,
The White House,
Washington, D.C.

The Colorado River Commission of Nevada is very concerned over any possible delay in the construction of the Southern Nevada Water Project occasioned by your budget review of Federal programs. The water needs of the Las Vegas area, which includes Nellis Air Force Base, are too critical to allow for any delay whatsoever in the present construction schedules. The current water supplies for the Las Vegas area, being obtained from the underground basin by a vastly over-drafted condition, must be augmented to supply this rapidly growing area not later than early 1971, the presently scheduled delivery date of project water. The Colorado River Commission of Nevada is concurrently constructing a \$10 million water treatment plant with funds obtained through a bond issue. The operation of this water plant and the repayment of these bonds is premised on the Southern Nevada River Project being completed as scheduled. Any delay will have serious financial implications on the State of Nevada. From the outset the Southern Nevada Water Project has been considered a partnership venture between the State of Nevada and the Federal Government. It was on this premise that these bonds were sold and upon which we entered into a contract with the United States for the water project in which we will repay the Federal Government all its costs with interest. We urge that you take appropriate action to prevent any delays in the construction of the Southern Nevada Water Project.

ROBERT B. GRIFFITH,
Chairman.

LAS VEGAS CHAMBER OF COMMERCE, Las Vegas, Nev., April 10, 1969.

HON. HOWARD W. CANNON,
U.S. Senate,
Washington, D.C.

DEAR HOWARD: As you know from history, the Greater Las Vegas Chamber of Commerce headed an aggressive and successful effort to initiate the Southern Nevada Water Project through necessary legislation in the Nevada State Legislature.

Our Chamber has supported your equally determined campaign in guiding this all important water legislation through Congress and, in obtaining for the Southern Nevada Water Project bill, the signature of President Lyndon B. Johnson. We know the many hours of work involved on your part to steer this legislation to reality.

We are, therefore, greatly concerned with the recent news that bids for construction of this vital pipeline link have been cancelled, which will halt the construction schedule of the project. We urge that you exercise every means at your disposal to see to it that the construction bid cancellation by the Bureau of Reclamation is reversed in order that a continuity of this urgent project receives priority. Your continued initiative and leadership in behalf of the Southern Nevada Water Project is most appreciated by everyone in Southern Nevada who realize the necessity for obtaining this additional source of water. A copy of a telegram directed to President Nixon is enclosed.

Cordially,

KEN O'CONNELL,
Executive Vice President.

COPY OF TELEGRAM DIRECTED TO PRESIDENT
NIXON

Greater Las Vegas Chamber of Commerce
gravely concerned over possible slowdown of
Southern Nevada Water Project. We strongly

urge that no slowdown occur on the construction of this vital project. A serious water shortage will occur in this area if project not in operation early in 1971. Ground water basin is being depleted at alarming rate.

Colorado River Commission has under contract, construction of a \$10 million water treatment plant as part of this vital project with completion time for delivery of water through Southern Nevada Water Project early in 1971. Las Vegas Valley Water District has completed over \$15 million of facilities to receive project water and will have invested \$5 million more in like facilities by end of 1970. This is a partnership project. Federal funds will be completely repaid with interest under existing water user contracts. Again, we strongly urge no cutback in funding for Federal part of Southern Nevada Water Project.

W. BRUCE BECKLEY,
President, Greater Las Vegas Chamber
of Commerce.

UNDER SECRETARY TRAIN'S REMARKS ON THE NEED FOR A STRONG COAL MINE SAFETY LAW

Mr. JAVITS. Mr. President, several weeks ago I introduced S. 1300, a bill to improve the health and safety conditions of coal miners in the United States. Hearings are now being held on this and other proposed legislation to emphasize the pressing need for the rapid enactment of a law to protect the health and safety of the coal miners of America.

In remarks to the National Coal Policy Conference on March 11, 1969, Under Secretary of the Interior Russell E. Train stated that the time had come to substitute action for words in obtaining adequate safeguards for coal miners; he further emphasized that effective regulations for mine health and safety must be supplemented by increased research and development of solutions to the problems created by the advancing technology of coal mining. I have every reason to expect that the bill reported by the Committee on Labor and Public Welfare will serve this purpose.

I ask unanimous consent that Under Secretary Train's remarks be printed in the RECORD.

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

ADDRESS OF UNDER SECRETARY RUSSELL E. TRAIN, DEPARTMENT OF THE INTERIOR, AT THE NATIONAL COAL POLICY CONFERENCE, MARCH 11, 1969

Mr. Chairman, Mr. Moody, and members of the National Coal Policy Conference, it is a great pleasure to be here with you. Secretary Hickel has asked me to convey his greetings and to say how sorry he is that other commitments preclude his appearance today.

So, you will just have to settle for the Under Secretary. I am still getting acquainted with my duties, but I have learned a few things:

If an idea doesn't work, it was my idea. If there is a tough and extremely unpopular decision to be made, I will be called front and center to announce it.

On the other hand, when the Department is doing something that will be applauded, the directors of the various bureaus are not going to bother me about that. I'm too busy, so they will announce it.

And, unlike Secretary Hickel, who has

shot to the top of the recognition polls, I do not expect to become a household word.

As the new Under Secretary of the Interior, I have joined a small, but distinguished group of predecessors—distinguished not because they are seldom remembered as having served as Under Secretaries—but because they often have gone on to loftier positions.

I am the 17th Under Secretary, as compared with Wally Hickel, who is the 38th Secretary. This is not because Under Secretaries have endured longer, but because the post of Under Secretary didn't come into being at Interior until the administration of Secretary Ickes.

Most of the Under Secretaries have been from the West. I do not fit the pattern there. I am a native of the District here. Most of the Under Secretaries have been trained in the legal profession. In this regard, I can qualify.

Justice Abe Fortas, the last of the five Under Secretaries during the Ickes administration, first brought to the Under Secretaryship an interest in the problems of the coal-mining industry. He served two years under Ickes as chief counsel for the Bituminous Coal Division.

I think that you have been aware of the great pressures in the Department of the Interior at the present time. We have already embarked on two major legislative programs:

First, water pollution legislation to prevent and to clean oil spills by tankers and offshore oil wells.

Secondly, legislation to improve the health and safety of our Nation's coal miners. I might have a few words to say about that later on.

We have also just completed a review of the Department's budget for fiscal 1970. Appropriation hearings have been going on in the House for some time and will probably start in the Senate before the end of this month.

While several nominations for Assistant Secretaries have been announced, no confirmation hearings have been held. One practical result of this is that I have now learned to sign my name with both hands.

It is hectic over there at Interior as we observe our 120th year this month, but probably not as much as back in 1850 when Secretary Thomas McKennan served under President Fillmore.

Secretary McKennan was in office for exactly 11 days. Then he resigned, because—and I quote from his letter of resignation—"Conditions in the Department are bad, for it has not been fully organized. . . . Such conditions put much of a strain on the nervous man . . ."

I want it to be known that Secretary Hickel and I are tougher and have lots of nerve.

When I was nominated Under Secretary, there was talk that, because of my reputation as "Mr. Conservation," I was selected to balance the appointment of Secretary Hickel, who was under fire by the Senate committee considering his confirmation.

As a matter of fact, what people didn't know—and perhaps still do not realize—is that he always has been more of a conservationist than some who wear the title.

No one saw fit to look up the record he wrote in his two years as the Governor of Alaska. No one seemed to care that he was chairman of the committee that wrote the natural resources portion of the Republican Party platform last summer.

During the Santa Barbara crisis, during the press of legislative matters, during the preparation of the legislation on coal mine health and safety, during these days of running a new Department, he has cared enough to take action to save the alligators in the Everglades from extinction, to stop the killing of the rare Musk oxen in his home State of Alaska.

He does not have to apologize to anyone for his conservation record.

The great resources this country has are divided into two parts—one, our natural resources, and the other—the most important—our human resources.

Congress is now considering legislation to improve both the health and safety of the coal miners of America. It is so vital that it was the subject of the first special message President Nixon sent to the Hill. In transmitting the legislation, the President said:

"The workers of the coal mining industry and their families have too long endured the constant threat and often sudden reality of disaster. . . . The acceptance of the possibility of death in the mines has become almost as much a part of the job as the tools and tunnels. The time has come to replace this fatalism with hope by substituting action for words."

The key to what President Nixon said is "substituting action for words."

We are going to work as hard, as long, as unstintingly as necessary to get this legislation passed because the Country and the President want it.

This Administration has inherited a lot of good intentions to help the miners. Now, there will be action. We mean business.

The bill introduced in the House and the Senate, and on which hearings already are being held, will do the following:

Apply to all underground and surface coal mines;

Require at least three times a year the inspection of every portion of every underground coal mine;

Extend the Secretary's authority over all types of accidents, not just the disaster type such as fire, explosions and floods;

Authorize the Secretary to propose mandatory health and safety standards for all coal mines;

Provide for review of the standards by an expanded Coal Mine Health and Safety Board;

Provide civil penalties for the violation of mandatory standards;

Require immediate evacuation of all persons in the case of an imminent danger;

Provide for the immediate withdrawal of persons, after notice, in cases of an unwarrantable failure to comply with mandatory health or safety standards;

Provide that all withdrawal orders remain in effect until modified or terminated by the Inspector; and,

Expand our research activities and capabilities.

The need for this type of legislation is unmistakable. The present law is aimed exclusively at the type of accidents in which five or more persons might die as a result of fire, explosion, flood or other such major disaster. Statistics show that since this law was enacted, the fatality rate for major disasters has been cut by about 50 percent. However, the statistics indicate that there has been no change in the fatality or injury rates from the day-to-day type of accidents over the past 20 years.

There are major differences between the legislation recommended by President Nixon and that of the previous administration. It is a far stronger bill and it is more likely to get the job done.

Let's be clear what those differences are:

1. Inspection of every portion of every underground coal mine a minimum of three times a year, instead of only "frequently."

2. Establishment of a 4.5 dust standard, effective six months after enactment, rather than a 3.0 standard without any date when such a goal should be reached.

3. Any miner showing substantial evidence of the black lung disease must be assigned, at the miner's option, to an area of the mine having a 2.0 dust level, or he must continuously wear a respirator.

4. Framework is provided for the establishment of underground emergency shel-

ters with adequate communication to the surface.

5. Adequate lighting underground is required.

6. Standards of electrical equipment are stricter.

7. Immediate withdrawal of persons, after notice and re-inspection, in cases of unwarrantable failure to comply with standards.

8. Research efforts will be expanded to improve the means and methods of communication from the surface to the underground portion of mines.

9. Grants to States are provided relative to improving workmen's compensation laws.

Any resource that supplies nearly one-fourth of our rapidly growing energy requirements and more than half our electric power needs is undeniably vital to industrial and economic progress. Any resource with the potential that coal has for augmenting our supplies of liquid and gaseous fuels and valuable chemicals must inevitably command the attention of a government that is dedicated to advancing the welfare of its people.

And a resource which, as an export commodity, ranks among the largest individual contributors to our balance of payments credits, is bound to become one of the first objects of study for any new Secretary of the Interior. Our responsibility to promote further expansion of our coal export markets naturally has taken a place high on our agenda of top-priority jobs.

One has only to read his daily newspaper, listen to the radio, or watch television to become quickly aware of the intense and widespread concern that exists at two of the interfaces between coal and the public.

One of these interfaces is in the coal mine, and the other is in the atmosphere surrounding our cities. In both, the character of the environment is at the core of the problem. It has become increasingly clear that the public will accept nothing less than a dramatic improvement in both environments . . . the coal mine and the atmosphere.

As the casual observer cannot avoid being impressed with the importance of coal to America's economy, so have I been impressed with the extent to which the coal industry's problems stem from a cause that is fairly common to our mineral and fuel industries.

We need coal mine health and safety laws mainly because the technology now in place does not protect the miners. In fact, it sometimes places them in even greater jeopardy.

Environmental pollution laws are likewise no more than attempts to compensate for technological failures. The sulfur and other noxious substances that foul our air, the oil and acid drainage that pollutes our waters, the subsidence and the spoil banks that mar the surface of our land . . . all of these are evidence of technology's inadequacies. I cannot avoid the conclusion that the ultimate answers to many of your industry's most pressing problems can be found in better technology.

Research and development on problems of mine health and safety and environmental pollution rank equally in our priorities with the development and enforcement of effective regulations.

The regulations might not have been needed had the necessary research already been performed, and I am convinced that effective research can ultimately make it possible for the industry to operate with substantially less legislation than it now requires. So, we must ask ourselves how much of a role the Department of the Interior should play with regard to research and development on mine health and safety, and pollution.

The answer to this question, I believe, is dictated by the nature of the problems themselves.

Our research will be aimed at technological problems that cross institutional lines, at problems which are beyond the capacity of single companies or industries, or problems

on which, for various reasons, government initiative is in the public interest.

Thus, an adequate research program must be founded on a perspective that embraces every aspect of coal, from mining to final use.

I feel that the Department is fully capable of designing an even broader systems research effort, to cope with all the problems that hinder full development and utilization of the Nation's vast coal resources. We have the resources of the Bureau of Mines, which is the Department's in-house coal research facility, the Office of Coal Research, our contracting arm, and other organizations, including the Federal Water Pollution Control Administration.

Interior agencies, according to their capabilities, already are investigating ways in which the potential of coal can be more fully realized. Research, as you know, is already under way or planned on such processes as gasification and liquification, methane drainage to facilitate mining, and also on more efficient processes for converting coal to electricity.

However, these efforts are pitifully small. They simply are not of a scale commensurate with the opportunities and the national interest. We in the Department will be pressing for a significant step-up in our efforts in this area.

Our review of the existing coal programs of the Department suggest that they have been put together on a piece-meal basis and with little effort to develop a comprehensive and systematic attack on the problem of fuel synthesis from coal.

We must begin afresh. We must now work in full consultation with both the producing and using industries and with our universities to develop the means whereby this greatest of all of our fuel resources can reach its true potential.

THE ABM SYSTEM

Mr. TYDINGS. Mr. President, yesterday, ROGERS MORTON, the new chairman of the Republican National Committee, warned against "Trying to twist this ABM into a political issue." I was most pleased to hear Representative MORTON say this.

The issues raised by the proposed deployment of an ABM system are too important and too vital to the Nation's future to be distorted by partisanship. We must make our decision as concerned citizens, not as Republicans or Democrats.

I am happy to say that a spirit of bipartisanism has characterized the Senate debate on the Safeguard proposal so far. It is my fervent hope that no Member of Congress or of the administration will destroy this spirit with calls to partisan solidarity or with the ascription of partisan motives to opponents.

GREAT PLAINS CONSERVATION PROGRAM IS VITAL

Mr. HRUSKA. Mr. President, yesterday it was my privilege to join with the Senator from North Dakota (Mr. Young) and other Midwest Senators to cosponsor a bill, S. 1790, to extend the authority of the Great Plains conservation program for 10 years and to increase the amount of total authorized appropriations for the program from \$150 to \$300 million.

The Great Plains conservation program was authorized in 1956 by the 84th Congress after being proposed and actively supported by the Eisenhower administration. This program was a major

step toward protecting and preserving the vast agricultural area of the Great Plains. It provided farmers and ranchers in the critically erodible areas with long-range cost-sharing and technical assistance, and contributed greatly to establishing well-planned conservation programs throughout this region. As of June 30, 1968, 31,122 cost-share contracts had been signed in the Great Plains area covering 56,601,700 acres, of which 18,732 contracts are still active on 37,449,169 acres.

Besides preserving the resources of this vital agricultural region, the Great Plains program has aided rural area development. According to the Department of Agriculture, the conservation treatments installed under cost-share contracts generally assure higher levels of income. A small improvement in available forage can mean the difference between profit and loss for some range units. Marginal farming systems can be changed to improved grasses.

Concentrated efforts are also being made under this program to help land owners and operators make needed land use changes. Much of the Great Plains area is suitable for production of cultivated crops when needed conservation measures are properly applied. There are other areas of the Great Plains, however, that are not suited for cropland. This program is helping participants convert these lands to permanent vegetative cover and to reseed denuded rangelands. It has helped the farmers and ranchers of Nebraska, and of the other nine States in the Great Plains, to reduce the hazardous conditions on their lands caused by drought and soil blowing so common in the Great Plains.

The original act expires on December 31, 1971. Moreover, the appropriation limit provided in the original act, of \$150 million, is being approached. It would be a disservice to the farmers and ranchers of the Great Plains to end this program before its objectives have been fully achieved, and before the critically erodible lands have been treated. The continuing need of this program is evidenced by the backlog of 5,000 unserved applications as of the end of fiscal year 1968.

The bill which I joined in cosponsoring yesterday will extend the life of this vital program for a sufficient period of time to accomplish more adequately the conservation of our land resources in the Midwest. It is on this land that a substantial portion of our national grain and livestock production takes place.

The Great Plains conservation program is of substantial benefit to my home State of Nebraska. Sixty counties in Nebraska are presently designated to receive assistance; many of these counties were subject to serious drought last year and will require extensive land treatment to prevent rapid erosion. As of January, 1969, about 4,429 individual contracts had been entered into in Nebraska for cost-share assistance since the beginning of the program. These contracts cover about 5.5 million acres of Nebraska grassland. The amount expended for cost-share by the Federal Government in Nebraska has been about \$13.4 million since 1956.

In addition, there are now over 600

more applications pending from farmers and ranchers of Nebraska seeking assistance. Many thousands of acres were damaged last year in Nebraska, and other Midwest States, by wind erosion; crops or cover were destroyed by wind last year in this region on 351,280 acres where the land itself was not reported as being damaged; hundreds of thousands of acres being used for cropland at the time initial contracts were signed still need to be converted to permanent vegetative cover or to be reseeded.

For these reasons, I joined as a cosponsor of S. 1790, and I urge other Members of the Senate to give the bill their serious consideration.

NATIONAL COMMANDER'S AWARD OF AMERICAN LEGION TO EFREM ZIMBALIST, JR.

Mr. MURPHY. Mr. President, on March 14, Mr. Efrem Zimbalist, Jr., was given the National Commander's Award of the American Legion at a luncheon held in Washington, D.C.

Mr. Zimbalist's portrayal of Inspector Erskine has helped many Americans to become aware of the great job the Federal Bureau of Investigation does in protecting our security and tracking down the criminal element.

In accepting this award, Mr. Zimbalist's speech indicates that on or off the screen his words deserve the careful attention of all. Particularly significant, in these days of disturbances and disruptions, are his remarks that "too many Americans have developed a strange myopia—a form of defective vision which causes the rights and privileges that our country guaranteed its inhabitants to remain in sharp focus, while the duties and obligations of responsible citizenship are dangerously blurred."

I ask unanimous consent that the text of his remarks be printed in the RECORD.

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

REMARKS OF EFREM ZIMBALIST, JR., IN ACCEPTING THE NATIONAL COMMANDER'S AWARD OF THE AMERICAN LEGION IN WASHINGTON, D.C., MARCH 14, 1969

This is truly an outstanding moment in my life. To receive this National Commander's Award is an honor which I shall cherish always. And to have received it on the eve of The American Legion's 50th Anniversary makes this plaque and this ceremony all the more meaningful to me.

I cannot help feeling that this is an Award to Inspector Erskine, the forthright and courageous law enforcement officer who epitomizes the "Fidelity, Bravery and Integrity" of the FBI. I have enjoyed tremendously my association with "The FBI" television series—and the opportunity it has given me to meet and develop friendship among the men and women of the FBI. They represent a caliber of dedicated public service which is as genuine as it is rare.

I welcome this occasion also because of the opportunity it gives me to express my pride in The American Legion—pride in the standards of patriotism, the love of country, the service to humanity, and the devotion to God which are this organization's basic fiber and source of strength.

Frankly, I wish that all citizens shared the honor and respect which Legionnaires have for Old Glory... the uniform of our Armed Forces... our country's solemn na-

tional holidays. I wish also that every citizen shared the Legion's dedication to the American ideal—the ideal of liberty and justice and opportunity for all.

I would like to dwell for a moment on that word "opportunity"—for contrary to the apparent belief of some elements in this country, it embodies a process of give, as well as take.

Too many Americans have developed a strange myopia—a form of defective vision which causes the rights and privileges that our country guarantees its inhabitants to remain in sharp focus, while the duties and obligations of responsible citizenship are dangerously blurred.

Who are these elements? At best, they are narrow and self-centered individuals who place personal pleasure and convenience above all other considerations—the shirkers of jury duty, the goldbricks on civic projects, and others who incessantly demand, "Let John do it. I don't want to get involved."

The torch of American freedom was not ignited nor could it long survive, at the hand of one-dimensional citizens such as these.

At the other extreme are noxious bands of defiant rabble-arrogant extremists militantly committed to causes and activities which challenge the fiber and the mettle of public and private institutions throughout the land.

I refer not merely to the communists, the Klansmen and others addicted to ideologies which are clearly alien to the United States—but I refer as well to those insolent "anti-patriots" who have deliberately embarked on a collision course with our time-honored precepts of reason, responsibility and respect.

In this category, I place the self-professed Mao-ists, Che-ists, and other lice-ridden demagogues of the New Left who have attacked law and authority on the streets and campuses of America. In this category, I place also the grossly unstable bands of hate-mongers whose manifestos and harangues are heavily garnished with four-letter words.

Frankly, I have tired—and I am certain that you have, too—of watching brash young exhibitionists trample our flag, burn their draft cards, and defame the United States. I have tired also of seeing the educational process disrupted, and hallowed halls of learning desecrated, by a comparative handful of warped radicals.

And I have passed the stomach-churning point with the threats and demands of those racist fanatics who would divide our country by color lines.

Defiance of law, rejection of values, contempt for authority—these are divisive forces which would undermine and destroy our national unity and strength. The American Legion has opposed all such forces throughout the past 50 years, and it must continue to oppose them with sound programs—selfless programs—designed to inspire patriotism, to promote understanding, and to enhance national unity and strength.

Fellow Legionnaires, I stand with great pride within your ranks. And I am truly grateful for the honor bestowed on me today.

APRIL 16 HEARING ON A NATIONAL POLICY FOR THE ENVIRONMENT

Mr. JACKSON. Mr. President, as previously announced, the Committee on Interior and Insular Affairs has scheduled a hearing for Wednesday, April 16, on proposed legislation to establish a national policy for the environment. Measures pending before the committee on this subject are S. 1075, S. 237, and S. 1752.

All of these measures constitute the response of members of the Senate In-

terior Committee to the growing list of environmental crises our country has experienced and to the rapid decay and decline in the quality of the human environment.

My bill, S. 1075, as well as the others, poses one of the most important issues faced by our Nation. That issue is: "How should the Federal Government be organized to deal with, to anticipate, and to avoid the adverse consequences of environmental problems."

As Senators are aware, this subject has been a matter of great concern to many Members of Congress. Last July, the Senate Committee on Interior and Insular Affairs joined with the House Committee on Science and Astronautics to convene a joint House-Senate colloquium to discuss the need for the content of a national policy for the environment. In addition, many Members of Congress have introduced legislative proposals related to a national policy for the environment.

Some time ago, I requested Prof. Lynton K. Caldwell, professor of government, Indiana University, to prepare a paper outlining some of the major alternatives for institutional reforms designed to improve the Federal Government's capacity to manage the environment. Professor Caldwell's paper provides an excellent summary of the alternatives and raises many of the fundamental questions which need to be considered in deciding what needs to be done in the way of restructuring the Federal Government. Mr. President, I ask unanimous consent that Professor Caldwell's paper be printed in the RECORD.

Witnesses scheduled to appear at tomorrow's hearing on a national policy for the environment are as follows:

MORNING

Dr. Lee A. DuBridge, President's science advisor.

Hon. Walter J. Hickel, Secretary of the Interior.

Mr. Ned Bayley, Director of Science and Education, Department of Agriculture.

Mr. James D. Braman, Assistant Secretary for Urban Systems and the Environment, Department of Transportation.

AFTERNOON

Dr. Lynton K. Caldwell, professor of government, University of Indiana.

Mr. Mike McCloskey, Sierra Club.

Hon. Stewart Udall, former Secretary of the Interior.

Mr. Louis S. Clapper, director of conservation, National Wildlife Federation.

Mrs. Donald E. Clausen, water resources chairwoman, National League of Women Voters.

Rev. John Corrado.

Tomorrow's hearing will provide the first opportunity for top officials of the Nixon administration who have responsibilities for the management of the environment to express their views and to outline their policies, programs, and priorities in this critical area of concern. The timing is especially significant in view of recent reports of pending action by President Nixon to establish an inter-agency environmental quality council

composed of the Vice President, a number of Cabinet officers, and chaired by the President.

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

MAJOR ALTERNATIVES FOR INSTITUTIONAL REFORMS DESIGNED TO IMPROVE THE GOVERNMENT'S CAPACITY TO MANAGE THE ENVIRONMENT

(Statement by Lynton K. Caldwell, professor of government, Indiana University, before the Senate Committee on Interior and Insular Affairs on S. 1075 and related measures, Apr. 16, 1969)

1. The question at issue is this: How should the federal government be restructured to deal more effectively with the growing stress upon our natural environment?

2. The term "environment" includes the life-support system of our nation and of all the earth—the system of interactions of people with the air, water, land, and living organisms that comprise the biosphere—the interactions of those elements in our world capable of sustaining life. And although our immediate concern is with environmental policy in America, that policy must permit our nation to play a constructive role in international efforts to safeguard the biosphere of the whole earth. For this sphere of life, as we have now perceived it from outer space, is on ecological unity. All men, together with other living things, depend upon its self-renewing capabilities for their continuing existence.

3. There is general agreement here and abroad that the issue of man's environmental relationships is growing in importance. But how important is it? (As important as military defense or foreign affairs?) What is its priority in relation to other needs of society? (To social welfare, civil rights, or economic growth?) What kind of problem does the environment present? (Scientific, technical, social, or a mixture of these and other elements?). Answers must be given to these questions before intelligent decisions can be made regarding institutional reforms. Differing proposals have been made for dealing with environmental policy at the national level. But in order to choose wisely among these alternatives, a judgment must be made regarding the purposes and priorities of government action.

4. Clarity of policy and action would be served if this judgment could be made explicit. No general statement of national responsibility for the protection of the environment has yet been adopted by the Congress. But on July 17 of 1968, the Senate Committee on Interior and Insular Affairs and the House of Representatives Committee on Science and Astronautics sponsored an informal joint colloquium on "A National Policy for the Environment." A special report on environmental policy was prepared for the Senate Interior Committee in connection with this conference and has been appended as Exhibit I to Senate Bill 1075. [Congressional Record, February 18, 1969 p. 3701.] In its preamble the Bill itself sets forth a policy to:

"... prevent or effectively reduce any adverse effects on the quality of the environment in the management and development of the Nation's natural resources, to produce an understanding of the Nation's natural resources and the environmental forces affecting them and responsible for their development and future well being, and to create and maintain conditions under which man and nature can exist in productive harmony and fulfill the social, economic, and other requirements of present and future generations of Americans, through a comprehensive and continuing program of study, review, and research."

5. If the Congress were to adopt an explicit statement of policy, as it did in the Employment Act of 1946, choice among alternative proposals for environmental administration would be facilitated. An adequate statement of policy would provide criteria for determining what type of organization and procedure would be required to make the policy effective. Such a statement would, or should, provide a clearer indication than we now have of the importance attached by the Congress and the American people to environmental policy in relation to other issues. In the absence of a statement of policy on which majority agreement has been reached, we have no consensual basis to support a positive program of environmental administration. Meanwhile, we can only guess at the degree of priority attached to environmental policy by the sponsors of specific legislative or executive proposals.

6. Current proposals for institutional change can best be understood if grouped by the several categories into which they logically fall. These categories represent differing perceptions of the environmental issue, its importance and its relation to other issues. The categories are also, by implication, responses to the question: Is man's relationship to the environment *in itself* a major focus for policy or is it important primarily in relation to other issues? The greater number of proposals introduced into the 90th and 91st Congresses have assumed the protection of the environment to be a very major aspect of national policy, although obviously related to other policy areas as, for example, to agriculture, urban affairs, and recreation. Within this general category of environment as a distinct policy focus, there are three sub-categories of institutional reform which we will presently examine. But there are two other categorical approaches to the environmental issue in which it is included under other policy objectives.

7. The first of these includes the state of the environment under a continuing assessment of national social accounts. Within the social accounts category, environmental factors would be considered in relation to conditions of health, poverty, education, population dynamics, and human resource problems generally. There are important environmental aspects in all areas of social concern, and it would not be inappropriate to consider them under the social accounts category. Yet it may be argued that the primary focus of social accounts is upon man-to-man or group-to-group relationships, and that these constitute a large and complex field of concern quite apart from the equally large and complex field of man-environment relationships. Advocates of a separate organization for environmental policy argue that a national system of social accounts should not attempt to embrace environmental factors *per se*, but should deal with them only as inextricably related to human resource problems. The separate policy advocates fear that, in a merger of environmental and social concerns, the less understood, less generally apparent, environmental problems would be slighted in preference to the types of social issues and conflicts with which the public and its political representatives are historically more familiar. Moreover it is contended that the types of knowledge and judgment necessary for policy analysis and advice differ as between social and environmental concerns to an extent that separate organizations for each would better serve the public interest.

8. The second approach to the environment as an aspect of another area of policy is to bring it into the federal structure for science and technology. To some extent this has already been done. The Office of Science and Technology and the Federal Council for Science and Technology have studied environmental policy questions and the Presi-

dent's Science Advisory Committee has issued at least two major reports on environmental policy issues [the reports on *The Use of Pesticides*, 1963, and *Restoring the Quality of Our Environment*, 1965.] On the occasion of President Johnson's Message to Congress on Natural Beauty [February, 1965], he instructed the Directors of the Office of Science and Technology and the Bureau of the Budget to recommend how the federal government might best organize its efforts toward advancing scientific understanding of natural plant and animal communities and their interactions with man and his activities. On January 24, 1968, in a joint memorandum for the President, the Directors recommended that the Office of Science and Technology assume responsibility for maintaining an overview of this policy area and assure the necessary coordination among agencies with the scientific community. The recommendations comprising Part III of the memorandum deserve careful attention. They correspond generally to those incorporated in the Congressional proposals, presently to be discussed. No "independent" advisory committee was suggested in the memorandum, although a joint federal agency-academic planning group was recommended for guiding ecological research.

9. President Johnson does not appear to have acted on this recommendation during his remaining year in office. The substance of the report reappeared, however, in a new memorandum, presumably prepared by staff in the OST and BOB and submitted to President Nixon by his Science Adviser, Dr. Lee Alvin DuBridge, on February 24, 1969. On March 17 the *Washington Post* reported pp. 1, 3 that President Nixon was considering designating his Science Adviser as Executive Secretary for a cabinet-level inter-agency Environmental Quality Council, with the Office of Science and Technology providing staff support. Reaction to this proposal, outside the Executive establishment, has ranged from cautious to skeptical. Four serious questions have been raised regarding this proposition. *First*, is environmental policy, not broader than science and technology, involving questions of value—of economics, esthetics, and ethics for which scientists and engineers have no distinctive competence? *Second*, is the addition of environmental policy responsibility to the duties of officers and agencies primarily concerned with other issues adequate provision for the task? Or does it represent a convenient, non-committal disposition of a political issue that is perceived in the Executive Branch as troublesome, but of relatively low priority? *Third*, is there any real promise that a cabinet level council, chaired by the President or Vice President would ever function as proposed? To observers wise in the ways of bureaucratic behavior its interagency membership suggests a role of mutual adjustment and accommodation rather than an uncommitted review and assessment of alternative courses of action. *Fourth*, and last, would the Congress and the country have as much confidence in organizational arrangements tied closely to the politics and personality of the incumbent President as they would in an organization created by the Congress and staffed independently of any other agency affiliation?

10. Answers to these questions will differ among respondents. It is however a safe surmise that very few persons who have been deeply concerned and involved in environmental policy issues would consider this arrangement adequate to the task. It offers little that is not already available in the federal executive establishment. The President can convene his cabinet on issues of the environment or of any other area of policy. We have already noted that there is nothing new in the concern of the OST with technological aspects of environmental policy. But to undertake coordination of the ecological aspects of environmental research and

policy would either disproportionately weight its emphasis in this area to the possible detriment of other areas of science or, more probably, would result in insufficient attention to its ecological responsibilities.

11. This objection might in part be obviated if the OST were to become the nucleus of a greatly enlarged cabinet level Department of Science and Technology. The departmental proposition has been under informal discussion for a number of years. [E.g., Carl F. Stover, *The Government of Science*, 1962.] It was recently broached by retiring science adviser Donald F. Hornig in an address at the 1968 Annual Meeting of the American Association for the Advancement of Science. But the objection that environmental policy embraces more than science and technology would remain. Moreover the examiners of United States science policy for the Organization for Economic Cooperation and Development cited environmental policy as an area in which American science had not been notably successful. "There is little sign," wrote Examiner C. D. Waddington, Professor in Edinburgh's Institute of Animal Genetics, that U.S. scientists concerned with grand strategy have been thinking about . . . how we can ever develop a really scientific approach to creating an environment and social organization in which human living will be at the best level of physical well-being. . . ." Examiner Lefèvre, former Premier of Belgium, remarked that environmental problems are harder ". . . to tackle systematically, on the scale required, than to solve technical problems." In sum, the prospect of developing an adequate administration of environmental policy as an aspect of science and technology does not seem promising. [Cf., *Reviews of National Science Policy: United States, OECD*, 1968]

12. But to return to the Office of Science and Technology as presently situated, what of the contention that environmental policy is not likely to flourish unless administered close to the seat of power in the White House? To argue that the President, personally, will give more attention to an arrangement of his own creating than to one "wished upon him by the Congress" is to conjecture beyond available evidence. The unique powers of the President extend primarily to foreign and military affairs; on domestic issues he must, in greater measure, collaborate with the Congress. For nearly a generation, the President has been preoccupied with wars, hot and cold, and with America's international involvements. Environmental issues are preponderantly domestic and few of them can be resolved without Congressional cooperation on matters in which the Congress has not customarily deferred to the White House, as it often has on matters affecting the command of the armed forces and the negotiation of international agreements. In short, it is more important that a Council on the Environment, as proposed in S. 1075 and several other bills now in committee, have a closer rapport with Congressional attitudes and responsibilities than is necessary, for example, in the case of the Presidents Science Advisory Committee or the National Security Council. Presidential leadership is in no way diminished by the Congressional proposals on the environment but, consistent with the theory of the Constitution, the President shares responsibility with the Congress on matters of civil and domestic policy. Therefore, with one exception, all other proposals for environmental policy implementation assume a base of governmental responsibility that is broader than the Presidency.

13. This exception is the reported, but unpublished, recommendations of President Nixon's task force on environmental policy headed by Russell E. Train, then President of the Conservation Foundation, now Undersecretary of the Interior. The account of the task force recommendation appeared in the

New York Times of January 12, 1969, and has been reprinted in the *Congressional Record* as Exhibit 3 of Senate Bill 1075 [February 18, p. 3712]. The task force was reported to have recommended a cabinet-level interagency Council on the Environment, (comparable to that reported to be under consideration by President Nixon in connection with the proposal to treat environmental policy primarily as an aspect of science and technology). But the task force recommendation differed in a very fundamental respect from the Office of Science and Technology proposals of 1968 and 1969. Urging that "... improved environmental management be made a principal objective of the new administration," it recommended that the President appoint a Special Assistant on Environmental Affairs, who would also be Executive Secretary to the Council on the Environment, and who would presumably give full time to this assignment. The President's Science Adviser was indicated as one of the officers with whom the new special assistant would closely work. The task force, therefore, appears to have perceived the environment as a focus for policy in its own right, rather than as a special aspect of science and technology.

14. The Nixon task force proposal falls into one of three categories into which may be grouped those alternatives for institutional reform which are premised on the environment as a major focus for public policy, un-subordinated to social accounting or technoscientific considerations. With an important reservation, the following three categories of proposals reflect an ascending sense of importance and urgency on the part of their sponsors. The reservation is the judgment of individuals as to what at any given time is politically feasible. In general, conservative and adaptive reforms are more feasible than novel or drastic measure. Surgery may be what the patient requires, but it is usually easier to persuade him to accept medicine. It would therefore be incorrect to conclude that the sponsors of more conservative proposals, such as the reported task force recommendations, would not favor stronger measures if they believed them to be obtainable.

15. The categorical alternatives to institutional reform for the environment as an independent focus of public policy are these:

a. Presidential Special Assistant plus cabinet level interagency council (reported to be the recommendations of the Nixon task force).

b. High-level council, independent of the executive departments but located administratively in the Executive Office of the President, plus a far-reaching program of environmental research and surveillance in the Department of the Interior, and requiring annually or biennially a report from the President to the Congress on the state of the environment. (Senate Bill 1075 and several similar proposals in the Senate and House of Representatives.)

c. Major departmental reorganization taking one of several forms:

(1) A moderate reorganization of the Department of the Interior as a Department of Natural Resources (e.g., transferring the Forest Service and the civil function of the Corps of Engineers into the reconstituted department).

(2) A new specialized technoscientific agency for environmental research and engineering development, such as that recently recommended by the National Commission on Marine Science, Engineering and Resources.

(3) A new super-department of the Environment and Natural Resources based roughly on the model of the Department of Defense, primarily for planning and coordinative purposes, and probably associated with a major restructuring of the entire Executive Branch.

The first of these alternatives has already been discussed; our attention will therefore

be directed to the two remaining groups of categories.

16. The first of these categories calls for a high-level council on environmental policy to be situated in the Executive Office of the President. A near variant is Representative Emilio Q. Daddario's proposed Technology Assessment Board, but this would be an "independent" agency equally responsible to the Congress and the President, and would be concerned with technological impacts other than those on the environment. Senate Bill 1075 probably represents the proposal within this category of alternatives for which the widest consensus outside of the government presently exists. It overcomes objections to the subordination of environmental policy to a system of social accounts or to an exclusive emphasis on science and technology. And it avoids loss of identity for environmental policy, or prejudice to independence of viewpoint, that would probably attend the deliberations of an interagency council. Although it adds certain functions, chiefly those of surveillance, education, and research to the Department of Interior, it does not otherwise alter the structure of the federal government.

17. Some friendly critics of S. 1075 would like to see it reinforced by a more explicit statement of national policy and by such measures as might strengthen its leverage in relation to the other executive agencies. The experience of the National Resources Planning Board of the nineteen thirties is a warning of the vulnerability of a politically powerless agency in a policy area of conflicting interests and values. Environmental issues are avoided by some elective officials because of the risk that they entail. It is traditional political prudence to avoid being caught in the cross-fire of powerful, antagonistic interests. Compared to a Council on the Environment, the Council of Economic Advisers operates in a tower of ivory, behind a wall of statistical abstractions that few citizens profess to understand. The protection and improvement of the environment is unavoidably involved in controversy. Until the realities and limitations of Spaceship Earth are more widely understood and respected than they are today, the members of a Council on the Environment ought to be exceptionally free from political ambition. Effective service on such a Council would probably preclude subsequent election to public office.

18. A second concern regarding S. 1075 is with its designation of the Department of the Interior as a major agency "to conduct investigations, studies, surveys, research and analyses relating to ecological systems and environmental quality." The concern is not primarily that research is not a governmental function, but rather that the nature and scope of environmental and ecological research is no more uniquely appropriate to the Department of the Interior, as it is presently organized, than it is to the OST. Ecological and environmental concerns are the business not only of Interior, but also especially of the Public Health Service, Environmental Science Services Administration, and of at least six other federal agencies. There is little if any quarrel with the ecological survey and research objectives of S. 1075 or of a similar measure sponsored by Senator Gaylord Nelson. The question is whether the responsibility should be placed in any of the federal departments as presently constituted, unless buffered from political and bureaucratic importunities by a structure analogous to that provided for the National Institutes of Health.

19. There are a number of alternative arrangements for realizing the important objective of ecological and environmental research. Among them should be listed proposals for a quasi-autonomous National Institute of Ecology advocated by the Ecological Society of America; for a National Social Science Foundation, proposed by Senator Fred Harris; and

a system of university related institutes of environmental studies, recommended by the Pollution Panel of the President's Science Advisory Committee and the Caldwell-Sargent proposal to the Public Health Service Symposium on Human Ecology, November, 1968. It seems probable that some combination of research agencies under the overall coordination of the high-level Council on the Environment would be the most practical answer to the need. The previously cited OST memorandum of 1968 proposed such a coordinative arrangement, but under its own supervision. Funds, in addition to those now appropriated for research activities in presently existing agencies, could be administered by a Council on the Environment. This might advantageously reinforce its political viability by developing a constituency of professional societies, universities and research institutes, associated with it through its administration of research grants and contracts.

20. The third category of proposals—for departmental reorganization—currently includes at least three alternatives. The proposal for a Department of Science and Technology has already been mentioned, but its mission would not primarily be environmental policy. The most frequently discussed alternative would reconstitute the Department of Interior as a Department of Natural Resources. This proposition has been criticized, however, as presenting a one-dimensional view of the environmental issue—the economic. "Natural resources" is a commonly used, unobjectionable economic concept, but it does not include, except by an act of extraordinary semantic creativity, the full range of needs for which man seeks fulfillment in the environment. There appears to be a growing tendency to consider the Department of the Interior as a Department of the Environment, particularly as its concern was broadened under the administration of Secretary Udall to include, in the words of President Johnson, "a new conservation—not just the classic conservation of protection and development, but a creative conservation of restoration and innovation. Its concern ... not with nature alone, but with the total relation between man and the world around him." [Message to the Congress, February 8, 1965]. "The Secretary of the Interior," editorialized *Time Magazine* May 10, 1968, "really ought to be the Secretary of the Environment."

21. The major difficulty with the transformation of the Department of the Interior into a Department of the Environment develops out of the effect of this action on other government agencies. If natural resources were the organizing principle around which the Department were reconstituted, the combination of agencies to be included would differ from those logically related to an environmental focus. All major areas of public policy tend to interrelate in ways that are inconvenient to the makers of conventional organization charts. For example, how should the federal government organize to deal with energy? The nation has no coherent energy policy, but eventually it is likely that one will emerge. Should energy policy be considered an environmental matter, or is it primarily an economic or technoscientific issue? If environment becomes the major focus of a single department, would all agencies having to do with the environment come under its jurisdiction? It should be obvious that they would not. For example, foreign affairs, education, health, and justice are the primary concern of specific agencies, but the exclusive concern of none. It is, however, possible that much of the difficulty in conceptualizing a better organization for the Executive Branch lies in our unwillingness or inability to rethink the role and functions of the federal government in American society. One attempt to break out of conventional assumptions regarding departmental organization is

the idea of the super-department or ministry. But before examining this alternative, it is necessary to review briefly another alternative (although only a partial one) for departmental reorganization for environmental policy.

22. The National Oceanic and Atmospheric Agency, proposed by the National Commission on Marine Science (*Our Nation and the Sea*, January 11, 1969), is not directed so much toward ecology and the broad range man-environment relationships as it is toward physical science and engineering. It is considered here because of its obvious relationship to federal organization for environmental policy. But it would not answer the need for institutional reform that has induced the environmental quality legislation proposed in the Ninetieth and Ninety-First Congresses. The principal difficulty with the Marine Commission proposal is that it has not been made within a context of comprehensive reorganization within the Executive Branch. The continuing *ad hoc* creation of independent agencies is of dubious wisdom if responsible and coordinated public policy is desired. The establishment of a new Marine and Atmospheric Science Agency may be desirable, but such a decision cannot be responsibly undertaken unless it is an outcome of a careful examination of the full range of governmental responsibilities for the environment.

23. This same conditional proviso is equally applicable to establishment of a new super department for the environment and natural resources. Because discussion of the super-department has as yet been chiefly on an informal basis, official proposals for institutional reform cannot be cited. Nevertheless, there are certain considerations upon which most proponents of this type of agency seem agreed. They are, *first*, that reorganization for environmental policy can most effectively be undertaken as a part of a review of the total structure of the Executive Branch; *second*, that no agency, however comprehensive, can or probably should have exclusive jurisdiction over any aspect of public policy; and *third*, that the rationale for the super-department is to bring a greater degree of clarity, coordination, and responsibility to federal administration. The large scale of the super-department makes it easier to accommodate functions of environmental, natural resources, and energy policy under one coordinative structure.

24. The super-department is what in parliamentary government would be called a ministry. Its functions would be those of planning, review, coordination, and conflict resolution. It would not be an operative department in the traditional sense, and would relate to subordinate agencies somewhat in the manner that the Department of Defense relates to the Departments of the Army, the Navy, and the Air Force. An objective of the super-department would be to de-concentrate, to some extent, the power of decision now theoretically lodged in the person of the President, but in fact often exercised by lower echelon officials in the Bureau of the Budget and other Executive offices of whom the Congress or the electorate have no knowledge and no means of questioning or calling to account. The head of a super-department would have higher visibility than most cabinet officers have experienced since the early years of the Republic.

25. Professor Stephen K. Bailey in his essay in the 1968 Brookings Institution report entitled *Agenda for the Nation*, identifies four areas of prime concern for the nation as viewed from the Executive office. These he describes as national security, economic stability and growth, the integrity and viability of the physical environment, and the promotion of human welfare and of human resource development. These four areas could become the foci of new cabinet level super-departments as indeed the first of them—national security—already is. This form of adminis-

trative organization would not, however, obviate the need for separate advisor councils. Indeed, it would make their separate status more important as independent agencies for policy surveillance and review. Some students of public administration believe that there are advantages to responsive and responsible government in alternative sources for public decision or action on nearly all issues. They argue that a moderate degree of competition among agencies may actually increase the efficiency of government operations. It is therefore pertinent to this argument to point out that the super-department concept does not necessarily imply exclusiveness or monopoly in any sector of public policy, and is consistent with the idea of multiple avenues of recourse on any public policy issue.

SOME CONCLUDING OBSERVATIONS

26. At the outset of this statement, the point was made that a choice among alternative arrangements for environmental administration would logically depend upon an assessment of the importance of the issue and a judgment regarding its nature. The foregoing analysis of alternative proposals indicates that differing conclusions on these matters have been reached by differing groups and individuals. But the task of decision by the Congress and the President is not greatly assisted by a comparison of divergent views. Their need is for more basic criteria. The argument has been advanced that a national policy for the environment, adopted by the Congress as a statute or resolution, could provide this criteria. The absence of an adequate policy statement, accompanied by explicit provisions for its implementation, is the most serious omission from the current set of legislative proposals for institutional reform. Without such an operational charter, the political future of a high-level council on the environment, such as proposed by Senators Jackson, Nelson, and McGovern, among others, would be unduly handicapped. Its situation would be comparable to a Council of Economic Advisers without an Employment Act of 1946.

27. The scientific evidence of a mounting crisis of the environment is so pervasive and so thoroughly documented that rational disagreement can occur only with respect to the degree of its seriousness. But scientific truth does not automatically become political truth. Political disbelief cannot alter material reality; it cannot alter or amend scientific fact. But it can prevent government from coping effectively with reality. Dr. George H. Gallup, Jr., President of the American Institute of Public Opinion, believes that most Americans accept the proposition that there is indeed a real crisis of the environment and that government is not doing enough about it. In a recent survey [January, 1969] he found that younger adults in particular were concerned about environmental degradation. Analysis of the news media would tend to confirm Gallup's view. The country as a whole may be more ready for a vigorous attack upon environmental problems than are the rank and file of the Congress or the mission-bound Executive agencies. But if the recent multiplication of Congressional subcommittees with an explicit environmental concern written into their titles is more than an improbable coincidence, it is an indication that concern for the environment is being perceived in the Congress as good politics. But the scientific truth of an environmental crisis will not become a fully legitimized political truth until the Congress, or the people, by their votes make it so.

28. Mayor Carl Stokes of Cleveland recently expressed a feeling shared by millions of Americans everywhere when he compared the threat to American security posed by the pollution and decay of our urban environments to the military and ideological threat external to our boundaries. Mayor Stokes does not have to read the scientific journals

to discover the nature of the threat to our environment. With millions of other Americans he daily experiences the threat, and finds it increasingly difficult to reconcile the enormous disproportion between the national commitment in money, men, and organization to defense against possible attack from overseas and the inadequate and defaulted commitments to defense against the forces of decay at home that could as surely destroy the national security. Four years ago in a prophetic essay, [Harpers Magazine, February, 1965], Peter Drucker predicted that quality of environment and of human relations would become the major political issues of the future. He foresaw success for political leadership that understood the coming change of values. But he also saw that the greater part of our political leaders of middle age were locked into the perceptions and values of the nineteen thirties and forties. When this perception gap is also a generation gap, and becomes also a political gap, the makings of political overturn are present. The Nixon administration and the 91st Congress may have the last opportunity for American political leadership to deal with the problems of the environment and of human relations by means of methods short of radical.

29. Any clear-minded elected official knows, and Lyndon B. Johnson perhaps knows better than any, that the public does not reward its political leaders for good intentions. If our estimate of the scientific and political significance of the environmental issue is correct, it is already long past time for a major reassessment of national priorities in relation to the environment. This reassessment is unquestionably a responsibility of the Congress. There has been articulate leadership on behalf of environmental policy in both Houses of the Congress. Few of the individuals or legislative proposals have been specifically identified in this report, which has been concerned with issues rather than with events. But it is now time for events—for adoption by the Congress of an explicit course of policy and action to bring the worsening environmental situation under control.

30. Let us begin the task where best we can. If the least promising of the organizational alternatives is the best that can be presently obtained, let us begin there as a temporary measure. But let us also persist in efforts to obtain the most effective organizational answer to the problems of environmental policy that experience and research can provide. Few of the alternatives now under consideration for implementing environmental policy are mutually incompatible. The effectiveness of measures taken will depend *first* upon an adequate, operational national policy and *second* upon an adequate definition of the place of environmental policy in the total structure of the Executive Branch. Beyond these considerations are problems of relating federal responsibilities to those of state and local government and to the non-governmental and international aspects of our society. On Sunday, March 30th, the *Chicago Tribune Magazine* printed Part I of a state-of-the-world report on the earth dweller's tendency to make his planet uninhabitable. "Is Man His Own Doomsday Machine?" asked the *Tribune*. The answer to that question may very well be given in the response of the elected representatives of the American people in Congress, who alone have the power to set the course of national policy and action for the protection and management of the environment.

RAIN AND FLOOD DAMAGE IN CALIFORNIA

Mr. MURPHY. Mr. President, on February 7, 1969, I introduced S. 993, to help

provide for the repair of damage from the recent rains and floods in California. While it was estimated that flood control projects and other preventative measures have saved more than \$1.25 million worth of property from destruction, the damage to private and publicly owned facilities has been evaluated at \$265 million.

S. 993, is designed to lend assistance in the permanent reconstruction of roads and highways not on the Federal system and in the restoration of timber roads. The loss suffered by individuals, however, has also been extensive. Homeowners have seen their life savings, in many instances, washed away by the floods. The livelihood of growers—their land—is under enough water so that it will be uncultivable for years in some cases.

Even under these circumstances, individuals have had great difficulty obtaining loans from both the Small Business Administration and the Farmers Home Administration. As of March 27, 1969, the SBA regional offices throughout the State of California had received 4,456 inquiries regarding home and business loans. Yet only 565 applications were accepted for processing, 217 applicants being declared eligible for loans totaling no more than \$1,146,460. The SBA, however, has the money in its emergency revolving fund to lend, but, as of that date, only \$17 million of the \$50 million apportioned by the Bureau of the Budget had been loaned. The reason for this lack of assistance can be found in the SBA's regulations and guidelines. Regulations promulgated in March 1968, state, in part:

Personal and/or business assets must be used by the applicant to the greatest extent feasible to alleviate the injury incurred.

They further state:

Private credit to the extent obtainable on reasonable rates and terms must be used prior to obtaining disaster loan assistance from SBA.

Under the guidelines established for the implementation of these regulations, an applicant must exhaust all but \$600 of his cash assets and marketable securities per family member toward rebuilding any destroyed property before a loan can be obtained. Furthermore, any applicant with an income of more than \$10,000 per year plus \$600 per dependent must seek financing through a private source.

S. 993, in the form in which it was referred to the Committee on Public Works, made provisions for loans whether or not obtainable through a private lending institution. It did not, however, direct itself toward the regulation requiring the utilization of private assets. Consequently, I am offering an amendment to S. 993 today to make loans more readily obtainable by all those suffering loss to their homes and businesses from the floods without first requiring the almost total exhaustion of private or business assets.

Presently, disaster loans are repayable at a 3-percent rate of interest; however, this provision was enacted in the 1930's when the cost of money to the Government was 1½ to 1¾ percent. Obviously these loans were not then providing "free money" to the recipients; however, the

rate of interest has not been adjusted since. Therefore, the modification which I am offering today provides that disaster loans in California shall be made at the average annual interest rate on all interest-bearing obligations of the United States having maturities of 20 years or more. At the present time, this is 5½ to 5¾ percent—an amount substantially lower still than that at which funds could be obtained by individuals through private lending institutions or sources. The amendment, nevertheless, makes an exception for low-income persons so that day might still receive loans at the 3-percent rate of interest.

It also provides that a \$2,500 "forgiveness" of loans or interest during a period not to exceed 3 years shall apply only to low-income persons. As originally drafted, S. 993, would have allowed this provision to apply to all recipients of loans.

Section 6 of this bill, as modified, will also provide "forgiveness" of a certain amount of the principal or interest to low-income persons who obtain loans under subtitle C of the Consolidated Farmers Home Administration Act of 1961, as amended. Furthermore, it would allow only those qualifying as low-income persons, under regulations established by the FHA, to pay the 3-percent interest rate on disaster loans, while all others pay the rate of interest at which the Government receives the money. It would permit persons to be eligible for loans at this rate, however, irrespective of whether assistance is available through private sources.

Mr. President, the extent of the disaster in California has made clear the need for Federal assistance. Yet, as I have said, homeowners, businesses, and farmers have found it extremely difficult to receive help due to stringent regulations governing the availability of loans and applying to the qualifications of applicants.

I am hopeful that these modifications will serve not only the people of California, but as a workable procedure which might be employed to assist those in the Midwest suffering similar personal tragedies at this time.

MOUNT RUSHMORE, A GREAT TRIBUTE TO THE GENIUS OF BORGLUM

Mr. MUNDT. Mr. President, Warren E. Morrell, chief editorial writer for the *Herald-Examiner* of Los Angeles, Calif., was recently elected to the board of trustees of the Mount Rushmore Society of the Black Hills of South Dakota. At one time, Mr. Morrell was editor of the *Daily Rapid City Journal* of Rapid City, S. Dak., and as a long-time resident and a native of South Dakota he has devoted a great deal of time and energy to the evolution and completion of the world-famous "Shrine of Democracy" carved in the imperishable granite of one of the tall mountains of South Dakota's Black Hills.

While Mount Rushmore is not by any means the tallest mountain in this great chain of majestic mountains which range from the northern boundary of our State to its southern borders, Mount Rushmore has become the most widely known and

frequently visited by millions of tourists every year as a result of the genius of Gutzon Borglum, who designed and implemented this most famous piece of mountain sculpture in the entire world.

Returning to California after a recent visit to his native State to attend the annual meeting of the Mount Rushmore Society, Warren Morrell wrote a most interesting and informative article about the background and significance of Mount Rushmore.

I ask unanimous consent that the report 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 (Calif.) *Herald-Examiner*, Feb. 23, 1969]

RUSHMORE—OUTSTANDING TRIBUTE TO GENIUS OF BORGLUM

(By Warren E. Morrell)

It was September, the beginning of a new school year. The West Sovina English teacher would not ask her pupils, "What did you do this summer?"

But she had an indelible summer impression she wanted to share. So she asked, "How many of you have been to Mt. Rushmore?"

Surprisingly to her, several hands went up.

The teacher's eyes moistened as she relived one of her life's most stirring experiences. Her students shoved aside other thoughts from their minds as the teacher recalled her visit to the Shrine of Democracy where the gigantic likenesses of George Washington, Thomas Jefferson, Theodore Roosevelt and Abraham Lincoln are carved from solid granite on Mt. Rushmore in the Black Hills of South Dakota.

"I was over-awed," said the teacher. "I had seen pictures of Mt. Rushmore. I knew that the Presidents were scaled to men 465 feet tall. I had read that it was 60 feet from the top of Washington's head to his chin. But nothing I had read or pictures I had seen were comparable."

"As I was standing there, trying to absorb what my eyes were telling me, it started to rain—like one of our really hard California rains. A lady asked if I wouldn't like to come into a building. I moved backward toward the shelter—my eyes still glued to those tremendous figures—while lightning exploded and thunder roared."

"In a few minutes, it was over. The sun shone and I went outdoors. Believe it or not, Washington was crying. And his nose was dripping! I couldn't stand to see Washington cry. So I cried—I just let go."

"A man near me, sensing my emotion, said, 'Lady, there isn't a Kleenex big enough to throw up there to help him.'"

"That snapped me out of it," admitted the teacher, slowly removing a handkerchief from her purse and carefully pressing it to her eyes. Then she added, "I was even more impressed with Mt. Rushmore than I was with the Grand Canyon—maybe because Rushmore is man-made."

NOT UNIQUE EXPERIENCE

The teacher's experience is not unique. And she shouldn't have been surprised to see the number of raised hands. Californians rank fifth among the 1,500,000 yearly visitors to the Shrine of Democracy.

Seeing Mt. Rushmore gives most people a rebirth of Americanism. It pulls out latent patriotic feelings you either have forgotten or have tried to ignore. It makes tingles play hide and seek up and down your spine. Yet stirring patriotism somehow blends with soul-quieting reverence.

"Rushmore brings out the best in people," said Mrs. Carl Burgess, co-concessionaire at the memorial, who has observed thousands of visitors over a period of nearly a score of

years. Park rangers support her statement this way: "Our records show there is less litter-bugging here than in any National Park."

Mt. Rushmore National Memorial is the world's largest sculpture. It is by comparison with the Great Sphinx of Egypt what a Great Dane is to a Chihuahua.

I've taken many visitors to Mt. Rushmore, enjoying their reactions and seeing the shrine anew through their emotions.

One visitor was Ranbir-Singh, editor of The Milap, New Delhi, India.

En route to the mountain, I tried to explain the magnitude of the carvings. He couldn't fathom my statistics. So I said, "Imagine George Washington's nose empty. Turn it upside down, fill it with water, and you'd have a swimming pool ample for six people."

"Oh, you bloody Americans!" he laughed. "You're impossible."

Half an hour later, beneath Freedom's Shrine, Ranbir had the expression of a devout worshiper communicating with his God. His silence accentuated the soft winds whispering through the pine trees. Finally he uttered some phrases in his native Urdu. Then he turned to me and said in English, "I have the sensation as if I were seeing the Taj Mahal for the first time."

MORE THAN BIGNESS

Gutzon Borglum, the sculptor who changed a majestic mountain into this American miracle, would judge anyone who compared Washington's nose to a swimming pool as crass, uncouth and perhaps some unprintables.

Borglum didn't want viewers to be solely impressed at the monument's hugeness.

In a way, his friend, famed architect Frank Lloyd Wright, substantiated Borglum.

"The noble countenances emerge from Rushmore as though the spirit of the mountain heard a human plan and itself became a human countenance," said Wright. "Here is a memorial which has real meaning. Certainly, it is colossal, and in that sense spectacular and heroic. But it is not 'just a damn big thing.' Borglum has given us a work which has the impelling power that characterizes all great art."

Borglum, a genius, not only excelled as a sculptor but also as a painter, writer, salesman, engineer, speaker and humanitarian. About bigness, he said:

"A monument's dimensions should be determined by the importance to civilization of the events commemorated. We are not here trying to carve an epic, portray a moonlight scene, or write a sonnet; neither are we dealing with mystery or tragedy, but rather the constructive and the dramatic moments or crises in our amazing history. We are coolheadedly, clear-mindedly setting down a few crucial epochal facts regarding the accomplishments of the Old World radicals who shook the shackles of oppression from their light feet and fled despotism to people a continent; who built an empire and rewrote the philosophy of freedom and compelled the world to accept its wiser, happier forms of government.

"We believe the dimensions of national heartbeats are greater than village impulses, greater than city demands, greater than state dreams or ambitions. Therefore, we believe a nation's memorial should, like Washington, Jefferson, Lincoln and Roosevelt, have a serenity, a nobility, a power that reflects the gods who inspired them and suggests the gods they have become."

METHOD OF CHOOSING

Why did he choose, in 1925, these four American leaders?

Borglum argued that Washington had contributed so much to independence, the Constitutional Convention, and the establishment of the government that he must be the leading and dominant figure. No one

seriously disagreed. Jefferson represents our idealism, expansion, and love of liberty; Lincoln our altruism and sense of inseparable unity.

But why Teddy Roosevelt? Borglum's inclusion of the Rough Rider brought the greatest amount of national criticism and controversy. Many people at that time 44 years ago felt Theodore Roosevelt did not deserve permanent enshrinement because too little time had elapsed since his death to allow a mature judgment of his life based upon historical perspective. But the sculptor argued that he could "think of none more fitting." Roosevelt, he asserted, was "pre-eminently an all-American President" and reflected the "restless Anglo-Saxon spirit that made the ocean-to-ocean republic" inevitable.

Furthermore, Borglum had been a militant Bull Moose and was devoted to Teddy Roosevelt's political ideals. Borglum was thinking more and more of a monument of "Empire Builders" or "Nation Builders." Through Roosevelt the United States had acquired the Panama Canal Zone, which ultimately provided a waterway connecting the two oceans washing American shores. In Borglum's eyes this achievement completed the national expansion of the United States.

I have my own idea of why Teddy Roosevelt was chosen. It is true that Borglum greatly admired the Rough Rider. But look at the picture of Borglum on this page—or any portrait of the sculptor. Put pince-nez glasses on Borglum and you have a striking resemblance to Roosevelt. So in addition to the Rough Rider, you also have Borglum up there. I don't fault him for this showing of what some might consider immodesty. I like to see Roosevelt and Borglum up there and realize I'm not seeing double.

Other Roosevelts figured prominently in Mt. Rushmore history. President Franklin D. Roosevelt dedicated the figure of Jefferson, Aug. 30, 1936. Roosevelt made an inspiring speech and after the ceremony, the President asked, "Where are you going to put Teddy?" The sculptor explained that the President's cousin would be between the head of Jefferson and that of Lincoln which was just taking form. "I have it all planned out in my studio," he said, as he invited FDR to see his models. "I will come back some day to look over this more fully," replied the President.

I'm sure FDR had a twinkle in his eye as he said that. He and Borglum knew and admired one another. As difficult as it was to carve the huge figures was the problem of getting the money to carry on the work during the depth of America's worst economic depression.

FLATTERED ROOSEVELT

When Borglum needed more money, as a last resort he would go to Washington, D.C., dine privately with FDR at the White House. During the luncheon, Borglum adroitly sketched FDR's countenance among the four other great faces. Borglum made no promises and Roosevelt did not comment on the sketches. But as the good guy saves the impoverished widow when her rent is due, funds came through from Washington to carry on the work.

The above has never been printed previously. It was told to me in confidence by an impeccable source who said I could reveal this sometime after his death. My informant and friend was nearly as responsible for Mt. Rushmore as was Borglum.

Many years later Hubert Humphrey, then U.S. Senator from Minnesota, worked valiantly for legislation to appropriate funds to add Franklin D. Roosevelt's likeness as the fifth face. It was a blow to him when geologists and engineers proved there was insufficient granite for a gigantic portrait of the World War II President.

Mrs. Eleanor Roosevelt, with logic, zeal and determination, plugged for Susan B. Anthony on Rushmore. When she discovered there was no room, she crusaded for a likeness of Miss Anthony to be carved on a nearby granite peak. Mrs. Roosevelt lost.

What was the engineering required in the project?

It astounded Ernie Pyle, the famous World War II correspondent, when he visited the monument in 1936. He was startled to see the large amount of machinery and equipment. His idea of mountain carving had been that Borglum arose each morning, took his hammer and chisel, ascended the peak, and began to carve.

Here's how the late Mrs. Gutzon Borglum told it like it was:

"As each head was started its center was located, and at this center point on the top of the head a plate was located. This was graduated in degrees 0 to 360 degrees, and at its center a horizontal arm was located that traversed this horizontal arc. This arm was about 30 feet long, in effect a giant protractor laid on top of the head. The arm was graduated in feet and inches so that at any point we could drop a plumb bob from this arm, and by measuring the vertical distance on this plumb line determine exactly the amount of stone to be removed.

"After determining this master center point on the mountain, we set a smaller arc and arm on our model in the same relative position. With this small device we could make all our measurements on our model and then enlarge them 12 times and transfer them to the large measuring device on the mountain. Through this system every face had a measurement made every six inches both vertically and horizontally. These measurements were then painted on the stone and it was through this means that men totally unfamiliar with sculptural form were able to do this undertaking. In fact, all the men employed on the work were South Dakota men trained by the sculptor.

USED LEATHER SWINGS

"Pneumatic drills were used for drilling and the compressed air was provided by large compressors located on the ground . . . conveyed to the top of the mountain by a three-inch pipe.

"The men were let down over the face of the stone in leather swings similar to bo'n chairs used on ships. The men were lowered to their place of work by hand-operated winches, taking with them jackhammers or pneumatic tools and other necessary equipment. A call-boy with a microphone and loud speakers at each of the winches relayed the messages for raising or lowering the workmen to the winchmen.

"Steel used in the drilling was used over and over again, taken to the blacksmith shop on the ground via a cable car, heated, sharpened, re-heated and tempered and sent back to the mountain again. About 400 of these drills were dulled and re-sharpened each day."

People have made millions of dollars because of Rushmore memorial by accommodating visitors en route to and from the Shrine.

One of the earlier "prospectors" had a small telescope on lookout point on Iron Mountain several miles from Rushmore. The man rented the telescope to tourists who wanted to view the memorial from that distance.

Bob Dean, then owner of Radio Station KOTA, Rapid City, S.D., was driving Borglum to Mt. Rushmore and Borglum asked Dean to stop so he could talk to the "prospector".

"How's business?" Borglum inquired. "Good," the man said laconically. "What do the people say when they look at the mountain?" Borglum asked. The man looked at him quizzically. "You're Mr. Borglum, the sculptor, aren't you?" he asked, and when

Borglum nodded, he went on cautiously, "Well, some say one thing and some say another."

"Of course," Borglum agreed pleasantly. "But what do they say most often?"

"I guess I'd better not say any more," the man answered, and his lips closed in a firm thin line.

"You'd really do me a great favor if you'd tell me," Borglum assured him, but the man seemed suddenly unaware of Dean's and the sculptor's presence, and stood looking down the road hopefully for a car which might contain a customer.

CURIOSITY EXPLODES

"At this point Borglum's avid curiosity exploded." "Go ahead, man, damn it!"

The man looked up at Borglum with raised eyebrows. "You're sure you won't get mad?"

"No, no!" Borglum exclaimed. "I can take the worst you've got."

"Well," the man said hesitantly, "I guess since you've asked it as a favor, I owe it to you to tell you. If it wasn't for you I wouldn't be in business. Most folks want to know how much concrete it took."

Dean and the sculptor finally stopped laughing. Borglum asked, "and what do you tell them?"

"I tell them I don't rightly know," the man said earnestly. "How much did it take?"

It was 14 years from the time President Calvin Coolidge dedicated the memorial on Aug. 10, 1927 until Borglum's death in a Chicago hospital, March 6, 1941. At the time of the sculptor's death, only finishing the hands and hair of the four figures remained. Lincoln Borglum, the sculptor's pragmatic and talented son, who had been with his father from the beginning of the work, was commissioned to complete the details.

While the National Park Service says the Memorial is completed, it is far from the dreams Gutzon Borglum envisioned. There are 400,000 tons of rock beneath the faces which should be moved away. (It bothers fussy housekeepers.) The Hall of Records should be built. The history of the United States should be chiseled in letters large enough to be seen three miles away. This was part of Borglum's dream.

The supposition that Rushmore should remain as is—as an unfinished symphony to a great composer—has prevailed.

I feel this is not in the spirit of the nation or the sculptor. It should be completed, particularly because Lincoln Borglum is well qualified and willing to finish the titanic job his father started.

BORGLUM RETURNS—TO FOREST LAWN

Gutzon Borglum loved Los Angeles.

"You know I ran away from home when I was a boy, to come here—and I love everything about it, although I have been away many years," he told the Friday Morning Club at the Biltmore Hotel in 1926.

Later he said he wanted to spend his remaining years here.

Born in Idaho March 25, 1871, his full name was John Gutzon de la Mothe Borglum. His parents had come over from Denmark. His father, at first a woodcarver, became a physician and surgeon, also a breeder of horses.

Young Borglum was 17 when he persuaded his parents to move to Los Angeles so he could study art. They lived in a frame house on Temple Street. Later, after they moved to Omaha, he lived in a rooming house on Bunker Hill.

From here he studied art in San Francisco, then went to Paris. He began as both painter and sculptor and was accepted as both by the French salons. In England, critics and royalty heaped honors on him. After painting a series of murals for a big hotel at Leeds and another series for a concert hall in Manchester, he began to abandon the brushes for the chisel, and to turn out statuary in almost every field and almost every imaginable form.

From the first, his works won the highest honors. The Metropolitan Museum brought his "Mares of Diomedes" at once and the French Government promptly purchased a partial replica of it for the Luxembourg Gallery.

His Lincoln in the rotunda of the Capitol is considered among his great works.

Borglum never lived to fulfill his dream of spending his last days on earth in the City of the Angels. Next best, at his request, his body lies at rest at Forest Lawn, Glendale.

GRAZING FEES

Mr. MOSS. Mr. President, the first installment of a proposed increase in grazing fees to be levied upon users of public lands by the Bureau of Land Management and the U.S. Forest Service has now been in effect for about 3 months. It is too soon, of course, to assess the economic impact of this increase, but it is not too soon to assess its impact on the opinion of Utah's sheep and cattlemen, or on the opinion of the many small businessmen in the State who are dependent upon stockmen and their families for trade. They are all concerned and apprehensive, and they well might be.

Under the 10 year schedule announced by the Bureau of the Budget, stockmen using lands administered by the Bureau of Land Management are now paying 44 cents to graze one cow or five sheep for a month, and those using the lands managed by the Forest Service are being charged fees ranging from 31 cents to \$1.25 per cow-month, or sheep grazing fees ranging from 6 cents to 25 cents monthly. The end objective of the 10-year period of adjustment is a grazing fee of \$1.23 per cow-month, a figure which the agencies have determined is fair market value for range forage.

An increase of this magnitude, even though spread over 10 years, is bound to have an adverse economic effect. I told Secretary of the Interior Udall at the time the increases were proposed, that their impact upon the livestock industry in Utah and the Intermountain region would be "catastrophic." I urged both the Secretary of the Interior and the Secretary of Agriculture to withhold the proposed increases until further studies of the matter could be completed.

Mr. President, numerous analyses have suggested that these increases will seriously cut back the annual income of many Utah ranchers. A study completed by Utah State University showed that the increases projected would cost Utah ranchers about \$835,000 per year in income.

This statistic gains in significance when it is considered alongside measurements of the prosperity of typical Utah ranches. As I told Secretary Udall:

Even with the present grazing fee schedule in operation, cattle ranchers realized only 2.0 percent and sheep ranchers only 2.6 percent average return on their investment a year ago. Over half obtained between 1.0 and 3.0 percent rate in return. About one-fourth of the ranchers received less than 1.0 percent or a negative return, and only one-fifth received a 4.0 percent return.

One fundamental issue in the grazing fee controversy involves the cost of the grazing fee permit—particularly,

whether that expense should be considered as a part of the cost of the rancher's operation in the computation of grazing fees. My view of this matter has been that while livestock operators should pay a fair and reasonable fee for grazing rights, it is unfair to them for grazing fees to be based upon a procedure which fails to include one of their principal cost factors.

The Taylor Grazing Act, the fundamental law governing grazing on the public lands, precludes inclusion of the cost of the grazing permit in the fixing of the fees. It is generally agreed that the inclusion of the permit in the computation of the fees would result in the recognition of a proprietary interest for the rancher in the public lands, something which the Taylor Act expressly prohibits.

Mr. President, I have urged many times that these increases not be put into effect until the report of the Public Land Law Review Commission is received next year. I have joined in proposed legislation with the Senator from Wyoming (Mr. McGEE) which would amend the Taylor Act to provide that the acquisition cost of a grazing right could be considered in the determination of grazing fees as a cost of operating on the public lands. No legal, proprietary rights would be conveyed by such a provision; it would result only in a more realistic basis for the computation of user fees.

As a member of the Committee on Interior and Insular Affairs, I participated in hearings on the grazing fee increases which the Subcommittee on Public Lands held in Washington on February 27 and 28 of this year. These hearings revealed the enormous opposition which exists among livestock operators over the implementation of these rate increases.

I wish to make it clear that I have no quarrel with the fair market value concept in fixing grazing fees. I do not think that the livestock operators oppose that concept, either. What I do ask is that every effort be made to see to it that a basis for computing further increases reflects the major cost factors for these ranchers who use the public domain. Furthermore, I intend to press the agencies to see to it that they conduct a continuing review of the question of grazing fees, in order that the public interest is genuinely served in this matter. This review should include consideration of the information presented at the subcommittee hearings, as well as the Public Land Law Review Commission report when it becomes available. I have received assurances from the agencies that such a continuing study will be made.

DISRUPTIONS ON COLLEGE CAMPUSES

Mr. MURPHY. Mr. President, rightly, our citizens are concerned with the riots and disruptions that have taken place on college campuses throughout the country.

Recently, I had the pleasure of meeting Mr. Harold E. Green, director of community relations at Fresno State College. Writing last fall in "Techniques," a publication of the American College Public Relations Association, Professor Green discusses an approach

taken by Fresno State to help neutralize militant activists.

Because of the interest in this subject, Mr. President, I ask unanimous consent that the article, entitled "Academic Freedom—Campus Seminars Help Neutralize Militant Activists," be printed in the RECORD.

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

ACADEMIC FREEDOM—CAMPUS SEMINARS HELP NEUTRALIZE MILITANT ACTIVISTS

(By Harold E. Green, director of community relations Fresno State College)

The turmoil on college and university campuses today is forcing educators and non-educators alike to evaluate the current status of academic freedom and academic responsibility.

It appears that many attempts are being made to subvert the standards of freedom and ethical conduct developed so carefully over the years by the American Association of University Professors. Various organized groups—national and international—are seeking to force certain kinds of revolutionary change to obtain power by controlling higher education. Often these groups try to capture racial and ethnic organizations validly seeking educational, social and economic equality. The impact of all this on the public has been considerable. For example, at Fresno State we maintain a modest, selective newspaper and magazine clipping service as part of our monitoring operations. Its purpose is to keep us alerted daily about events and attitudes affecting higher education—and our college in particular.

Compared to the 1966-67 academic year, the volume of these news clippings has increased more than 150 percent. Almost all of the increased subject matter is concerned with student and faculty unrest, demonstrations and violence—in our state and elsewhere. Fortunately, at Fresno State we have been able to forestall violence thus far.

Obviously, these clippings are just one phase of the intelligence which we gather at Fresno State about the current problems of higher education. But they are dramatic evidence of the revolutionary atmosphere in which all of us function daily.

We have but to read the press to verify the strategy behind the organized attempts to force changes of an extreme nature. (I would like to emphasize that I am not talking about ethnic and racial groups seeking equality and cooperation in attaining their aspirations. At Fresno State we have significant, well-established, many-faceted programs on behalf of these groups, I am talking about organized militants seeking power.)

KEY MOVES

There appear to be four major power drives to change higher education and the social and economic structure of our country. These are:

First, the drive to eliminate administrative authority. From what I have observed, the techniques being used to accomplish this goal seem to follow established revolutionary patterns. An example is the use of delaying parliamentary techniques to subvert democratic action in administrator-faculty and administrator-student activities.

Second, the drive to establish student power on a national basis. We have but to read accounts about demonstrations and violence to identify certain groups and individuals. We have but to read "Towards Student Syndicalism" to learn of the goals of the Students for a Democratic Society. I refer you to the September 9, 1966 issue of New Left Notes. And look what has happened since then!

Third, the drive to replace the AAUP position on academic freedom and academic

responsibility with a civil rights position. Without commenting on the merits of this effort to replace professionalism with unionism, I do wish to point out that this drive is gaining momentum.

Fourth, the drive to establish the principle of absolute freedom and absolute sanctuary. This viewpoint is being advanced by various controversial educators who hold extreme views on society and education. In one way or another, most of us today are contending with these power drives which seek to alter higher education substantially.

In California we have been experiencing strong public, legislative and gubernatorial reaction to such organized efforts. More than 200 bills affecting higher education were introduced in this year's session of the state legislature. Many were punitive, some exceedingly dangerous to the future of higher education. The aims include controlling campus disorders, art exhibits, campus theatre productions, faculty hiring, classroom teaching and disciplinary action.

As you might expect, we have been rather busy meeting these challenges—in addition to contending with extremists and activists.

FRESNO APPROACH

One strategy we have used at Fresno State is to involve all elements on our campus—faculty, staff and students—in an examination of academic freedom and academic responsibility. In other words, we are meeting the challenges head on!

After extensive student-faculty-administration consultation, we decided to sponsor this spring an all-college series of four seminars on academic freedom and academic responsibility. (Please keep in mind that we have had our share of demonstrations and organized dissent.) Despite the complications encountered in presenting such a series, we were certain that many useful purposes could be served by such an effort. From a public relations standpoint alone there were six basic values involved.

1. We could expose our own college community (faculty, students and staff) to current concepts and opinions on academic freedom and academic responsibility.
2. We would be able to evaluate more effectively the objectiveness and influence of certain militant groups and individuals.
3. We could expose the general public (and possibly legislators, and state government) to a variety of views on academic freedom and academic responsibility. This would be done through media and attendance at the seminars.

4. We could bring into better public perspective the highly controversial views of one of our young faculty members, a poet.

5. We could present an adequately balanced exposition on academic freedom and academic responsibility without taking too conservative a stand.

6. We could assume a leadership posture by demonstrating publicly, on campus and in our constituency, our concern about academic freedom and academic responsibility.

A five-man committee was appointed to organize the seminars—four members of the faculty and the student body president. Ground rules were established. We worked with the overall recognized faculty and student leadership.

Each of the seminars would have an outside main speaker and three panelists. Each would present varying points of view. Following each seminar a question-and-answer period would be held. Leaders or supporters of the organized militants were represented.

The first three outside speakers were well-known Californians, all basically liberal in their viewpoints. One was an expert on due process. One was a leading civil rights attorney. Another was a noted artist and author. The fourth outside speaker, in the wind-up position, was a nationally known educator and leader, the president of the Association of American Colleges.

The structure of the seminars permitted a head-on examination of the many issues concerning academic freedom and academic responsibility today. The topics were:

Academic Due Process (faculty protection)
The Academy and the First Amendment (civil rights)

The Artist, The Academy, and Society (free expression)

Free Inquiry in a Free Society (the right to explore)

TIMING PLANNED

The time set for the seminars was at an hour which would permit attendance by most interested faculty, student and staff members of the college community. The public was invited. Press coverage was welcomed. The time scheduled for the seminars was from 4 p.m. to 5:30 p.m.

From a media standpoint, this time was an ideal for us. We could obtain extensive visual-audio coverage first, followed the next day by detailed newspaper coverage.

Television. We have three network TV affiliates in Fresno. All have color. The day of each seminar we could set up airport interviews at noontime, insuring six o'clock news coverage at noontime, insuring six o'clock coverage of the principal speaker. This could be followed at 11 o'clock at night with news of what happened at the seminar.

Radio. We could depend on specialized coverage as well as news coverage. An example was a 90-minute question-and-answer appearance by a member of our faculty who was also president of the California Conference of AAUP. This was a listener participation show on the leading radio station of Fresno. The usual time for this show is about 40 minutes. Listener response was so great that the time was extended to 90 minutes.

Newspaper. The leading newspaper in the San Joaquin Valley has always given us extensive coverage on many events. The seminar series not only produced considerable news coverage but also extensive letters-to-the-editor and editorial treatment.

Attendance at the seminars was satisfactory. Significantly, there were no disruptions.

As background for this particular comment, I might add that we have used a low-key but firm approach in dealing with demonstrations, sit-ins and sleep-ins.

First, we attempt to maintain informal but firm dialog.

Second, after a reasonable amount of discussion, we state the rules of the game and outline what we intend to do.

Third, we state clearly the consequences of breaking campus regulations and state laws.

Fourth, we state when we will begin enforcement action and demonstrate that we mean business... but quietly.

We have had three significant confrontations thus far. We have not had to use force. However, we are not making any predictions about the future.

Concerning our four seminars, we have been pleased thus far with the results obtained. We attained our six public relations objectives to an adequate degree. We have had responsible and objective coverage by the press. The public is solidly behind the administration of the college. The organized militants, for the most part, have been temporarily neutralized. Two of our constituent state legislators, one a Democrat and the other a Republican, have been helpful at Sacramento.

As a follow-through we are printing and distributing the seminar proceedings in an easy-to-read form. Also, we are arranging for a nationally recognized authority on academic freedom and academic responsibility to provide us with an objective critique of the seminars. We believe the proceedings will provide us with a strategic tool which can be used in many ways.

THE ROLE OF DEFENSE IN AMERICAN LIFE

Mr. MATHIAS. Mr. President, the current debate over the deployment of antiballistic-missile systems, while critically important in itself, is also one facet of a much larger question: the role of military defense in American life. As the world situation has changed and the problems confronting us at home have grown more urgent and critical, it has become clear that our overall priorities for governmental spending and emphasis must be rearranged.

In a perceptive and challenging column published in the Washington Post of Sunday, April 13, Joseph Kraft discussed this problem and the import of the ABM debates on these larger questions. Mr. Kraft's observations and his recommendations for an overall review of the role of defense deserve wide attention. 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:

GOOD GUYS GOING WRONG—BEYOND THE MISSILE DEBATE LOOMS ISSUE OF DEFENSE IN U.S. LIFE

(By Joseph Kraft)

The opponents of the antiballistic missile are good guys with a good cause. But as the fight moves toward a showdown with the return of Congress from the Easter recess, it is more and more apparent that they are in danger of getting hooked on an indiscriminate, symbolic issue.

If the anti-ABM groups are to avoid ignominious defeat, or meaningless victory, they need a general political strategy. Such a strategy needs to move beyond ABM to grapple with the more important elements of the central issue at stake.

The central issue is the role of military defense in American life. Without being very precise, it seems broadly evident that the money being spent on defense purposes and the influence accorded the military, are out of whack with both the decreasing tension abroad and the increasing difficulties at home. The problem is to channel resources away from external defense and toward the more pressing problems here at home.

Superficially, to be sure, all-out opposition to the ABM looks like a good approach to that problem. The Safeguard system, which the Administration backs, will cost an estimated \$7 billion.

It is not clearly necessary, and not sure to pan out technically. It has long been opposed by a highly organized and articulate group of scientists. It has begun to draw the fire of the same coalition of popular forces that turned the popular tide against Vietnam.

But closer scrutiny shows that the case against the ABM has several drawbacks. First, there is the matter of provoking the Soviet Union into countermeasures that would set off the deadly spiral of a new arms race.

There are weapons whose development would do just that—in particular, the MIRV (multiple independently targeted re-entry vehicle) program for putting several warheads in a single missile.

The ABM, however, is not a serious danger in this respect. The Russians don't really care whether this country builds, or doesn't build, an ABM. They have indicated they will agree to arms limitation talks either way.

The major monetary savings, moreover, can be made outside the field of strategic

weapons. The most promising targets, in fact, are such matters as the billions spent for antisubmarine warfare, for fighting a naval war in the Pacific, or for sophisticated fighter planes.

Finally, there is the matter of what would happen to the President in an ABM showdown. In a knock-down, drag-out fight, Mr. Nixon might become the prisoner of the military and their allies in the Congress for some time to come. But on the major issues of the defense budget, it is always much easier to work with, rather than against, the President.

In these circumstances, it makes sense to look beyond the ABM larger concerns. A one-shot defeat of an ABM appropriations bill, even if it were possible, would be small beer. Far better would be a compromise, giving the President his ABM appropriation, but on the proviso that there be, say, no further development of the MIRV program and only very limited expenditure for ABM pending negotiations with the Soviet Union.

At that stage, there would be a chance to direct public concern away from the trees, not to say twigs, and toward the forests—away from particular weapons systems and toward long-term budgetary and strategic choices. Just how to make this transition requires far more thought than seems yet to have been given to the problem.

But several possibilities come to mind. For one thing, the Congress needs to reshape itself to meet the issue. A special joint committee, with no legislative functions, might well be established to do nothing but scrutinize the role of defense in the budget. This committee should examine very carefully the annual statement of position by the Secretary of Defense. For purposes of comparison, it might demand that a matching statement be put forward by the Secretary of State.

A national commission on the defense budget—grouping not only foreign policy experts but also men committed to solving internal problems—also makes sense. So does the financing of independent academic groups to study the defense budget and possible areas of change.

In this way the anti-ABM effort could begin to move away from a partisan and highly symbolic issue. It could begin to move toward the true goal. That is the development of a process whereby resources can be shifted in a safe and discriminating way from military defense to the more pressing problems that assert themselves at home.

ESTABLISHMENT OF A NEW ENGLAND REGIONAL DRUG ABUSE TREATMENT CENTER AND PILOT RESEARCH CENTER

Mr. BROOKE. Mr. President, I ask unanimous consent to have printed in the RECORD resolutions memorializing Congress to establish a New England Regional Drug Abuse Treatment Center and Pilot Research Center at the Essex County, Mass., Hospital.

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

RESOLUTION OF THE GENERAL COURT OF THE COMMONWEALTH OF MASSACHUSETTS

Resolution memorializing the Congress of the United States to establish a New England Regional Drug Abuse Treatment Center and Pilot Research Center at the Essex County Hospital

Whereas, A serious drug abuse problem has been recognized to exist in the New England

area in general and the greater Boston area in particular by the Federal Bureau of Drug Abuse Control; and

Whereas, State facilities and programs are known to be inadequate and are unable to render proper care and treatment of narcotic addicts in this area; and

Whereas, The Essex County Hospital in the town of Middleton, Massachusetts has been idle for six years and could be utilized in establishing a modern regional drug abuse treatment center and pilot research center; therefore be it

Resolved, That the General Court of Massachusetts respectfully urges the Congress of the United States to authorize the establishment of a New England Regional Drug Abuse Treatment Center and Pilot Research Center at the Essex County Hospital in the town of Middleton, Massachusetts; and be it further

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

House of Representatives, adopted, March 19, 1969.

WALLACE C. MILLS,
Clerk.

Senate, adopted in concurrence, March 24, 1969.

NORMAN L. PIDGEON,
Clerk.

Attest:

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

Mr. KENNEDY. 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.

ADJOURNMENT TO FRIDAY, APRIL 18, 1969

Mr. KENNEDY. Mr. President, in accordance with the previous order, I move that the Senate adjourn until 12 o'clock noon on Friday next.

The motion was agreed to; and (at 4 o'clock and 50 minutes p.m.) the Senate adjourned until Friday, April 18, 1969, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate April 15, 1969:

NORTH ATLANTIC TREATY ORGANIZATION

Robert Ellsworth, of Kansas, to be the U.S. permanent representative on the Council of the North Atlantic Treaty Organization, with the rank and status of Ambassador Extraordinary and Plenipotentiary.

DIPLOMATIC AND FOREIGN SERVICE

Philip K. Crowe, of Maryland, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Norway.

COMMISSION ON AGING

John B. Martin, Jr., of Michigan, to be Commissioner on Aging.

EXTENSIONS OF REMARKS

ISRAEL TODAY

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 14, 1969

Mr. BROWN of California. Mr. Speaker, I have been calling the attention of my colleagues to a series of articles written by Miss Carol Stevens Kovner, written in Israel and giving a vivid firsthand account of the feelings in that nation. Miss Kovner is managing editor and foreign correspondent of Kovner Publications, a newspaper chain in the East Los Angeles area. Following are four more in this series of articles.

[From the Eastside Sun, Feb. 27, 1969]

THE VIEW FROM GAZA: MOST DENSELY POPULATED AREA ON EARTH

(By Carol Kovner)

The road into Gaza town from Beersheba is through a large Moslem cemetery, where little girls play in the dust between the monuments and young men loiter against them watching traffic pass.

The unrest rippling through the Gaza Strip these past weeks was not evident among the townspeople who were conducting business, what there was, as usual. The bus depot is also a market place, the most uninviting imaginable. Israeli passengers on the bus, which runs every half hour from Beersheba, were for the most part Jews originally from Arab countries who had come for produce bargains to be wrangled over in their native Arabic. Getting into a rickety cab we careened through the town to the UNRWA compound.

Gaza town is very ugly. Aside from its two refugee camps, it is poor and rundown, bullet holes unrepaired in its buildings and the majority of the population in worn clothing. The reason is because the Gaza Strip is the most densely populated area on earth, with three times more population than the Netherlands, most populated of the European countries. What money there is goes for food and medicine and education.

The Strip has 70 per cent refugees on the UNRWA registration and the rest local population. The huge labor pool has forced the wages of nearly all down to a subsistence level. The only sources of work available, as there is no industry to speak of, are in other Arab countries for the graduates of UNRWA schools and for local labor in the citrus fields, fishing, or handicrafts for the women, mainly embroidery sold through an UNRWA shop in town. Practically the sole employer of Gaza refugees on a meaningful scale remains UNRWA.

UNEF also provided some jobs, the secretary of the UNRWA Director told us at the compound, openly resentful of the moveout. Her attitude reminded us of the Poverty War organizations, many of which were also temporary in nature. When they are discontinued there is great resentment because employees have lost good jobs they may not be able to replace. The UNEF troops departure ordered by Nasser left many refugees dependent again only on the UNRWA dole, a 1600 daily calorie diet—a reducing diet in the U.S.

Israeli authorities understand this employment situation. After Dyan toured the Strip recently he told the Israeli public that the unrest is due to the difficult economic conditions there, urging that 35,000 work hours be allotted to the West Bank and Gaza to maintain a decent economic level. The Military Governor of the Strip, Tat-Aluf Mor-

dechai Gur, has also said there would be fewer acts of terrorism if the standard of living was raised. Israel should invest more in industry and vocational training, he said.

At the Gaza UNRWA Headquarters, Mr. Geaney the Director had gone to troubleshoot at the vocational training center where the students were out of classes and "demonstrating in sympathy to the political situation," a phrase used by most Palestinians we talked to about the strikes. Mr. Filfil, a translator at UNRWA, drove us over to see the center, which was what we had come for. Mr. Geaney was trying to persuade the students to return to class. He said later they would probably return by the end of the week.

The students, who live on the premises in new dormitories were well dressed and well behaved. Most were young men in their twenties. They were sitting in groups on the lawn. The large airy well lighted rooms stood empty, the new equipment imported from Europe lying idle. The teachers waited to see what the students would do.

They were meeting in delegations with the principal, Mr. H. Hammad, a harried Palestinian who had studied in Haifa, then gone on scholarship to England. The students were striking in sympathy to the political situation, he told us. There were 513 at present, but only 1 in 6 were accepted who applied. Since 1954 when it began there have been 1496 graduates all taught by refugees who were given scholarships abroad in England, Switzerland, Sweden, and returned to teach.

What was the employment situation for graduates? There were 380 graduates not able to work in Gaza and not being accepted by the Arab countries, as before the war. Only local residents, not refugees, are taken for labor by the Israelis, untrained labor mostly.

Mr. Hammad said there was enough money and equipment for vocational training; in fact, too much attention was being paid to the vocational training school. It is understandable that he felt this way with his graduates not working and the school being expanded to 556 in September.

Back at UNRWA Headquarters, which was as poor and rundown as the rest of Gaza town, we talked with Mr. Geaney. He has been in Gaza since July, 1967 and with UNRWA since 1952 when he had also served in Gaza. The students can't do less than their colleagues he said, because there is great cohesion among them. If they act any differently, they are looked down upon.

This checked with what an Israeli official had told us in Beersheba, that the people in Gaza are afraid to cooperate remembering 1956 when Gaza was returned to Egypt and "collaborators" were killed. Now they create disturbances so that they can have a piece of paper to show they have been in prison for making trouble for the Israelis. It is not like a school demonstration in Los Angeles where the students are demanding improvements long overdue.

The Jerusalem Post said, "It is widely believed that the demonstrations are instigated by local political activists with the aim of emphasizing the Palestinian element, especially in view of the Four-Power negotiations on the Middle East. They have concentrated on school children to evade counter-measures."

Besides the economic situation and the school strikes in Gaza, the shortage of doctors caused by the Egyptians leaving worried Mr. Geaney. Most doctors come on a voluntary basis or for a very low salary. There are no mental hospitals in Gaza. Mental patients are sent to Israeli hospitals.

There is a \$9 million budget for 313,152 registered refugees. (Non-refugees number 141,000.) Those not in the eight camps num-

ber 113,378. There are 39,305 registered children not on the UNRWA ration list because of lack of funds. Somehow, they get fed, though, Mr. Geaney told us. When a refugee becomes a wage earner of 1120 liras per month, his ration is cut. Were the rolls inflated, we asked. That has been greatly exaggerated, he said.

There is no vocational training for girls, but there are two six-month sewing courses a year that women can take, and embroidery is encouraged. UNRWA provides for up to the 9th grade in separate girls and boys schools.

What about the anti-semitic textbooks that were used by UNRWA schools and found by the Israelis when they took over the Gaza Strip, we asked. Many were objectionable, he said, and are not being used now. UNESCO has taken over that responsibility. In order for a student to graduate in a host country, it was necessary for UNRWA to follow that country's curriculum, it was felt. A strong position was not taken because the students would not be accepted in the Arab universities unless they studied these textbooks. Only a few students leave for Amman or Beirut at present. Higher education is at a standstill now in Gaza, he summed up.

The stumbling block may be the Arab university examinations, but we still feel that distributing hate textbooks was a peculiar thing for a humanitarian organization like UNRWA to do. An Israeli told us that Jewish children are not taught to hate the Arabs because first it is your enemy you kill with hatred, later it can be your brother. . . .

Why can't Israel annex Gaza and work with American Jews and the international community to settle the refugees, we had asked the Israeli official in Beersheba the day before. No, he said, it is a political problem and we can't. In Gaza it would not be the same as Jerusalem where there is daily contact and the reality of the united city.

In Newsweek Magazine, in answer to Nasser's interview in the same magazine, Prime Minister Eshkol has said, "any refugees returning now to Israel would be a time bomb. We cannot take them back but we are ready to pay compensation."

The only solution the Israelis feel is for the Arab countries to take them in, because for one thing, Israel hasn't the water to support them. Then almost 50 per cent of the Israelis are of Oriental background. This means they came from the Arab countries, so most Israelis feel it was an exchange of populations. An exchange, Arab politicians like Nasser, have turned into a convenient political football which is not a life or death issue to them, says Eshkol.

So the 380 graduates of the Gaza Vocational Training Center run by UNRWA, ready for careers in radio, TV, mechanics, what the Arab world needs most, vegetable. As idle as the ships in the Bitter Lakes and as caught.

[From the Eastside Sun, Mar. 6, 1969]

TWO STUDENTS KILLED IN TERRORIST BOMBING OF JERUSALEM SUPER MARKET

(By Carol Stevens Kovner)

While the Friday morning dynamite took the lives of two immigrant students and injured nine other shoppers in the terrorist explosion at the Jerusalem SuperSol market, I was interviewing a woman who calls them freedom fighters.

Wife of the former Jordanian Ambassador to England before 1967 and onetime Defense Minister, Mrs. Anwar Nusseiba is a pretty young darkhaired woman, softspoken and the mother of six children, two grown daughters with families. She has a reputation as a militant feminist and a militant nationalist.

Her husband is now legal consultant to UNRWA.

The Nusseiba home is on the former border between East and West Jerusalem, next to what is left of the Jordanian Army Headquarters, mostly rubble. To reach it from Mea Shearim or the Jewish Orthodox Quarter, you can cross the former Mandlebaum Gate area and pick your way across the old no-man's area where there is a new street but few sidewalks. The house looks battered from the outside because it was in the most furious part of the battle for Jerusalem, but it is pleasantly furnished inside.

Both the Nasseiba family and the El Ghoussein, her family from Ramla, are old wealthy landowning families. The Nusseibas have held the key to the Holy Sepulchre since the 12th Century. "We owned property in Ramla, orange groves, in Gaza, all over the area," Mrs. Nusseiba told me. "My mother grew up in wealth and I will never forget when we left, she had to beg for a blanket to cover me. We had to walk 90 kilometers to Jordan."

I responded to her painful memory, but I also remembered a girl I had met on the Greek ship coming to Israel. Her mother's wedding ring, all that was left to her after property, business and belongings had to be left behind, was taken from her before they would let her leave Egypt. It is a familiar refugee story Mrs. Nusseiba told, but I have heard countless Jewish versions the past months recent refugees from the Arab countries, not Europe. From communities that are hundreds of years old, or were. There are two sides to the coin.

"They want to live peacefully they say," she went on. "Look at what they are doing with Jerusalem. Katamon. This is all Arab property. Is this a legal thing?"

Katamon is a very poor district geographically situated on the outskirts of Jerusalem, a slum really. It is where thousands of refugee families from the Arab countries were settled in haste in jerry-built stone and stucco apartments that look as if they will tumble down any minute. Many who live there still wear Arab dress, but they are all Jewish. Old Bucharans, with rags wrapped Oriental-style around their heads and necks against the Jerusalem cold, ride every day on the bus with their grandchildren who dress well and speak Hebrew. But the old folk still speak Arabic. Katamon could be an Arab village if you did not know the origin.

The Pioneer Women nursery for working mothers I visited in Katamon is filled to overflowing with the children of the immigrants, tiny boys with little black cheek curls, little girls, all very dark skinned. Just over the back fence outside their playground is the Jerusalem-Tel Aviv railway. Before the 1967 War, the Jordanian border was on the other side of the tracks, a few hundred feet away.

Why are they there? Because before the 1967 war, Jerusalem was the dumping ground for thousands of destitute families and they had to be put into homes and quickly. Not clapped into camps for 20 years and left to rot as in Gaza, but absorbed into the only country that would accept them all, the sick and destitute and the old.

"In the long run, we are going to live together" Mrs. Nusseiba said once, "but we don't want all this conflict they are creating. We don't want their rule. In Jerusalem they are bringing their people here... there should be a Jewish side and an Arab side, but one city with some legal connection." This was a rare moment of logic in the stream of resentment and hatred she poured out on the Israeli occupation. "The Jews are the last people in the world to do this to another people," she cried.

"After 2000 years of being refugees, 20 years you can't go back? I have to laugh when I talk to them and they say they can't go backward."

The woman who showed me the Katamon nursery had been in tears the whole trip. A boy who had shown great promise had just been killed the morning before. His father had been a brilliant general in the 1956 war and killed in Sinai. In Tel Aviv a friends sister-in-law is slowly going mad, crying her womb is poisoned. She lost her 6-year-old daughter to the violence of Arab villagers who raped and killed her. She has just lost her son while doing his term in the army. Go backward 20 years to what, they would ask if they were alive, these sabras who were born in Israel.

"Politics is the real barbarian," Mrs. Nusseiba told me. "It is a monster to the Arab people." With their politics the world is killing the Palestine people. The Russians, the British, they are killing us. Where is the human consideration?

"Why do they feel with the Jews? Do they expect us to live under his thumb?" she asked. "It is my land, my water, my history! But it is very difficult to go back. If we could have the 1947 partition, we could have some of the Arab rights."

"The freedom fighters" she exclaimed as her face lit up, "how can they be called terrorists?" At that moment the bodies of the two students were carried away, in the market I would have been in if I hadn't been talking with Mrs. Nusseiba, for the SuperSol is where I shop every Friday morning.

"We want our name, our nationality, same as any nation in the world." What about the idea of a federation of states in the area, I asked her. It might be a good idea, she said, but I don't know politics. She was one of the most politically-minded women I have ever met.

When asked at a public meeting whether he favored an independent Palestine state General Dayan said, "Were elected representatives of the occupied territories population to approach Israeli government and negotiate for peace, I would advocate we sit down together."

He administers the areas with as light a hand as possible. In the recent school strikes, he went to Gaza and the West Bank schools and told the students and their teachers the Israelis would not interfere with their demonstrations if they were contained in the schools. The Israel government has lifted some of the restrictions on employment from Gaza to ease the situation there a little. Although the Vocational School in Gaza that I visited erupted the next week, it is quiet now.

The terrorism and unrest is to be lived with, say the Israeli leaders, if necessary, for a long time. Until there is an agreed peace and secure borders.

[From the Eastside Sun, Mar. 20, 1969]

SOME REALITIES IN THE MIDDLE EAST—ROOTS OF MANY PROBLEMS SCRUTINIZED

(By Carol Stevens Kovner)

There is a small suburb outside of Jericho, on the West Bank, near the Jordan River. It was used as a winter home before the 1967 war, initiated on this front by the Jordanians, by many Jordanian and Arab diplomats and businessmen. It is abandoned, the once luxurious homes empty, plumbing torn out, light fixtures gone, windows and doors smashed. Goat droppings litter the floors of the rooms. One home was obviously used as a stable this winter. Mortar shells lie scattered around the gravel streets. Trees and shrubs are dying for lack of water and fences are pushed over at crazy angles. A Jewish star is on the wall of one house.

The Israel Defense Forces were quartered here for one year following the victory, then left, promising compensation to the owners for all damage by them. When we visited it we found a fresh cigarette box from Amman on the ground. The two Jordanian Arabs and the Israeli journalist with me were con-

vinced that the Fatah were using the houses as a day hideout.

One of the Arabs, who was born in Jerusalem, was working as a policeman for the Israelis. We were curious why he was co-operating so openly with them. "The Fatah will get you," the Israeli joked with him, but he was very young and serious about his job. "I must work," he said simply. "I can't work in a factory."

When we entered Jericho, he removed his jacket and in the suburb where we found the Amman cigarette box he was frightened. Later he said he was coming to America to work for his uncle in New York. There are Jews in New York, too, we told him. "Are you planning to do what Sirhan Sirhan did to Kennedy?" the Israeli joked. The boy smiled, "Politics and business are separate."

We lunched at a large restaurant that had been popular with tourists before the war and now was empty, the patio pool full of scum. "Jazz music" or machine gun fire sounded in the streets while we ate. A swimming pool was filled with Israeli soldiers getting relief from the muggy heat.

We visited a former refugee family that had settled in Jericho. The Israeli who was a historian and worked on the Dead Sea Scrolls dig had known them for years. The host, dressed Kuwaiti style in a long white robe, was very hospitable. There were three brothers and four wives with 27 children living in three houses next to each other. It was a happy family, prosperous seeming. The children wandered in to be teased by the Israeli and to shake everyone's hand around the room. They were part Negro, descended from slaves.

On the way back to Jerusalem, we passed huge deserted refugee camps built of mud wattle and slowly melting back into the red earth in the salty ominous air. High above, plastered against a cliff like a bird's nest, was a Christian monastery. Below, in a fruit tree grove was a mosaic synagogue floor with the Hebrew words "Peace upon Israel." As it was getting dark, the Judean hills would soon be dotted with the flashlights of soldiers, looking for Fatah terrorists who traveled at night to get into the city. Very few did.

One hundred terrorists were rounded up in Jerusalem after the SuperSol explosion in which two students were killed. Most were residents of East Jerusalem, Gaza and Ramallah. Evidence was found proving the Fatah cells in Jerusalem were being directed by the Egyptian government.

A chain was reconstructed from professionals in Jerusalem, including a clergyman of the Anglican church in Ramallah, a prominent doctor, a lawyer, and teachers, that extended to an escaped woman terrorist now based in Amman. From evidence, said the police spokesman David Barelli, who announced the cracking of the ring, it was obvious that she received her orders from the Egyptian Embassy in Amman. Enough explosives was discovered, some in private houses, to blow up the heart of Jerusalem. While the terrorists were being rounded up, crowds of children in fanciful Purim costumes paraded the streets of Jerusalem for days and life went on normally.

The group is believed responsible for much of the student demonstrations in Gaza and the West Bank this winter. Israelis are inclined to wink at the demonstrations by school girls because they feel the youngsters are easily led at that age, by radio or by leaders such as those arrested in Jerusalem. They feel the schools are not up to standard anyway, and the additional missing out of classes hurts the students most. Not the Israelis.

Shooting along the Suez Canal, initiated by the Egyptians says General Odd Bull, Chief UN Observer, has cost them heavily. In the exchange which has gone on intermittently for days, and seems a political ma-

neuver to many, for the purpose of attracting big power attention to the area before the talks, Suez oil refineries, and tankers were hit, and Major General Riad, Egyptian Chief of Staff was killed.

The sudden death by heart attack of Israel's Prime Minister Levi Eshkol will put Golda Meir at the helm until the next elections. The former foreign Minister, she is reputed to be a hardliner, unlike Eshkol who would take second best when he could not get first best. Eshkol kept the quarrelsome political parties in the National Unity Government together and it looks as if the same government will be kept until November.

There are many jokes in Israel about Mrs. Meir not listening to the "people in the street," only her Labor Party or the Old Guard. A cartoon by Dosh, showing a startled young Israeli looking at the reflection of Golda Meir in a mirror (she is 70) sums up the mood of the "street," the young Israelis.

[From the Wyvernwood Chronicle, Mar. 27, 1969]

ISRAEL'S IRON JEWISH MAMA—PRESS CONFERENCE WITH PRIME MINISTER MEIR

(By Carol Stevens Kovner)

At her first press conference after being sworn in as Israel's first woman Prime Minister, Golda Meir rejected categorically a Four-Power solution to the problems of the Middle East.

Referring to the idea of a new United Nations peace force composed of the United States and Russia, she was mildly surprised at Russia being one of the two, "since its contribution to peace in the area has been so outstanding." Russia was never the staunchest friend we have ever had, she added at another point in the press conference with a wry smile.

She described the "evaporation" of the UNEF troops just before the 1967 war (the Egyptians asked them to leave), and said, "we are asked to put our faith in the same force for the third time . . . So what? Will it be any different than 1949 and 1967? You all know what happened—they were asked to leave and they left."

On West Bank policy, she said, "As long as there is no peace agreement with us and our Arab neighbors, we stand where we are. We will do our duty to all the inhabitants of the West Bank. We will do everything possible for welfare, education and so on. They will find out it is not so terrible to live with us."

"I don't understand the world sympathy to the lack of will of Arabs to come to a peace settlement. The question is this, are the Arabs ready to live in peace with us? It is too simple. Maybe that is why it is so hard to explain to our friends."

"Until they are, NOTHING will happen. The Arabs have to be faced with the problem. We say yes to peace . . . they have 101 answers, but not one to open the road to a peaceful solution."

She told reporters she was ready to go to Amman to meet with Hussein for negotiation, although Golda Meir in Amman is not exactly what the little King, as he is called in Israel, needs right now. Between Nassar and the terrorists, he doesn't need the Iron Jewish Mama, too. "I don't think he has any doubts. He knows Israel is ready to meet him. If he is prepared, certainly we are," she told reporters.

"Nobody has proved to us why it is so outlandish to expect a signed peace settlement. The only peculiarity is that the party that won the war is asking for the agreement. It is not something new for Arabs and Israel to sign an agreement . . . but it seems we must now convince our friends there is no alternative to a peace settlement."

On negotiating with the Fatah, "not today, not for several years from now can we consider them as partners in negotiations. Their

heroism is expressed in marketplace murders. That does not make them a partner for negotiation to my mind."

"Jordan civilians may have been hurt but no one can say rightly that Israel attacked civilians. If Fatah bases are built near civilian villages, we are sorry about hitting them, but no one can compare THAT with marketplaces. A supermarket is not the military base of the Israeli Army."

Regarding the new settlements in the occupied areas, she said, "How many settlements did we put up in the first months after the war? If Israel is worried about security, it is its duty to do everything possible, if necessary to put up settlements on the other side of the 'Green Line,' so that children don't have to sleep in shelters."

It would be too good, she said with gentle humor, if there was an agreement right away with President Nixon. It is natural to have different views, not necessarily contrary ones. The talks with the President and his cabinet will go on.

But the United States and our other friends must realize we must have borders that will not tempt the Arabs to attack us, as the former borders on the Golan Heights (transformed to one long underground fortress overlooking the farms below), she explained.

Asked what Israel would do if the Four Powers try to force Israel to an imposed solution, she said, "When life depends on decisions, a little country will take them. We will not depend on the good will of Nassar or a UN force—we want secure borders. The Arab countries must have no natural advantage over us. We do not fool ourselves—war breaks out between those countries with peace agreements."

Golda Meir looked in good health, her voice clear and feminine, her manner positive and down-to-earth. Her face normally stern, lit up when someone asked her if she considered herself a "stopgap" until the October elections. "Did I call myself a stop gap," she laughed.

Mrs. Meir has been 48 years in Israel. She was born in Kiev, Russia in 1898. Her family moved to the U.S., to Milwaukee, in 1906. She still has a pronounced midwestern accent. When she married she moved to Israel with her husband. She had a son and a daughter. Some of her long government experience was gained in the Mo'etzet Hapo'alot or pioneer Women in 1928 which launched her on her public career. She came out of retirement to become Secretary-General of the Mapai and later the united Israel Labor Party. In August, 1968, she again resigned.

She was reluctant to accept the premiership because, she said "Obviously I am not an infant. It was the decision of my party to take this post—I took it."

HONOR PAID TO REPRESENTATIVE TIM LEE CARTER OF KENTUCKY

HON. MARLOW W. COOK

OF KENTUCKY

IN THE SENATE OF THE UNITED STATES

Tuesday, April 15, 1969

Mr. COOK. Mr. President, the young people of the Fifth Congressional District of Kentucky have shown down through the years that they recognize the outstanding qualities of leadership which have been exhibited by their Representative, Dr. TIM LEE CARTER. To pay tribute to him, they came from all over southeastern Kentucky to a dinner in his honor which was held at Cumberland Falls State Park near London, Ky.

Representative CARTER knows that a

student or a young person who is interested and involved is much less likely to want to take over administrations and tear down college buildings. He has gotten the young people of his district involved and interested in government, both in Washington and at home, and I think it is in part a tribute to Dr. CARTER that the campuses in his area have not experienced such unrest.

I ask unanimous consent that a newspaper account of the dinner in his honor, published in the Columbia Statesman, be printed in the RECORD.

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

COUNTIANS AMONG 400 AT FALLS TO PAY TRIBUTE TO DR. CARTER

(By Phil Aaron and Ed Waggener)

On Saturday night, March 15, 1969, over 500 young men and women from the 24 counties of Kentucky's Fifth Congressional District gathered to pay their respects to and show their appreciation for their Congressman, Dr. Tim Lee Carter. It was an event unparalleled, without precedence in the Republican Party of Kentucky.

These young partisans were not protesting; they were not rebelling, striking, or seizing control of a university, nor were they honoring a retiring or past leader. They were, however, pledging an affirmative vote of confidence in a man who has earned their respect and support.

Their plea, in effect, was: Congressman Carter, we want more of the same.

Tim Lee Carter has gained the overwhelming support of those constituents of his under 30 because he understands them and has gone to bat for them. It seemed an appropriate night for this tribute; that same night Kentucky high school basketball teams were making their final eliminations for the "greatest show on earth"—the Kentucky State High School basketball tournament. Carter himself was once a high school roundball coach and he himself directed three teams to the Sweet 16. But when everyone else in Kentucky was thinking basketball, an overflow, turnaway crowd wedged into DuPont Lodge, at Cumberland Falls, Kentucky, to show their appreciation for Dr. Carter.

In Kentucky, citizens gain the right to vote when they reach the age of 18. Dr. Carter has made an effort to solicit the views of this younger, come-alive generation, and in turn he exhibits some of the zeal and exuberance they have for his campaigns. In an age where the typical American has a potbellied midriff bulge, Kentucky youth are proud to read that their 58 year old Congressman has defeated Olympic champion Bob Mathias in a game of handball in Washington.

Many of today's youth regard their parents as old fogies who don't understand them. Carter has attempted to keep in touch with the problems and concerns of the younger set, and has help from his teenage son, Billy Star. When Congress did not renew its summer intern program for college students, he continued to provide the valuable experience of a summer in Washington, out of his own pocket.

But most important of all, Carter has built up a rapport with his younger constituents through his actions in Congress. He has had enough integrity to stand and be counted. He was one of the first Congressmen to attack our Vietnam involvement on the floor of the House. He has pointed out the inequities in the selective service's draft, even though he himself volunteered as a combat medic in World War II. He voted for the unpopular income tax surcharge because he believed failure to do

so would have disastrous effects upon our economy. And he opposed a salary increase without grandstanding. We hill people like for our congressman to perform this way.

On the political side, Dr. Carter has endorsed candidates in controversial campaigns on issues of conscience and principle even though it was evident that his district would vote heavily for another candidate. Perhaps his greatest contribution is his grasp of perspective. Congressman Carter not only says today's youth will be tomorrow's leaders; he believes it enough to put into practice what he preaches.

A side that rarely comes to light is his depth of knowledge as a scholar of Kentucky history and of Abraham Lincoln. Among his favorite Lincoln quotations is, "I shall be governed by the will of my constituents on all subjects upon which I have the means of knowing what their will is." Dr. Carter has led in the causes his people would have him to.

OPERATION FISHBASKET

HON. LOUIS FREY, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 15, 1969

Mr. FREY. Mr. Speaker, I recently read a column by Bob Miller in the Vero Beach Press-Journal and commend it to my colleagues of the House.

I am extremely proud of Bob Miller and constituents of mine who were worried about their fellow human beings, worried enough to bring great quantities of food to those who supposedly needed it. I think we can all agree that the problem of hunger in this country should not be ignored, but must be solved. I think we can further agree that the use of hunger as a political football is to be avoided.

The article follows:

BOB MILLER SEARCHES IN VAIN FOR
IMMOKALEE'S HUNGRY MASSES

(By Bob Miller)

It all started on these pages, so it is only fitting it should be brought to a conclusion here.

"Operation Fishbasket" was actually a worthwhile project when subjected to deontological thinking. Whether the need was actually as acute as portrayed or not, the participants in its doing should be commended highly for their efforts. And this is the way it was.

Last week, this writer, after perusing several articles in journals conveying the events transpiring in our great state, concluded there was a need in an area that could be filled by an excess in another area. The excess being that of bluefish being caught in the Indian River area, as opposed to the reputed lack of good food in the farming district in Collier County, or, more exactly, Immokalee.

APPEAL

I appealed to all of the good citizens hereabouts to contribute what might otherwise be a waste to what I considered a worthwhile cause, that of transporting fish which might have been thrown away to indigent farm workers. Because many of our area's citizens have hearts as big as all outdoors, the appeal met with not only an excess of fish but many other staples of food that were purchased and donated to the cause.

So much was donated that I had to make another appeal for transportation to get it to its destination. Hobart Brothers Company met the appeal with the loan of a pick-up truck. Not only that, but Bob Dempsey, who

works for Hobart, offered to drive the truck on his day off. Ed Belanger, brother-in-law to Dempsey, also gave us his day off to assist in the transporting of the fish 'n food to its southern destination.

Saturday morning found the three of us with a load of fish leaving from the Vero Beach Fish Camp. Another stop in Ft. Pierce added another 800 pounds of food which was brought about by the generosity and efforts of Henry Beuttell and his friends. That left us with one big truckload of food and we were on our way.

As the crow flies it is not too great a distance from Vero Beach to Immokalee. However, unless you have an amphibious vehicle, it is best that you skirt the edge of Lake Okeechobee, which we did. If you think there is one highway that can be traversed the whole way, forget it. You have combinations like highways 27, 29, 89 and several other lesser known access roads that lead to the highways.

NEW COUNTIES

The trip was interesting in that it went through several counties that I had heretofore not traversed. I was most impressed with the name of Hendry County. It was quite obvious that the name was derived from the fact that Joe Hendry lives there. If he doesn't own the whole county it would surprise me. He at least owns a lot of land that has to its credit many head of cattle and at least three or four oil wells.

We stopped at a place called LaBelle and had lunch. Now here's a place that poverty couldn't possibly exist. There's enough beef on the hoof in that area to start a packing house that would be the envy of Chicago. We had three hamburgers and three Cokes to the tune of \$2.50.

DESTINATION

We finally arrived at our destination—Immokalee. We immediately set about looking for people with their eyes sunken into their heads and their stomachs bloated with hunger. It was apparent that they were not to be found in the downtown area, so we stopped at a gas station. It was obvious this place needed something, although it might not have been food. We prevailed upon the owner to give us some much needed information as to the whereabouts of the starving masses.

He allowed as how he didn't know of such masses so we were a little more explicit. Where is the migrant laborer's camp that houses the migrant farm laborers? Again our informant allowed as how there wasn't exactly any particular place where they all stayed, but if you looked around you could probably find them almost anywhere.

This was made quite obvious by the fact that several persons of unknown heritage gathered around the truck and became very informative. Some were from Texas and others from New Hampshire or other far-away places. When queried on the location of their starving brethren they all looked at me as though I were sort of stupid.

HUDDLE

Ed called a huddle and it was concluded that they were hiding their indigents from all outsiders and particularly members of the press. With this we called upon the gas station owner to put us in touch with the local welfare office representative. He commented that he didn't rightly know who that was, but he would call someone who would help us find him. A few minutes that seemed like hours (we had now become quite a spectacle), a gentleman arrived on the scene and introduced himself as Stan Wrisley, editor of the Immokalee Bulletin.

After a short conversation it was concluded that we needed the services of Captain Harold M. Reece, who among other things, is the local Episcopal minister, president of the Immokalee Migrant Committee and head of the chamber of commerce.

We picked up Captain Reece at his house and then set off in search of some starving migrant workers. We visited a certain section of the laborers' quarters where it was known that one worker with a total of 16 children did have quite a time making ends meet. An interview with this father of 16 revealed that he was rather disposed to working two jobs to keep his family fed, but he was also steadfast in his feeling toward all those d—— politicians that kept stirring things up.

QUOTE

He said, "We don't need that kind of folks coming down here. All they do is make it look bad for us and good for them. There ain't none of my kids go hungry no time and ifun they do I'll sure go out and get it (food) for them." He further stated, "If they would quit giving themselves raises every time they turn around, they would be more left for the poor folks."

Our next stop was at a camp where it was reported that Indians were living under the most primitive of conditions in thatched huts with mud floors. That the living conditions were such there is no doubt. However, the report failed to mention that this was a way of life for these people and they prefer it that way. Their total outlay for utilities, rent, etc. is \$5 per family per month. I couldn't help but note how clean the area around the houses was, and the array of flowers that bloomed in front of almost every door. The fact that there was a good looking 1968 Ford station wagon parked in front of the door of one house, owned by the tenant, gave the subject of poor conditions its full perspective.

POLITICS

So it would seem that Senator McGovern and his erstwhile political efforts have no real foundation. They have debased a small southern community in an effort to gain recognition as a humanitarian by using a smattering of truth out of context. Conditions are poor, there is no doubt about that, but so are they in some areas of Indian River County and for that matter almost every community in the United States.

We did however succeed in putting our wagon load of food in the hands of Miss Blake Palmer, the county nurse, and its distribution will be allotted by one Marion Feather, the local social services worker and truant officer. We were assured that its distribution would meet with our intention and that only those who were in real need would benefit by our efforts.

NICE PEOPLE

There are a lot of nice people in Immokalee and I am most gratified that I was afforded the opportunity of meeting some of them. They were most cordial and invited me to visit any time and explore the existing conditions to my heart's content if I so desired.

So in the dusk of another Saturday, Bob Dempsey, Ed Belanger and Bob Miller wound their way home satisfied with the fact that our job had been done as most of the people who so generously contributed their time and efforts would want it done.

TWELFTH ANNIVERSARY OF WASHINGTON METROPOLITAN AREA COUNCIL OF GOVERNMENTS

HON. WILLIAM B. SPONG, JR.

OF VIRGINIA

IN THE SENATE OF THE UNITED STATES

Tuesday, April 15, 1969

Mr. SPONG. Mr. President, on April 11, the Washington Metropolitan Area Council of Governments marked its 12th

anniversary of service to the people of the Capital region. The organization had its beginning in the informal discussions of a group of local government officials who recognized the regional character of many of their problems and the need for metropolitanwide action to solve them.

Since then, the council of governments has become a focal point for a united attack on the urban problems of the area and has made an outstanding record in dealing with such problems as air and water pollution, crime, housing, and transportation. In the years ahead, we shall be depending more and more on regional cooperation in meeting the urban challenge. The council of governments has shown us the way.

I ask unanimous consent to have printed in the RECORD a speech by Frederick A. Babson, chairman of the board of supervisors of Fairfax County, before the North Central Texas Council of Governments. Mr. Babson was recently elected president of the National Service to Regional Councils.

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

REMARKS OF FREDERICK A. BABSON, CHAIRMAN, BOARD OF SUPERVISORS, FAIRFAX COUNTY, VA., TO THE ANNUAL MEETING OF THE NORTH CENTRAL TEXAS COUNCIL OF GOVERNMENTS, JANUARY 28, 1969

Your metropolitan area and mine are similar in many important respects. We both have more than two million people, and in Metropolitan Washington this is now approaching the three million mark. We are both expected to continue population growth. The population projected for the Dallas-Fort Worth region in the Year 2000 is six million. Just two weeks ago we were told that our projected population in the Year 2000 is between seven and nine million.

We both have the same problems—crime, transportation, pollution, water supply, land use and a variety of other problems which are complex in nature and regional in scope.

We both have chosen the same political mechanism for working toward the solution of these regional problems, the council of governments. We both have similar programs through our COG, and we both have won awards from the Department of Housing and Urban Development for outstanding achievements in intergovernmental relations, so we both must be doing something right.

Throughout my political career I have been interested in and committed to the regional approach to regional problems. I have always been convinced, and defended this conviction when it became an issue in my most recent campaign, that we need a regional organization of our local governments if we are to do anything at all about our metropolitan problems. And in the campaign where my regionalism became an issue and my opponent showed a provincial attitude, I was the one elected.

Today we need no further evidence of the need for a united approach by our local governments. Now we must demonstrate in the face of these staggering issues whether we want to improve the life we lead and the world in which we live, or whether we want to mortgage our own futures and those of our children, leaving succeeding generations an urban world far worse than the one we inherited from our fathers. In this very real sense we must decide, you and I, whether, in the words of Thomas Wolfe, "the true discovery of America before us"—whether "the true fulfillment of our mighty and immortal land is yet to come."

This is the real meaning of the decisions facing us today, and we are challenged to

meet these issues through a new device. Abraham Lincoln was faced with the same set of circumstances. (We Democrats in Washington are finding it advisable these days to quote a Republican once in a while.) Lincoln said of his time: "The dogmas of the quiet past are inadequate to the stormy present. The occasion is piled high with difficulty, and we must rise with the occasion." Then he said: "As our case is new, so we must think anew. We must disenthrall ourselves."

It is heartening to me that the local elected officials of this country are embracing with enthusiasm and hope the council of governments' strategy against our problems. COGs now function in 115 metropolitan areas of the United States, in a manner and organization similar to the North Central Texas Council of Governments and our own in Washington. This clearly is the most significant development in American local government in the Twentieth Century.

In Metropolitan Washington, our local elected officials established our Council of Governments twelve years ago, and I would like to share our experiences with you and describe our current attitudes. My own County covers an area of over 400 square miles and has a population of more than 435,000, the largest city or county in the Commonwealth of Virginia. Our annual budget is about \$200 million and that, like the population, is going up too.

But we long ago realized the futility of trying to wrestle with regional problems by ourselves, despite our size and our resources. We know that air pollution respects no city limits or county lines, that congested traffic for a man who lives in the suburbs and works in the city must be unclogged in both places if it is to mean anything to him. We know that reducing the crime in the city doesn't achieve much if criminals can use the free-ways of our suburbs and increase their crimes there. We have learned what John Donne wrote over three hundred years ago, that, indeed, "No man is an island."

After twelve years of voluntary regional cooperation through our Council of Governments, I can assure you of the willingness of my elected colleagues to meet the spirit and the letter of intergovernmental cooperation. We have found that this demands time of ourselves, and money of our taxpayers. But we have paid these prices willingly and consistently because not to do so would require a far greater price. That would be the continued worsening of our problems. We reject this price.

Thus we in Metropolitan Washington have joined in this united attack on our urban ills, guided voluntarily, not through a metropolitan government because we don't want one, but guided voluntarily from the local level, where it should be, through the only logical means, our own Council of Governments. We have even paid the price in more local dollars and more of our own time—uncompensated time—to expand this attack through our COG. We have done this because we know it constitutes the only real hope for solving our metropolitan problems and achieving the good life which now lies within our political and technological grasp. To do less would be to betray our present and our future.

We have found in Metropolitan Washington that through this regional approach we have been able to produce specific results: such as a guide local air pollution ordinance adopted by all but one major local government in our urban area, and that one is expected to adopt an ordinance in the next few weeks; such as an area-wide police computer containing data from all police departments in the region and placing it at the split-second disposal of any policeman walking a beat or driving a cruiser anywhere in the Washington area; such as the most complete transportation survey ever conducted in the Washington area, involving interviews of more

than 100,000 persons to determine their travel needs so as to aid us in developing a regional transportation plan; such as a radio and teletype network providing a communications link among the local police and fire departments. These are some samples of what we have been able to do, and what any council of governments can achieve.

In one other no less vital area COGs can accomplish what no other kind of organization today can, and that is in achieving regional economies by eliminating duplication. This can be accomplished by employing what we call the COG umbrella, by bringing under the council of governments those agencies and functions which logically belong there. On this I would like to tell you of a personal experience.

I was privileged to lead the fight in the early 1960s in our region for the establishment of a Transportation Planning Board to develop a comprehensive transportation plan for our future needs. The Board was established in 1965, and I was pleased to serve as its Chairman for the first two years of its existence.

My first priority as Chairman was to bring our Transportation Planning Board under our COG umbrella, to combine the organization conducting transportation planning for the area with the organization conducting all other planning for the area, since our COG, like yours, is our regional planning agency. It is not often that a Chairman is anxious to relieve his organization of its independent status, but I was convinced this was necessary in the interest of coordination and economy and, equally importantly, to combine all planning programs and recommendations into the only regional organization of elected local officials, the ones who make regional planning decisions.

This was accomplished, and in the process I was fortunate to be one of those elected officials who recruited the services of our extremely capable and greatly respected Executive Director, who is with me this afternoon, Mr. Walter Scheiber.

Now our region's Transportation Planning Board is a part of our Council of Governments and is our transportation policy arm. Its staff is part of our general COG staff, and Mr. Scheiber is Executive Director of both organizations.

You, I know, are experiencing the same success. You have won respect across the Nation with your Regional Police Academy and Training Institute. You have begun, as we have, a realistic regional planning approach and you are working on some of the same projects we are, such as coordinating the activities of your local governments in the 1970 census, analyzing the vital question of water supply and establishing a new regional law enforcement planning program.

And the Texas General Assembly has shown the rest of our State legislatures how to get things done by approving Governor Connolly's imaginative recommendations for State financial assistance to councils of governments.

We have experienced in Washington, too, the value of educating our fellow officials, the staff members of our local governments and the people in general—that means the voters to you and me—on what we are doing together, and this is essential to the success of any voluntary regional undertaking.

On March 2, 1836, four days before the fall of the Alamo before Santa Anna's hordes, 59 men signed the Texas Declaration of Independence in a blacksmith shop at Washington-on-the-Brazos River. Part of that declaration said: "It is an axiom in political science that unless a people are educated and enlightened, it is idle to expect the continuance of civil liberty, or the capacity for self-government."

It is idle, in our own context, to expect the continuance of this political innovation of mid-Twentieth Century urban America, and the bright promise which this strategy holds,

unless we educate each other and our citizens on what we are doing, what we propose to do, and how we propose to do it. Our experience in Washington, where our local officials have long followed the practice of encouraging public support and understanding for this endeavor, is that it is necessary and it works. No cooperative venture of this kind can be truly productive without the knowledge and support of the citizens involved.

In a simpler time and a simpler place, Henry David Thoreau wrote: "If one advances confidently in the direction of his dreams, and endeavors to live the life which he has imagined, he will meet with a success unexpected in common hours."

We have an opportunity to achieve the kind of success of which Thoreau wrote. Never before in the recorded history of mankind have a people been given the ability to bend the world to their choosing, to be the beneficiaries of their technology and not its victims, to make their urban living centers come alive, rather than presiding over their ruin.

These are our bright opportunities, yours and mine, and our stark alternatives. What we do, and what we do not do, will determine whether we will live the life of our dreams and reach our own fulfillment.

If we fail, we fail ourselves, and we mortgage the futures of our children. If this be our decision, history may well write that in the last half of the Twentieth Century, in metropolitan America, mere survival constituted man's supreme achievement.

Thank you.

PAN AM TO FEATURE SOPHISTICATED EQUIPMENT WHEN IT PREMIERS BOEING 747 THIS YEAR

HON. THOMAS M. PELLY

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 15, 1969

Mr. PELLY. Mr. Speaker, in a unique and unprecedented fashion, the new inertial navigation system which will be used in Pan American World Airways' fleet of 33 giant Boeing 747's was put to the test recently. It passed with flying colors.

Because the North Pole is one of the world's most difficult navigational zones, Pan Am thought it would be an unusual and interesting experience to swing its regular nonstop London-Seattle flight 850 miles north of its usual route to allow the system to prove itself.

As flight No. 123 flew over the white polar plains, Pan Am Capt. Olaf Abrahamson told the 47 passengers:

You are flying over the North Pole using the very latest navigational equipment which will be used in the aircraft of the future.

He then watched the two Carousel display units register the 90° latitude and 0° longitude which confirmed that the aircraft was cruising directly over the pole.

Later the captain gave each passenger a personalized certificate showing a map of the route and a picture of Adm. Robert E. Peary who discovered the pole 60 years ago next month.

Most present aircraft rely upon celestial, long-range radio or radar systems. Developed by General Motors' A.C. Electronics Division, the Carousel IV, as the system is called, is one of the first navigational aids to tell the pilot precisely where he is at any given moment as well as his relationship in time and distance to any point on the earth's surface. The information is updated every few seconds and flashed onto the display unit in a fraction of a second. Also included are statistics on true course, winds and other factors affecting navigation.

Not only is the mechanism capable of absorbing and producing an unlimited amount of information, it takes up less aircraft space than presently used Pan Am radar systems, weighs some 30 percent less and is completely compatible with automatic approach and landing systems.

It, in effect, drives the airplane. The pilot merely monitors it—

Explains Captain Abrahamson.

The system is governed by three floated gyroscopes used to maintain a stable reference, unaffected by aircraft motion. It is the fourth in a generation of such aircraft systems developed by General Motors which has also produced the navigational equipment used by the Apollo and other space programs.

The Carousel IV is now being tested by Pan Am on three 165-passenger Boeing 707's. It will be widely used for the first time after Pan Am's introduction of the 362-passenger Boeing 747's this winter. The company has purchased three such systems for each Boeing 747 for double back-up purposes at a total cost of \$300,000 per aircraft.

THE PRESIDENT'S LEGISLATIVE PROGRAM

HON. JAMES B. ALLEN

OF ALABAMA

IN THE SENATE OF THE UNITED STATES

Tuesday, April 15, 1969

Mr. ALLEN. Mr. President, there is much that is commendable in President Nixon's message to Congress in which he outlined his legislative program. This would seem to be evidenced by some bills already under consideration by Congress which are designed to achieve the same objectives. I commend the President also on his awareness of certain problems which he expressed in the following phrases: "the growing impotence of Government"; "the overshift of jurisdiction and responsibility to Federal Government"; and his recognition of the fact that "too often Federal funds have been wasted or used unwisely."

In addition, I concur in the desire expressed by President Nixon that the objectives of his legislative program be approached on a nonpartisan basis. It is in this spirit that I express reservations to certain of President Nixon's legislative proposals.

For one thing, I oppose the President's proposal to continue the surtax. The feeling in Alabama is that greater efforts should be made to effect economies and efficiencies in Federal Government and that Federal spending programs should be cut back as an alternative to the continuation of the surtax.

Mr. President, there is merit in this contention. There can be no justification for duplication, waste, extravagance, and mishandling of public funds by agencies of Federal Government.

Yet there is an appalling amount of evidence that such things are going on in Alabama.

In the April 7, 1968, issue of Barrons Weekly, Shirley Scheibla has documented a shocking exposé of incredible waste, extravagance, and mishandling of public funds on the part of the Office of Economic Opportunity in Alabama. This article is but a small part of a tremendous amount of accumulated evidence which leads one to the inescapable conclusion that Congress should promptly put an end to OEO as a worse than useless Federal agency. Mr. President, if there is a single salvageable project in the entire wasteland of extravagance over which OEO presides surely there must be a competent Federal agency somewhere which could carry on such a project.

Mr. President, the article in Barrons should be of interest to all citizens who believe, as we do in Alabama, that good government begins with honest and efficient administration of government. I ask unanimous consent that the article be printed in the Extensions of Remarks.

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

POVERTY AND PICKLES: THINGS HAVE GONE SOUR AT THE SOUTHWEST ALABAMA FARMERS CO-OP

(By Shirley Scheibla)

WASHINGTON.—Nearly two years ago, the Office of Economic Opportunity castigated this magazine for charging that an alleged advocate of overthrowing the U.S. government played an important role in an OEO-funded farm cooperative in Alabama. In a joint resolution, the Alabama legislature had said that the Southwest Alabama Farmers Cooperative (SWAFCA) "was organized at the instigation and under the direction of . . . Shirley Mesher, a prime participant in the Black Panther movement . . . designed to overthrow the government of this country." In a letter widely circulated on Capitol Hill following publication of the Barron's editorial ("Poverty Warriors," July 31, 1967), OEO said that Shirley Mesher was not even a member of SWAFCA.

SWITCH ON SWAFCA

Now the General Accounting Office has issued a report which says that Miss Mesher not only was instrumental in organizing SWAFCA but also continues to be actively associated with it and to exert considerable influence over its affairs. According to GAO, she is one of three so-called "unsalaried advisors" who take part in management decisions, even to the extent of vetoing advice from an accountant and a horticulturist hired by OEO.

SWAFCA, reported GAO, lacks an adequate accounting system or proper controls over expenditures, has purchased inadequate equipment and has allowed crops to spoil before marketing; its members have received scant returns—and, assuredly, have not been brought out of poverty. Moreover, GAO could locate only 300 of the 2,000 members OEO claims for SWAFCA. Because of the co-op's practice of making payments in cash, GAO says it can't be sure where much of the money has gone, and interviews with employees have failed to provide satisfactory answers. In addition, OEO did not require the

co-operative to file monthly financial reports as specified by its own regulations.

SWAFCA's dismal record notwithstanding, Washington officialdom has lavished both praise and largess upon it. In 1967, OEO endowed it with a mere \$400,000; U.S. support today runs to some \$2 million, which besides more OEO money includes a grant from the Commerce Department's Economic Development Administration and a loan from the Department of Agriculture's Farmers Home Administration (FHA).

FROM THE SOIL

Operating in 10 counties of Alabama's black belt, SWAFCA reportedly seeks Congressional repeal of Section 304(f) of the Economic Opportunity Act, which bans federal financial or other assistance to a co-op for agriculture production. If it succeeds, the way will be clear for Alabama, the birthplace of the Black Panthers also to become the homeland of the nation's latest leftist commune. Despite Section 304(f), when OEO announced its first grant to SWAFCA in May 1967, it said the purpose was "a self-help program of economic development, crop and livestock diversification and experimentation with higher profit and yield training."

Alabama's Congressional delegation, four probate judges, three mayors and two county commissioners visited OEO headquarters en masse, urging the agency to deny support to SWAFCA. After a warning from its regional representative, Joseph Bradford, that it could not "blindly afford to commit money and manpower to an endeavor which is doomed to fail," and a similar one from its community action agency in Selma, OEO went ahead anyway. It gave \$400,000 directly to SWAFCA, instead of following even the usual policy of channeling grants through the local community action agency. (This exempted the co-op from Section 205 of the Economic Opportunity Act, which requires each community action agency, before handing out money, to establish an accounting system and internal controls that will assure proper spending.)

Alabama's late Governor Lurleen Wallace immediately vetoed the grant, but OEO boss Sargent Shriver overruled her decision. After that, the Alabama legislature passed a joint resolution calling on OEO to rescind its action. As the resolution declared, "In reality funds will be spent to finance the lawless Black Panther movement, designed to overthrow the government of their country and particularly the governments of Southern states."

HORN OF PLENTY

GAO describes SWAFCA's affairs as so confused that no one can be certain what has been financed. In the summer of 1967, SWAFCA hired a certified public accounting firm to establish a system of accounts and controls to conform with OEO regulations. By late summer, the CPA's dropped out of the picture without finishing their work, and OEO brought in a consultant of its own to work on SWAFCA's books. Among other things, he found that about 75% of the transactions were in the form of cash. No records were kept for payroll, sales or purchases. No pay deductions were made for social security and income taxes. What's more, SWAFCA's president signed blank checks, for use by anyone with access to the checkbook.

The consultant, as it happens, also gave up without finishing the job. He did so, GAO says, "because SWAFCA employees and advisors would take it upon themselves to do things their own way rather than to follow instructions." From September 1967 to August 1968, the co-op did not file monthly financial reports with OEO, as required by the agency's regulations. Furthermore, GAO "found no record indicating that OEO had sought to obtain the reports or had considered suspending the grant."

Even a horticulturist hired by SWAFCA (with OEO funds) had no better luck. The co-op was unwilling to accept his technical advice. According to GAO, that's because such advice was "subject to review and either approval or veto by the unsalaried advisors, directors or administrators, who had neither knowledge nor experience to guide them."

DISSENTING ADVISORS

GAO named those advisors as Shirley Mesher, Lewis Black and Albert Turner. Without naming names, however, GAO said one of them wielded considerable influence over SWAFCA's affairs on a full-time basis, "spent a considerable amount of time at the SWAFCA headquarters, used its telephone, had access to its files, participated in the operation of the office and, at one time prior to the receipt of the OEO grant, actually signed SWAFCA checks." This advisor, GAO indicated also participated in board meetings, made trips on behalf of SWAFCA and was particularly active in obtaining government financial assistance.

The unidentified "advisor" seems to have been phenomenally successful as a fund raiser. In May 1968, the Economic Development Administration announced a grant of \$85,000 to SWAFCA for studies on the feasibility of establishing credit unions, insurance companies, small business investment corporations, processing and fertilizer plants, selling farm equipment and producing synthetic protein supplements. Of the total, \$14,738 was to go to the co-op's personnel, \$18,650 to "consultants" and \$16,400 to "travel expenses."

ENTER THE G-MEN

Last June, GAO began its investigation, at the request of Rep. George W. Andrews (D., Ala.), chairman of the Legislative subcommittee of the House Appropriations Committee. Several months elapsed. Then, in October, these significant events took place:

In a letter to Rep. Andrews, U.S. Comptroller General Elmer B. Staats reported the "questionable handling of \$85,000 in OEO grant funds by the SWAFCA manager, Mr. Calvin S. Orsborn." Mr. Staats said that SWAFCA's board had discharged Mr. Orsborn, that OEO had recovered all but \$7,331 of the \$85,000, and that it had turned the matter over to the Justice Department. He added that GAO's report would be delayed "because of the generally poor conditions of SWAFCA's accounts, the theft of certain of our working papers . . . and the withholding of certain records by Mr. Orsborn." (Earlier, Mr. Orsborn, a featured speaker at an OEO co-op conference in Washington, had said: "SWAFCA is paying its bill; it is trying to create a better community relationship, realizing that we must make our own records and set our own values.")

After examining the co-op's books, an independent auditor notified OEO that "due to the . . . breakdown in the system of internal controls we are unable to express any opinion whatsoever on the balance sheet of the Southwest Alabama Farmers Cooperative Association at June 30, 1968, or the results of its operations for the six months then ended." He advised the agency to consider suspension of funds until the accounting system was improved and certified adequate by a CPA.

Selma's mayor obtained an order from a state court enjoining the co-op from spending public funds. SWAFCA then sought but failed to obtain a temporary restraining order from a federal court against the injunction. (In November the Justice Department began a separate action at the request of OEO, obtaining an injunction against the injunction. In its petition, Justice argued that the state injunction harms "a vitally important federal program.")

OEO Acting Director Bertram Harding overruled the veto of Alabama Governor Albert

Brewer, successor to Mrs. Wallace, and approved another grant for SWAFCA, retroactive to June 30, 1968, for \$596,000; it included \$357,575 for personnel, \$8,640 for consultants and contract services and \$75,956 for travel.

Having been selected by OEO as an outstanding co-op, SWAFCA was host at an OEO regional conference in Selma, celebrating "Co-op Month." OEO's speaker at the event was its own James D. Templeton, Assistant Director for Rural Affairs. He declared that co-ops offer the poor a power base as well as an organizational springboard to other ventures.

PROTECTING INTERESTS

GAO was able to put together quite a record. Back in October 1967, SWAFCA had applied to the Farmers Home Administration for a loan of \$850,000 (30 years at 4 1/8 %) for capital improvements and operating expenses. According to GAO, the FHA at first did not feel SWAFCA had enough members to justify the amount. (As noted, GAO could find only 300 of the 2,000 members claimed by SWAFCA.) "However," added GAO, "in March 1968 the Administrator of FHA apparently reconsidered and tentatively approved a loan of \$852,000 (\$2,000 more than requested) subject to SWAFCA's meeting certain loan conditions customarily prescribed by FHA to protect the government's interests."

When the co-op refused to accept such conditions, FHA revised them. The lending agency also agreed to administer the loan from Washington, rather than through its field organization, and permitted SWAFCA to distribute in cash up to 20% of its net earnings to members in any year—even though it might be delinquent in payment of the loan. Despite a plea from Rep. Bill Nichols (D., Ala.) to wait until GAO could complete its report—delayed by the theft of its papers—FHA gave final approval early last January. The GAO report finally was issued on January 27.

According to GAO: "An Assistant Administrator, FHA, informed us on January 24, 1969, that a U.S. Treasury check in the amount of \$270,000 was drawn on January 9, 1969, and deposited in a local bank account on January 16, 1969. On the same date \$200,000 was made payable to SWAFCA from this account." Asked the other day if this meant that \$70,000 got lost between the Treasury and SWAFCA, a GAO official replied, "No comment."

FHA also lent another \$273,000 to individual members of SWAFCA. Since SWAFCA would be buying produce from its members, and marketing it, FHA agreed to the withholding of half the amount due members for remittance to FHA as payments on the members' loans. GAO discovered that the co-op failed to pay in full members who did not have FHA loans and also cut its payment by more than it remitted to FHA.

MAKING PROGRESS?

Nevertheless, the Agriculture Department describes SWAFCA's gains as encouraging. "Members have found how to upgrade the quality of their produce so as to command higher prices on the market," a report contends. As Vice President, Hubert Humphrey once declared: "All of us who have watched the growth of the Southwest Alabama Farmers Cooperative Association are thankful indeed for its success and progress." And OEO, for its part, says SWAFCA has demonstrated what co-ops can do to help people gain motivation, confidence and a sense of achievement which they can relate to other areas of their lives.

GAO drily supplies the contradictory record. SWAFCA could not explain the basis of prices it charged members for fertilizer and seed, the U.S. accounting agency points out. Moreover, SWAFCA failed to supply these inputs in time, with the result that crops fell far short of estimates. Even though the lat-

ter were late and incomplete, they served as the basis for marketing plans.

Indeed, OEO approved a budget of \$20,000 for the purchase of 10 pickup trucks to haul members' supplies to, and produce from, the receiving stations. The manager, however, bought three large trucks for \$29,000 "apparently to carry large loads of fertilizer." Lack of continuous truck service resulted in the spoilage of produce. Second-hand grading machines, delivered after harvesting had begun (and mostly inoperable), "reduced SWAFCA's ability to effectively process and market produce purchased from its members and from others. . . .

"In addition, at one field station it was discovered, after the grading machine was supposedly made operable, that no provision had been made to have electric power lines run to the station."

One New York wholesaler rejected a consignment of 750 bushels of cucumbers, because of poor quality. SWAFCA's then shipped them to a Maryland processor, who regraded them and salvaged 100 bushels. The net proceeds to the co-op amounted to less than the shipping costs. A consignment of 600 bushels of cucumbers to Chicago brought \$1,200—only \$500 more than the shipping costs. On a shipment of 575 bushels to a Louisiana processor, SWAFCA grossed less than it paid its farmer-members for the produce.

Toward the end of June, SWAFCA sought assistance from an Assistant Secretary of Agriculture in locating cucumber markets—because it had lost all its customers. Soon thereafter, SWAFCA obtained orders from processors on condition that the cukes would be properly graded. "By the time the new markets were located," however, SWAFCA was receiving "quality cucumbers at Selma in lots too small for dispatch to processors on a truckload basis; thus cucumbers continued to pile up at Selma and spoil."

That pile of pickles—as GAO's evidence makes clear to many observers—is not all that has gone sour at SWAFCA.

INCOME TAX REVISION

HON. EDWARD P. BOLAND

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 15, 1969

Mr. BOLAND. Mr. Speaker, the \$600 personal exemption now granted to taxpayers is far too small—so small, in fact, that it makes a mockery out of the congressional intent behind the laws establishing income tax exemptions. I have introduced legislation that would double the exemption, raising it from \$600 to \$1,200.

The history of tax exemptions makes clear the need for this legislation. The present \$600 exemption was established in 1948—more than two decades ago. Yet, in the 21 years since the 1948 Internal Revenue Act, the cost of living has shot up 48.7 percent. The \$600 exemption would have to be increased to \$892 merely to equal the purchasing power of \$600 in 1948.

The retention of this low level of exemption in our tax structure is not only a startling inequity but an abrogation of congressional intent. The personal exemption was first provided in the Revenue Act of 1913—the first income tax law enacted after the adoption of the 16th amendment. Under the Revenue Act of 1913, a taxpayer was allowed an exemption of \$3,000 plus an additional \$1,000

for all of his dependents regardless of number. When this Revenue Act was being debated in the House, Representative Palmer stated:

We ought to leave free and untaxed as a part of the income of every American citizen a sufficient amount to rear and support his family according to the American standard and to educate his children in the best manner which the educational system of the country affords.

During the debate in the Senate, Senator Williams stated:

The House framed its bill upon the theory that \$4,000 was a reasonable amount, in its opinion, for an American family to live upon, with a proper standard of living, and that a sum below that ought not to be taxed.

From 1913 to 1948, Congress changed the exemption levels frequently, both increasing and decreasing them as the needs for revenue changed. During World War II, when the need for revenue was urgent, the personal exemption was reduced to the lowest level in its history, \$500.

In 1948 when the present level of \$600 was under discussion, the Secretary of the Treasury, John W. Snyder, stated:

Under this bill, personal exemptions are increased by \$100 to compensate for a calculated \$100 decline in the purchasing power of the average income after taxes during the past 2 years.

These calculations do not provide an adequate measure of the need for tax relief in the lower income groups. Under the stress of war needs, personal exemptions were reduced to emergency levels. It was then recognized that the \$500 per capita exemption system would endanger the health and living standards of large segments of the population if retained for many years.

This last statement is as true of the \$600 today, 21 years later, as it was of the \$500 at that time. In fact, a study by the Social Security Administration in 1966 showed the "poverty line" for a non-farm family of four was \$3,335. Anyone who falls below the poverty line will have less than a minimum diet for health or will have to choose between necessities. Under present tax law a family of four with an adjusted gross income of \$3,335 has to pay \$46 in Federal income taxes—a significant sum for a poor family. A recently published study by the Treasury Department under the previous administration pointed out that 2.2 million families with incomes below the poverty level must now pay Federal income taxes. In addition to the Federal taxes many of the poverty stricken must pay, they also face the taxes imposed at the State and local levels. Sales taxes on necessities and property taxes which are included in rent charges are regressive, placing the heaviest burden on those least able to pay.

My proposal would greatly relieve these low-income families. But we must also help the middle-income families who pay the vast bulk of income taxes. Not only have living costs increased since 1948; so have our living standards—the goals we set for ourselves as consumers of goods and services and users of leisure time. The Bureau of Labor Statistics has just published a study which has translated three standards of living for an urban family of four in the spring of 1967 into representative goods and

services which could be priced. The resulting three budgets share the basic assumption that maintenance of health and social well-being, the nurture of children, and participation in community activities are desirable and necessary social goals.

For the moderate budget, the U.S. urban average cost was \$9,076 in the spring of 1967. The cost for the lower budget was \$5,915, and the higher budget amounted to \$13,050. The personal exemptions for a family of four today total \$2,400—a figure that doesn't even approach the total of the lower budget. Certainly exemptions totaling \$4,800, which my bill will provide would be far more equitable.

We cannot continue to ignore the plight of the low- and middle-income taxpayer. In addition to the burden of Federal income taxes and increasing cost of living that I have outlined above, he is also being subjected to rapidly increasing State and local taxes and the recently effected increase in social security taxes.

We must recognize that there is a limit to what the taxpayer can bear. We must increase the size of the personal exemption.

INADEQUACY OF JOB TRAINING AND JOB OPPORTUNITIES

HON. CHARLES E. GOODELL

OF NEW YORK

IN THE SENATE OF THE UNITED STATES

Tuesday, April 15, 1969

Mr. GOODELL. Mr. President, one of the most critical areas of national concern at this time is the failure to use the talents of many of our citizens due to inadequate job training and job opportunities. Our young people must be made to feel that they can be productive members of our society and that they can break the cycle of poverty which they would surely face without adequate job preparation.

The Department of Health, Education, and Welfare will provide such training and job opportunities this summer, when it once again participates in the summer employment programs.

Because of the vitally important nature of such programs, I ask unanimous consent that an article explaining the HEW summer employment program in New York City be printed in the RECORD.

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

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE SUMMER EMPLOYMENT PROGRAM AND NEW YORK CITY

The Department of Health, Education, and Welfare is, for the fourth straight year, participating in the government's Summer Employment Programs. Of these programs, the two largest are the Youth Opportunity Campaign and the program for hiring summer employees through the Civil Service Commission's Summer Employment Examination.

While a common purpose they share is that of providing meaningful jobs for our young people, their underlying philosophies are different.

The Youth Opportunity Campaign is a national program aimed primarily at youths age 16-21, who have inadequate education,

low income, and generally are out of the mainstream of American life. Its goal is to provide meaningful jobs. However, built into the program are supportive activities to help the youth understand and cope with the experiences and demands of new jobs.

On the other hand, the Summer Employment Examination program helps students continue their education by providing jobs, while also assuring to the public service a source of future talent.

Much of the planning for the summer's Youth Opportunity Campaign will be based on what was learned from last year's experiences.

For example, last year in the New York Regional Office of the Department, a pilot program developed new ways to help young people work better and understand their environment at work. With the full support and cooperation of the New York regional top management, the program benefited from the "know-how" of specialists from various fields, e.g., education, economics, equal employment opportunity, community involvement and others. Together these specialists designed a program which was beneficial for the HEW Regional Office, the Youth Opportunity Campaigner, and the community. From their efforts came improved teaching techniques in mock job interviews, seminars on job opportunities, and a presentation by a fashion consultant for teenagers on good grooming and the purchase of an inexpensive, though stylish, wardrobe. The young people learned more about their community through visits to important social and political organizations such as the Ford Foundation and the United Nations. The New York program was a success. It will be improved this year, along with the programs of all the regional offices and HEW in Washington.

Last year the Department's nationwide summer employment effort employed more than 6,600 students and youths. This year's effort will be geared to involving more students, and additional efforts in a number of areas including:

(1) Improving the job content of work assignments in terms of meaningfulness, challenge and relevance to the job market in which the youth will soon compete. Toward this end, in the headquarters operations of HEW agencies, Job Development Task Forces are being formed. Each Task Force will be composed of one full-time professional employee, and a cadre of 4-5 Youth Opportunity Campaigners. Together they will develop and redesign the jobs available.

(2) Involving of youth in the planning, operation, and evaluation of their own programs, so as to understand their needs and concerns as they see them.

(3) Encouraging of more creative supporting activities such as meetings with Legislators and other Government officials to discuss with them such topics as, for example, the "mechanics" of the democratic system and how it relates to them both as individuals and members of their community.

All of us who are concerned with the employment of youth should support these programs. In New York City as well as across the Nation, the degree of effort that we put forth to get our young people involved in jobs and their community will repay us a hundredfold in the future.

A VETERAN'S TRIBUTE

HON. EDWARD HUTCHINSON

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 15, 1969

Mr. HUTCHINSON. Mr. Speaker, the death of General Eisenhower, though

not unexpected, was a shock to a great many people, among them the millions of veterans of the Second World War who served under his command. One in my congressional district, sharing his grief with me, wrote that he sort of identified Ike as another dad. In every veterans post throughout the land there are numbers of men, now in middle age, who in their youth fought in North Africa and in Europe, always proud of their service to our country and of the general who led them to victory. And after the war was over these millions of American veterans enthusiastically voted him twice President of the United States, finding him first in peace as he had been first in war.

Indicative of the genuine sense of personal loss felt by so many veterans is the following tribute from James Drumm, a member of Hice-Shutes Post No. 170, the American Legion, at Three Rivers, Mich. The tribute was published as a letter to the editor of the Three Rivers Commercial on March 29, 1969, the day following Ike's passing, as follows:

TRIBUTE

To the Editor:

Yesterday at work a friend who is also a veteran said to me, "Do you know that Ike is dead?" Twice more I heard practically the same words expressed and I thought, "What a ridiculous idea, Ike losing a battle."

My thoughts drifted back to the dark days at the start of World War II when each succeeding day brought only defeat and despair.

The leaders of the Allied Nations finally decided that we needed a Supreme Allied Commander to unite all of the troops of all of the nations. They picked the right man, Dwight D. Eisenhower. Very soon things started looking a little brighter. The tide of battle turned our way. It was a long, hard road back, paved with broken bodies and shattered equipment, ending eventually in final victory. To me Ike's leadership was decisive.

His quiet confidence, grim determination and superior judgment was an inspiration to all of the Allied Nations and the more you think of it, the more ridiculous it sounds. Ike lost a battle.

Not to me he didn't, rather he gained a final promotion. Now he is as high as he can go.

JIM DRUMM,

Hice-Shutes Post No. 170, American Legion, Three Rivers, Mich.

RESOLUTION IN RECOGNITION OF SUFFERING OF THE LITHUANIAN PEOPLE

HON. EDWARD W. BROOKE

OF MASSACHUSETTS

IN THE SENATE OF THE UNITED STATES

Tuesday, April 15, 1969

Mr. BROOKE. Mr. President, on February 23, 1969, the Lithuanian Council of Brockton, Mass., passed a resolution in recognition of the suffering of the Lithuanian people, and in commendation of their continuing spirit of independence, I ask unanimous consent that the resolution be printed in the RECORD.

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

BROCKTON LITHUANIAN COUNCIL RESOLUTION

A resolution adopted by Americans of Lithuanian descent, at a meeting held on

February 23, 1969, at Brockton, Mass., to observe the 51st Anniversary of the Declaration of Independence of the Republic of Lithuania, reads as follows:

"Whereas the ancient Lithuanian nation proclaimed the restoration of the independence of its State after World War I, and thereafter led an orderly and exemplary independent State existence, having de jure recognition of all the Great Powers and diplomatic relations with all its neighbors; and

"Whereas the Soviet Union, in violation of all its solemn treaties and agreements with the Republic of Lithuania, in 1940 invaded and occupied Lithuania by military force, through its occupation agents forced a mock parliamentary election, then claimed that Lithuania had of her own free will requested admission into the Union of Soviet Socialist Republics; and

"Whereas the Soviet Union continue this military occupation of Lithuania to this day, and is systematically carrying out a planned program of annihilation of the Lithuanian nation by various means, including deportation of Lithuanians to Siberia and elsewhere in Russia, appropriating the real and personal property of the Lithuanians, and bringing in Russians and other citizens as colonial settlers in Lithuania; Now, therefore, be it

Resolved, that the American Lithuanians attending this meeting unanimously decided to request the President and the Secretary of State of the United States to do everything in their power to investigate the situation in Russian-occupied Lithuania; to stop the genocide being perpetrated in Lithuania by Soviets to bring to a halt the present-day russification being carried out in Lithuania; to restore freedom and the rights to self-determination to the Lithuanian people and their territory; be it further

Resolved, that we request the President and Secretary of State of the United States of America to use all the diplomatic and other peaceful means at their command to demand an immediate end of Soviet colonialism in Lithuania and territorial integrity of the Soviet Russian occupation and administrative agencies; be it also

Resolved, That this Resolution be sent to the President of the United States, and copies thereof to the Secretary of State, Senators and Congressmen from our State, and to the Press."

Adopted at Brockton, on the 23rd day of February.

BRONIUS BURBA,

Meeting Chairman.

VLADAS JAKIMAVICIUS,

Secretary.

CONGRESSIONAL QUESTIONNAIRE

HON. ALBERT W. JOHNSON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 15, 1969

Mr. JOHNSON of Pennsylvania. Mr. Speaker, I am again sending the residents of Pennsylvania's 23d Congressional District a questionnaire, seeking their views on the pressing problems facing Congress and the Nation.

The questionnaire, as sent to the people of the 23d Congressional District, contains the following explanatory statement on the front as follows:

Again your Congressman, ALBERT W. JOHNSON, 23rd District of Pennsylvania: Cameron, Centre, Clearfield, Clinton, Elk, Forest, McKean, Potter, Venango and Warren Counties, is calling to ask you a few questions.

Also, on the front of the questionnaire is a picture of myself holding a telephone as an aid to insuring a substantial re-

turn of the questionnaire by the citizens. The message on the inside is as follows:

DEAR FRIENDS IN THE 23D CONGRESSIONAL DISTRICT: The 91st Congress has assembled and we are about to commence voting on many controversial issues. A great variety of complex problems, both at home and abroad, face the new Administration and the new Congress. The continuing war in Vietnam, the debate over the anti-ballistic missile system, and proposals to change our method of electing the President, are but a few of the matters now demanding immediate attention and action.

As I have in past years, I would like to ask you to take a moment or two of your time to share with me your views on some of these issues. Never have your opinions been of greater importance.

You do not need an envelope to return this questionnaire. Just refold it and attach a 6¢ stamp.

I will be very grateful if you will take the time to let me have your views.

Thanking you in advance, I remain,
Sincerely yours,

ALBERT W. JOHNSON.

CONGRESSIONAL QUESTIONNAIRE

In answering the multiple questions, indicate your opinion by inserting a, b, c, or d in the space provided. Other questions answer "yes" or "no." Your answers will be held to be confidential.

1. If the Paris talks drag on with no apparent indications of any chance of progress toward a peaceful settlement, would you favor:

- (a) withdrawal of U.S. forces, even if this means Communist take-over; or
- (b) continue the present holding operation by joint U.S.-South Vietnam forces; or
- (c) a gradual withdrawal forcing South Vietnam to assume a bigger role in the war; or

(d) mounting a strategically sound effort for a military victory?

2. Should the United States extend diplomatic recognition to Red China?

3. With respect to raising an army to defend the Nation, do you favor:

- (a) continuing the draft in its present form; or
- (b) replacing the draft system with an all-volunteer army; or
- (c) restoring the national draft lottery system established in World War II; or
- (d) retaining the draft, but allowing draftees to choose their call up date, any time during the four-year period following registration?

4. Should Presidential candidates be selected by National Primaries, instead of party conventions?

5. What method of electing the President after nomination would you favor:

- (a) retain the present Electoral College system; or
- (b) direct popular vote; or
- (c) allocate the electoral votes within each state in proportion to the popular votes cast, making a 40% electoral vote plurality sufficient to choose a President; or
- (d) count one electoral vote for the winner in each Congressional District, with two additional votes for whomever carries the State?

6. Do you favor lowering the voting age to 18?

7. Do you favor President Nixon's recommendation for a limited antiballistic missile system?

8. Would you terminate all public financial help to students found guilty of participating in disruptive demonstrations?

9. Do you favor the plan to terminate political patronage in the Post Office Department?

10. Do you support the proposal to convert

the Post Office Department into a government-owned corporation?

11. Should public employees, other than firemen and police, have the right to strike?

12. Would you vote to repeal Sec. 14b of the Taft-Hartley Act? (Right to work section)

13. Should Congress propose a constitutional amendment to permit voluntary non-denominational prayer in public schools?

14. Would you vote to increase the first-class mail rate from 6 cents to 7 cents with a guarantee of air mail delivery?

15. Do you favor statehood for Puerto Rico?

16. Do you feel that the President should be allowed to commit U.S. troops to conflicts on foreign soil without the consent of Congress?

17. Should Congress place a ceiling on the total amount of Federal farm subsidy payments which one person may receive in any one year?

18. Would you favor returning to the States for use as they see fit, a percentage of the money now collected in Federal Income Tax?

19. Do you favor transferring the more successful anti-poverty programs to other departments?

Comments:

Name _____

Address _____

REGULATING THE CONSUMER IN FLORIDA

HON. LEE METCALF

OF MONTANA

IN THE SENATE OF THE UNITED STATES

Tuesday, April 15, 1969

Mr. METCALF. Mr. President, the St. Petersburg Times has just published an excellent series of articles, written by Roland Page, on the subject of utility regulations in Florida. Following the publication of this series, the Times concluded editorially that the Florida Public Service Commission is not doing its job, that it lacks information on utility expenses charged to consumers, that the utilities have many experts—paid for by the customers—while the public is usually not even represented before the commission, and that the members of the commission are highly susceptible to political influence from the utility interests which contribute heavily to their campaigns.

The Florida situation is similar to that reported recently by enterprising and courageous newspapers in other States, including the Providence Journal, the Boston Globe, the Norfolk Virginian-Pilot, the Philadelphia Inquirer, the Des Moines Register, the New York Times, Cervi's Journal in Denver, and the Alton, Ill., Evening Telegraph.

This series is further documentation of the need for action on S. 607, the Utility Consumers' Counsel Act, on which hearings will resume on Monday before the Senate Subcommittee on Intergovernmental Relations.

Mr. President, I ask unanimous consent that the St. Petersburg Times articles and editorials be printed in the RECORD.

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

[From the St. Petersburg (Fla.) Times, Mar. 25, 1969]

CUSTOMERS PAY FOR UTILITIES' CHARITY (By Roland Page)

(NOTE.—Roland Page, born in Melrose Park, Ill., is a graduate of Georgia Southern College and holds a master's degree in history and government from Florida State University. Before coming to The Times nearly two years ago, he was a reporter on the Rock Hill (S.C.) Evening Herald, Savannah Evening Press and Fitzgerald (Ga.) Herald.)

"Dues, donations and contributions, if included as an expense for rate-making purposes, become an involuntary expense on ratepayers, who because of the monopolistic nature of utility service, are unable to obtain service from another source and thereby avoid such a levy. Ratepayers should be encouraged to contribute directly to worthy causes and not involuntarily through an allowance in utility rates. (The utility) should not be permitted to be generous with ratepayers' money but may use its own funds in any lawful manner."

CALIFORNIA PUBLIC UTILITIES COMMISSION.

Florida's three largest electric companies gave nearly \$500,000 to their favorite charities, schools, churches and civic organizations and projects in 1967-68. And their customers are paying for it today.

General Telephone Co. of Florida gave more than \$100,000 in charitable and civic contributions and dues in 1967—at no cost to the company or its stockholders.

In this State, the utilities take the bows for civic mindedness, but their customers put up the cash.

That's because the Florida Public Service Commission (PSC), unlike California, insists on allowing such donations as "legitimate operating expenses" that "should be passed on to the ratepayer."

When the PSC raises your electric and telephone bills, it's taking care of the Auburndale Booster Club, the Florida Fat Stock Show and Sale, the "Gator Football Boosters," the Wakulla Board of Public Instruction, the "St. Pete Armed Forces Luncheon," "Truth For Youth," and Gov. Claude Kirk's debt to a private police force waging his "War On Crime."

It is also taking care of membership dues of company employees in a host of civic clubs and, in some cases, social clubs.

A check of latest company reports filed with the PSC shows that Florida Power Corp. was allowed to charge its customers \$154,450 in contributions for the year ending May 31, 1968.

Tampa Electric Co. charged \$116,085, and Florida Power & Light (FP&L) has been collecting \$151,416 in contributions and dues each year since 1964. FP&L now is seeking commission approval to more than double its allowance (to \$367,090).

General Telephone Co. of Florida, for the year ending Dec. 31, 1967, chipped in \$111,152.85 to almost 150 organizations and projects courtesy of its ratepayers.

Since these contributions are divided among thousands of utility subscribers—their impact on the average utility bill is barely discernible.

One PSC staffer estimated for instance that it amounts to only about a penny a month to the average residential electric bill. However, it illustrates a lack of tight supervisory regulation by the PSC.

Much of the money goes to agencies which the ratepayers already support as individuals—such as the various United Funds.

The St. Petersburg resident, however, who volunteers his "fair share" to the United Fund, unknowingly gives to that agency a second time in his electric bill and a third time in his telephone bill.

For his first donation, the citizen is thanked and claims a tax deduction. For his other two contributions, however, it's Flor-

ida Power Corp. and General Telephone Co. who are thanked and claim tax deductions.

If he buys natural gas and water and sewer service from PSC-regulated companies, and if he uses PSC-regulated transportation (buses), chances are the citizen is donating to the United Fund four, five or even six times.

To find out which other agencies he's helping to support, the citizen must depend on his news services or the commission records.

Sometimes, even the records won't tell him. The commission has no list for the \$151,416 in contributions it allowed Florida Power & Light to put in its rates every year since 1964.

If that company's current application is any indication of past practices, however, customers of FP&L are helping to support the Daughters of the American Revolution, the Campus Crusade For Christ, the Martin County Country Club, the Tax Assessor's Association and the Syrian Lebanese Star.

Florida Power Corp.'s latest approved list included \$23,379 for what it called "various contributions of less than \$1,000 each."

The PSC chose not to ask the company for details, but ordered customers to pay for support of agencies known only to the utility executives and those who received the money.

Florida Power did itemize contributions of \$1,115 to the Wakulla Board of Public Instruction and \$1,249 to the Hamilton County School Board—but none to the school boards of 30 other counties in its service area.

A check with the two favored school districts revealed that neither of the donations were in cash. Mrs. Helen Dail, finance director of the Hamilton County School Board, said she wasn't aware Florida Power has made any contribution at all.

"They put some lights up on our new baseball field and I paid them \$1,271.29 on Sept. 18, 1967," said Mrs. Dail. "We thought it was all paid for then . . . but I got another bill last September for \$1,550.20 and there was a letter with it saying they donated labor costs of \$1,249."

"I really didn't know they donated anything," she said, adding that "it's kind of a jumbled up affair." She said nothing had been paid on the second bill—pending clarification.

School Supt. William Payne of Wakulla County said that Florida Power contributions to his board also were in man-hours—to light the high school football field.

The biggest Florida Power contribution went to Florida Presbyterian College—\$60,000.

General Telephone itemized donations to seven out-of-state colleges and universities, including \$100 to Yale University. Fewer Florida institutions benefitted from the General Telephone subscriber—although those listed received larger contributions.

The companies apparently draw no distinction between private and tax-supported institutions as worthy customer support. General Telephone is collecting rates to raise \$250 it gave the Pinellas County Park Department. FP&L, in its pending application, claims \$12,032.83 in contributions to "City and County Governments."

Some other dues or donations now covered in the operating revenues of utilities whose reports were examined by The Times:

Florida Power Corp.: \$2,500 to Florida State University, \$1,900 to the University of Florida and \$1,000 to the Florida Citrus Open Golf Tournament.

Tampa Electric—\$1,673 to "churches," \$5,256 to "schools," \$838 to the "Illuminating Engineering Research Institute," \$1,815 to "State Welfare Activities," and \$1,000 to the University of Florida Foundation.

General Telephone—\$5,000 each to Florida Presbyterian College in St. Petersburg and New College Inc. in Sarasota, \$1,000 to Gov. Kirk's War on Crime, \$250 to the Florida

Clergy Economic Education Conference, \$50 to "Truth for Youth," \$125 to the Tampa Police Pistol and Rifle Club, \$3,665 for Kiwanis Clubs, \$454.75 for Exchange Clubs \$2,010.46 for Rotary Clubs and \$478 for Jaycees.

Florida Power & Light—unknown because the commission didn't ask for a list in 1964. A pending application, however, includes \$400 to the Thomas Alva Edison Foundation, \$425 to the Edison Pageant of Light, \$1,000 to Freedoms Foundation, \$300 to the "Tax Assessors Association," \$1,000 to Radio Free Europe, \$50 to "Project Alert" and \$40 to the "Syrian Lebanese Star."

Here are the dues and contributions of four of Florida's largest utility companies as listed in their latest reports to the Public Service Commission:

General Telephone Company of Florida:

Charitable Contributions:

American Cancer Society, \$240; American National Red Cross, \$115; Boy Scouts of America: Haines City, \$25 (and) Zephyrhills, \$25; Children's Home, \$3,000; Children's Home Memorial Fund, \$25; Children's Home Society, \$25; Citrus Center Boys' Club—Building Fund, \$400; Disabled American Veterans (Circus Tickets), \$100; Easter Seal Guild of Hillsborough County, \$100.

Florida Federation of the Blind, \$25; Frost-proof Salvation Army, \$25; Girl Scouts, \$1,025; Goodwill Industries (Enlarge Building), \$100; Gulf Coast TB & Respiratory Disease Assn., \$25; Harry-Anna Crippled Children's Home \$25; Heart Assn.—Manatee County, \$25; Heart Fund, \$25; Heart of Florida Girl Scout Council, \$25; Heart of Florida Hospital Assn., \$1,000; Heart of Florida Scout Council, \$25.

Hiker Monument Fund (Tks—Children's Home), \$100; Hillsborough County Soc. for Crippled Children & Adults, \$25; Hillsborough County TB & Health Assn., \$300; Lakeland Cancer Fund Drive, \$25; Lakeland YMCA, \$35; Lake Wales Hospital Assn., \$1,000; Lake Wales Salvation Army, \$25; March of Dimes, \$150; Mease Hospital & Clinic, \$1,000; Meninak Charity Bowl, \$30; Morton Plant Hospital Building Fund, \$1,000; Polk County Future Farmers of America, \$25; Polk County Heart Fund, \$100; Rotary Boys Camp, \$22; Salvation Army, \$75; Sarasota County Medical Society, \$35; Sarasota County Soc. for Crippled Children, \$25.

Sarasota County TB and Health Assn., \$25; Sarasota Hearing Society, \$25; Sertoma Speech Clinic, \$25; Sun City Center Shrine Club (Crippled Children's Home), \$25; Suncoast Heart Assn., \$25; Tampa Oral School For The Deaf, \$500; Tarpon Springs Hospital Foundation, \$1,000; United Appeal of Sarasota, \$1,800; United Cerebral Palsy, \$119.05; United Fund of: East Hillsborough, \$250; Greater Bartow, \$200; Greater Lakeland, \$1,300; Greater Tampa, \$20,000; Manatee County, \$1,400; Pinellas County, \$12,000; and South Sarasota County, \$380; United Givers Fund, \$1,450; Upper Pinellas Assn. For Retarded Children, \$100; Winter Haven Hospital Building Fund, \$2,500.

Education Contributions (General Telephone):

American International College, \$25; Bowdoin College, \$25; Citadel Development Foundation, \$25; Florida College, \$1,052; Florida Presbyterian College, \$5,000; Florida West Coast Educational TV, \$1,000; Gator Football Boosters (Scholarships to H. Off.), \$100; Hillsborough County Quality Education Council, \$1,000; Jesuit High School Foundation, \$200; Muskingum College, \$25; New College, Inc., \$5,000; Science Center, Pinellas County, \$200; Stetson University Law School, \$1,000; Syracuse University, \$25 University of Michigan, \$25; University of South Florida Foundation, \$360; University of Tampa, \$11,081; Yale University, \$100.

Civic promotion (General Telephone):

Alcalde of Ybor City, \$25; Allied Arts Council of Sarasota & Manatee County, \$100;

American Legion-Post 252 (Children's Christmas Party) \$100; Asolo Theater Festival, \$50; Auburndale Booster Club, \$50; Bartow Pilot Club (Scholarship Fund), \$10; Beta Sigma Phi (Crippled Children), \$13.58; Children's Home, Inc., \$3,000; Children's Hospital Guild, Inc. (Charity Ball), \$50; Civitan Clubs, \$1,179.50.

Clearwater Symphony, Inc., \$25; Commerce Club, \$1,316; Committee of 100, \$100; Community Concert Assn. of Tampa, \$100; Cuban Civic Club, \$24; Downtown Assn. of Clearwater (Betterment), \$500; Egypt Temple Shrine Circus Fund, \$48; Exchange Clubs, \$454.75; Flash Athletic Boys Club, \$25; Florida Citrus Showcase, \$50; Florida Clergy Economic Education Conference, \$250; Florida Club, \$150; Florida Fat Stock Show and Sale, \$434.97; Florida Sheriff's Assn., \$40; Florida West Coast Orchid Society, \$50; Hillsborough City Sheriff's Posse (Rodeo Tickets—Big Bros.), \$25.

Imperial University Club Polk County, \$500; Jaycees, \$478; Junior Achievement of St. Pete, \$500; Kiwanis Club, \$3,665.49; Lake Wales Jr. C. of C. (Flag Service), \$25; Latin American Fiesta, \$35; Lions Club, \$1,506.96; Loyal Order of Moose (Children's Christmas Party), \$25.50; Manatee Players, Inc., \$540; Manatee River Fair Assn., \$182.85; Meninak Club, \$260; Optimist Club, \$1,133.50; Pilot Clubs, \$106.

Pinellas County Park Dept., \$250; Pinellas County Science Fair, \$50; Police Athletic League, \$100; Rotary Clubs, \$2,010.46; San Carlo Opera of Florida, \$100; Sarasota Concert Band, \$50; Sarasota County Pageant, \$35; Sertoma Club, \$3,108.10; St. Pete Armed Forces Luncheon Comm. (Recognition), \$100; St. Pete Boosters Club (Fla. Little and Major League), \$25; St. Pete Civic Opera Assn., \$250; St. Pete Museum of Fine Arts (Development Fund), \$500; St. Pete Police Dept. (Ball), \$25; St. Pete Progress, Inc. (Industrial Development), \$750; St. Pete Symphony Society, Inc., \$500; Suncoasters Inc., \$215; Tampa Art Institute, \$426.14; Tampa Bay Little League, \$50; Tampa Civic Ballet, \$50; Tampa Community Theatre, \$60.

Tampa Jaycees (Tickets), \$125; Tampa Lyric Theatre, \$500; Tampa Philharmonic Assn., \$471; Tampa Police Ladies Aux., \$15; Tampa Police Pistol & Rifle Club, \$125; Tarpon Springs Power Squadron Aux. (Boating Safety Class), \$10; Teen Canteen, \$100; The Players, Sarasota, \$24; Toastmasters, \$32; Truth for Youth, \$50; University Club of Tampa, \$655; University of Tampa Athletic Dept., \$358; War On Crime, \$1,000; West Tampa Sheriff Assn. (United Cerebral), \$50; Women's Hospital Aux. (Medical Equip.), \$100; YMCA, \$1,989; Zonta Club, \$56.

General Telephone total: \$111,152.85.

Florida Power Corporation:

Florida State University, \$2,500; University of Florida, \$1,900; Florida Presbyterian College, \$60,000; Hamilton County School Board, \$1,249; St. Petersburg Museum of Fine Arts, \$1,000; United Appeal, \$3,650; St. Petersburg Science Center, \$1,296; Florida Suncoast Opera Association, \$1,157; St. Petersburg Symphony, \$1,000; United Fund, \$17,024; Rollins College, \$5,200; Florida Citrus Open Golf Tournament, \$1,000; Junior Achievement, \$1,580.

Stetson University, \$4,500; Wakulla Board of Public Instruction, \$1,115; Trinity Preparatory School, \$1,000; All Children's Hospital, \$5,000; Morton Plant Hospital, \$2,000; Salvation Army, \$1,000; Heart of Florida Hospital, \$3,000; Florida Gulf Coast Symphony, \$1,000; Florida State Museum, \$3,900.

Subtotal, \$131,071.

Various contributions of less than \$1,000 each (417), \$23,379.

Total, \$154,450.

Tampa Electric Company:

United Fund, \$33,265; University of Tampa Library Fund, \$15,000; Children's Home of Tampa, \$5,463; Schools, \$5,256; Little League

& Pony Colt Baseball Leagues, \$5,222; Macdonald Training Center, \$5,000; St. Leo College, \$5,000; Community Welfare Activities, \$4,918; Power System Institute—Gainesville, Florida, \$4,500; Civic, \$3,019; St. Joseph Hospital Building Fund, \$2,500.

Educational and Cultural, \$2,138; Florida College, \$2,000; South Florida Baptist Hospital, \$2,000; WEDU Educational TV, \$1,939; Charitable, \$1,915; Tampa Philharmonic Association, \$1,875; State Welfare Activities, \$1,815; Tampa Federation of Garden Clubs Building Fund, \$1,673; Churches, \$1,662; Tampa Oral School for Deaf, \$1,620; Hillsborough County Quality Education Association, \$1,500; Tampa Bay Art Center, \$1,500; National Welfare Activities, \$1,172; City of Tampa Community Relations Department, \$1,000; University of Florida Foundation, \$1,000; Illuminating Engineering Research Institute, \$838; Girl Scouts of America, \$795; Citrus Center Boys' Club, \$500.

Total, \$116,085.

Florida Power & Light Company is asking for approval of these expenditures in its current late case!

American Cancer Society Units, \$835; American Legion Posts, \$182.50; American Nuclear Society, \$530.31; American Red Cross Units, \$1,849.50; American Rescue Workers Units, \$130; Amvets, \$25; Animal Rescue Leagues, \$30; Apprentice Conferences and Committees, \$125; Art Leagues, Councils and Institutes, \$1,985; Armed Forces of the Palm Beaches, \$75; Associated Charities, \$25; Association of Legal Secretaries, \$50.

Athletic organizations, \$4,225.15; Band Parents and Boosters Associations, \$614.50; Big Brothers, \$500; B'nai B'rith Women Chapters, \$122.50; Booster Clubs, \$1,727.54; Boys Clubs, \$4,530; Boys Ranches, \$32.50; Boy Scout Troops, \$743.34; Builders and Builders & Contractors Associations, \$372.50; Business Associations, \$125; Business Executive Women's Club (Altrusa Club), \$89.67.

Campus Crusade for Christ, \$50; Cerebral Palsy Association Units, \$70; Chambers of Commerce, \$9,067.72; Charities, Inc., \$40.25; Children's Home of South Florida, \$60; Children's Service Bureau, \$250; Christian Record Braille Foundation, \$15; Churches and Temples, \$2,644.26; Citizens Committee for Better Schools, \$100; Citizen Safety Councils, \$3,200; City and County Governments, \$12,032.83; City of Hope, \$25.

Civil Air Patrol, \$12; Civitan Clubs, \$45; Coast Guard, \$20; Combined Jewish Appeal, \$5,000; Committees of 100, \$256; Community & Civic Clubs, Councils and Associations, \$1,318.76; Cultural Foundations, \$760; Co-operate Charities, \$200; Council of North County Drainage District, \$50; Council for International Visitors, \$100; Council for Continuing Education for Women, \$100; Martin County Country Club, \$30; Dade County Community Relations Board, Equal Employment Opportunity Task Force, \$2,840; Dade Foundation Inc., \$200.

Daughters of American Revolution, \$25; Diversified Cooperative Training Club, \$25; Debbie Road Memorial Service League Foundation, \$400; DeMolay, Order of, \$20; DeSoto Celebration Inc. (Pageant), \$150; Disabled American Veterans Posts, \$135; Easter Seals, \$100; Thomas Alva Edison Foundation, \$400; Edison Pageant of Light, \$425; B.P.O.E., \$117.57; Exchange Clubs, \$180; Executives Association, \$9.36; 4-H Clubs, \$1,230; 52 Association, \$50; Fair Associations, \$1,150; Fairchilds Tropical Gardens, \$500; Fellowship of Christian Athletes, \$85; Fire Departments and Fireman's Associations, \$1,765.50; Florida Ballet, \$250; Florida Cattlemen's Association, \$100; Florida Cross & Sword, Inc., \$525; Florida Foundation for Future Scientists, \$200; Florida Engineering Society, \$110.

Florida League of Municipalities, \$500; Florida Letter Carriers, \$25; Florida Prosecutors Association, \$100; Florida Public Charities, \$200; Florida Recreation Association, \$15; Florida Soil Conservation Society, \$300;

Four Freedoms Civic Club, \$50; Freedoms Foundations, \$1,000; Future Farmers of America, \$140; Friends of the Retarded, \$25; Garden Clubs & Flower Shows, \$1,851.74; Girl Scouts, \$1,555; Goodwill Industries Units, \$1,900; Hadassah Chapters, \$45.82; Handicapped of South Broward Inc., \$12; Ella Piper Harvey Memorial Committee, \$30.

Heart Fund Associations, \$350; Helping Hand Inc., \$15; Hialeah-Managua Sister City Committee, \$24; Historical Societies, \$100; Home Builders Association, \$20.07; Hospitals and Nursing Homes, \$22,201.12; Improvement Associations, \$125; Independent Order of Odd Fellows Lodges, \$30; Jewish Welfare Federation, \$25; Junior Achievement Units, \$1,756.25; Junior Chambers of Commerce, \$1,246.58; Junior Conservation Club, \$10; Junior Deputies, \$10; Junior Service League Orthopedic Center, \$112.50; Junior Welfare League, \$15.85; Justice of Peace & Constable Association of Florida, \$10; Kiwanis Clubs, \$1,522.90.

Knights of Columbus, \$30; League of Women Voters Chapters, \$75; Libraries, \$219; Lions Clubs, \$617.98; Little Theatres, \$100; March of Dimes Chapters, \$552.36; Marine Corps Leagues, \$150; Mental Health Associations and Foundations, \$1,037.50; Merchant Association, \$75; Military Order of World Wars, \$20; Loyal Order of Moose, \$102.50; Moral Rearmament Program, \$28; Museum of Arts, Science, National History, etc., \$1,990; Music Clubs, \$3,502.07; National Association of Postmasters, \$50.

National Association of Power Engineers, \$100; National Council of Crime & Delinquency, \$270; National Municipal League, \$100; National Social Welfare Assembly Inc., \$100; Navy League, \$20; Occupational Center for Handicapped, \$15; Opera Guild of Florida, \$200; Optimist Clubs, \$121.79; Parent Teachers Associations, \$67; Pageant Association & Contests, \$1,692.50; Palmetto Clubs, \$80.89; Police and Peace Officers Associations, \$2,778.89; Project Alert, \$50; Project Hope, \$250; Propeller Club, \$100.

Property Owners Committees, \$500; Quarterback Clubs, \$70; Quota Club of Florida, \$12.88; Radio Free Europe, \$1,000; Order of Rainbow Girls, \$10; React Club of Putnam County, \$10; Restaurant Association, \$125; Rotary Clubs, \$471.55; SS Providencia Inc., \$50; Safety Organization Inc., \$35; Salvation Army Chapters, \$632; Scholarship Funds, \$410; Schools, \$140,299.79; School Safety Patrols, \$320; Manatee County Service Club, \$150; Sertoma Clubs, \$105; Servicemen's Centers, \$50; Shrine Temples, \$343; Singing Clubs, \$251.47.

Soap Box Derbys, \$63.75; Soil & Water Conservation Districts, \$10; Sororities, \$65; St. Augustine Restoration Inc., \$2,500; Sweetin Foundation, \$25; Syrian Lebanese Star, \$40; TB & Respiratory Disease Association Chapters, \$320; Tax Assessors Association, \$300; Theatres, \$2,595; Toastmasters, \$25; TV No. 2 Community Foundation, \$1,156; U.S.O., \$50; Labor Union Lodges, \$300; United Cerebral Palsy, \$50; United Funds—Various, \$100, 929.97; Veterans of Foreign Wars Chapters, \$92.50; Volunteers of America, \$15; WEDU-TV, \$500; Women's Clubs, \$490.25; Women's American Organization for Rehabilitation through Training, \$30; Young Men's Christian Associations, \$1,940; Young Activities Associations, \$110.50; Youth Groups, \$57.60.

Total, \$371,698.33, less "adjustments made during test year (\$4,608.31)." Equals \$367,090.02.

[From the St. Petersburg (Fla.) Times, Mar. 26, 1969]

PSC OKAYS GIFT IF IT'S "REASONABLE"

(By Roland Page)

"Florida Power Corporation should not be permitted to deduct contributions made to charitable, religious and civic organizations from test year earnings which amounted during the test year to \$182,247, since the

rate payer has no choice in the decision as to who receives the contributions and cannot deduct such contributions in computing his individual tax return."—Testimony of Robert E. Bathen before the Florida Public Service Commission, November 1964.

Florida citizens pay thousands of dollars annually in charitable, civic and other contributions and dues hidden in their utility bills because the Public Service Commission (PSC) thinks it's "reasonable."

Records and interviews also indicate that: "Reasonable" usually is whatever the utility company says it is.

The commission frequently ignores its own policies concerning contributions and dues.

It makes little effort—and has less manpower—to determine whether contributions meet PSC policies or whether the agencies who received them even exist.

Under the PSC's procedure, companies could collect rates set high enough to finance approved contributions—and then pocket the money.

PSC Chairman William T. Mayo, in defending commission policy, said that charitable and civic expenditures are "just a part of the cost of doing business in a community. Any reputable business will be approached (for them) . . . it can't avoid it."

He said the regulated utility, which in most respects is a monopoly, needs public "good will" as much as any other business.

Mayo feels the consumers should pay for that good will to a "certain reasonable extent." If the commission decides an expenditure is not reasonable, he said, it disallows it for rate purposes and the company and stockholders shoulder the cost.

Asked to define "reasonable," Mayo said that "they (the companies) don't come in with ridiculous claims . . . they know what we'll approve."

He said the PSC once decided a particular college contribution was unreasonable, but he couldn't remember which college or how much money was involved.

PSC Accounting Director John D. McClellan could remember only one contribution which was not approved for rate purposes in his ten years with the agency.

"It involved something about a monument to Sam Houston in Texas," said McClellan.

Last year, the commission approved a \$60,000 contribution from Florida Power Corp. to Florida Presbyterian College. That was nearly half of Florida Power's total contributions for the test year.

The PSC also approved \$250 in contributions to seven out-of-state colleges by General Telephone Co. of Florida.

Commission policy, as outlined by McClellan, allows for charitable and civic contributions and dues to be put in the rates only if they are itemized in a report during the rate case investigation.

Political expenses or dues or donations to social clubs are not considered legitimate costs for rate purposes by the commission, McClellan said.

He added that such expenses are charged to the stockholders "as a matter of policy and probably as a matter of fact."

He couldn't be sure.

He couldn't be sure because expenditures described as vaguely as "various contributions" totalling \$23,379 received commission approval in one case last year—and neither McClellan nor the commission asked for details.

He couldn't be sure because Florida Power & Light Co. (FP&L) has been collecting \$151,416 in unspecified contributions and dues every year since its last completed rate case in 1964.

In its current rate case, FP&L is asking the commission to raise that figure to \$367,090 and include such items as a \$300 gift to the "tax assessors association" and a \$30 payment to the Martin County Country Club.

Records indicate the PSC staff questioned General Telephone's \$1,000 donation to Gov. Claude Kirk's War on Crime debt, but the commission approved it.

It also approved a payment of \$655 to the University Club in Tampa and numerous Commerce Clubs and other agencies which appear to be almost entirely social in nature.

"We don't know what they are," McClellan said of many of the itemized recipients. "And we usually don't check it out because the amount is so small."

His staff, which varies in size between eight and ten accountants because of rapid turnover, has little time to identify agencies itemized—or even to demand more detail.

By the same token, McClellan couldn't be sure whether companies are making money or losing money under a procedure which makes it possible for them to pocket rate revenue supposedly earmarked for charity.

Florida Power, for instance, reported \$182,247 in dues and donations for the test year ending Sept. 30, 1964.

So the commission added that figure to the company's rate structure when it reduced rates in 1965.

In a separate report, filed annually with the commission, Florida Power said its actual 1965 contributions were \$125,641 and its civic club dues and expenses were \$15,613. That totalled \$141,254—or \$40,993 less than the new rates were to provide annually.

Did the company realize a gain?

"Theoretically, yes," said McClellan. He said the PSC doesn't study company dues and contributions between rate cases.

Under the system, figures are frozen into a company's rate structure until the company, PSC, or the public files for a new rate case—during which new reports with new figures are considered.

The company, meanwhile, can contribute more each year than the last case allowed and charge it to the stockholders, or less than the allowed and keep the difference.

In the case of Florida Power & Light, stockholders apparently are absorbing \$211,674 in excess contributions reported for the year ending May 31, 1968.

That is why the company seeks to increase its contribution allowance by that amount in its current rate case.

Chairman Mayo said dues and donations amount to "peanuts" when spread among all of a company's customers. McClellan agreed, estimating the total impact at about one cent on the average monthly bill.

Florida is not alone in allowing dues and donations to be charged to utility customers. U.S. Sen. Lee Metcalf, D-Mont., said in 1963 that about half the states did so.

Even the Federal Power Commission, which banned the practice for many years, reversed itself in 1964, decided that "contributions of a reasonable amount to recognized and appropriate charitable institutions constitute a proper operating expense."

The decision was not unanimous. One federal power commissioner, David S. Black, dissented. "The financial burden of donations to charities," said Black, "should not be shifted to the consumer who has no voice in their selection."

[From the St. Petersburg (Fla.) Times, Mar. 27, 1969]

THAT PUZZLING "OTHER" PADS OUT UTILITY RATES

(By Roland Page)

"Mr. President, the public has the right to know how public service corporations spend the funds collected from rate payers. This country has the technology to see that the information is provided." U.S. Sen. Lee Metcalf, Congressional Record, Jan. 24, 1969.

Want to buy a top-notch "miscellaneous?" Or a brand new "other?"

Unless you cook from a wood stove, order groceries by carrier pigeon, or drink from a

backyard well, chances are you have been paying for both such items for years.

Chances are also that you have helped the telephone company win government approval to raise your rates, helped the electric company pay its income taxes, paid on a "Reddy Kilowatt" billboard, contributed to country club dues for total strangers or picked up the bill for liquor consumed at a party to which you weren't invited.

And the State of Florida offers little assurance that lobbying and political expenses don't also creep into some of your monthly utility bills.

The "state" in this case is the Florida Public Service Commission (PSC), which regulates rates of privately owned public utilities in Florida.

As part of the ratemaking process, the PSC must calculate legitimate costs incurred by the company in providing service—and then pass those costs on to the customer.

Such expenses usually cover salaries, vehicles, maintenance, wages, depreciation, supplies, fuel, advertising, research, legal and professional services, promotion, public relations, and all taxes.

All costs of company appearances before the commission, whether for a rate increase or a rate reduction, are also covered.

Since utilities, in most respects, have no competition—there would appear to be no compelling reason for them to be frugal with their money. Government regulation and a captive market guarantee them a profit on service regardless of expenditures.

The PSC theoretically acts as a substitute for competition in this respect. It theoretically serves as watchdog of the people, seeing that companies do not collect excessive profits from their customers—and that all operating costs charged to the customers are legitimate and reasonable.

That is the theory.

Records and interviews indicate that the Florida commission, like those of most states, could not adequately police operating costs even if it wanted to.

Indications are that the three elected Florida commissioners pass on millions of dollars in costs to the consumer every year on little more than the utility's word that all is proper.

The words "miscellaneous" and "other" invariably are key items in a privately owned utility company's exhibit before the commission.

"Miscellaneous" appeared 14 times in the operation costs of one company last year, at a total of \$2.8-million.

One general category, entitled "Miscellaneous General Expenses," was itemized four ways. Of the four entries, the costliest single item was listed as "other"—\$432,740.23.

Other entries which might have been—but were not—elaborated upon were: "Miscellaneous sales expenses \$341,718;" "Recreational and Educational Expenses \$102,016.20;" "Advertising \$359,423.61;" and "institutional advertising \$279,341.79."

The public seldom knows what this money goes for because the commission, upheld by the Florida Supreme Court, consistently denies citizens permission to check company books for themselves.

Even the commissioners seldom know what they're telling the consumers to finance because they don't ask to see the supporting company books.

Nor do they ask the companies to itemize such categories as "miscellaneous general" because, as PSC Accounting Director John D. McClellan put it, "that would be cumbersome."

All of the public's theoretical protestation frequently is vested in the ability of discretion of an \$8,000 PSC auditor who virtually lives with the company for several weeks prior to a hearing.

This auditor checks the actual company books, especially unitemized claims, to see that they support the company's exhibits.

Because the auditor's findings aren't made public, the consumer has little knowledge of what he has accomplished.

And because of a long-standing procedure, the commissioners aren't much better off in that respect.

"By instruction," said McClellan, "we (the auditors) don't detail things that are right—just where we find some question or a matter of exception."

Probably 99 per cent of the policy questions in a given rate case are decided by commissioners, nor even by McClellan.

The burden is on the auditor—and it might be an impossible assignment.

Item: The Times recently was allowed to view the workbook of the auditor who checked Tampa Electric Co.'s books prior to a rate increase.

The only "questionable" entry he had brought to Tallahassee was a \$19,812.23 payment to N. W. Ayer & Son—an advertising firm which handles much of the "Electric Companies Advertising Program (ECAP)."

In the past, the Internal Revenue Service (IRS) refused to allow utilities to deduct all bills paid to that firm because of the political nature of some of its advertising.

This time, however, the PSC auditor noted that "company officials" said N. W. Ayer had depoliticized its advertising and IRS has changed its policy.

Florida's commission accepted the full amount as a legitimate operating cost. McClellan said the policy switch reported by the company was not verified with IRS.

Item: A neighbor of Tampa Electric Co. Board Chairman William C. MacInnes complained to the commission in December 1967 that MacInnes was using company labor and equipment to improve his home.

It was a rare case of the public managing to assist the commission in spite of a system which discourages such help.

PSC Chairman William Mayo said that nothing could be done about it, that the commission has "no authority" to prohibit such use of company labor and equipment, but that the next time the company applied for a rate increase, such items would be disallowed as evidence it needs more money to operate.

More than a year later, and shortly after Tampa Electric was granted a \$2.2-million rate increase, Mayo was reminded of the MacInnes incident.

"We asked Mr. MacInnes if the work was in any way paid for by the customers," said Mayo, "and he said no."

McClellan couldn't remember verifying this in company books—or even being ordered to do so.

Item: McClellan said he doubts companies can slip country club or social club membership dues into their miscellaneous expenditures, because the auditor would identify and question them.

Yet dues to the posh University Club in Tampa and other organizations were openly reported to the commission in charitable contribution reports last year, and they were approved for reimbursement by the consumer.

Item: General Telephone Co. of Florida spends an estimated \$6,000 to \$7,000 per year on a lavish annual "press party" in which hundreds of news, public relations, and advertising professionals are treated to a buffet and unlimited drinks.

The expenditure never appears in the public record because, as McClellan says—it's probably hidden in miscellaneous sales expenses" and "I would consider it part of operating a business."

Item: The PSC's chief accountant candidly admits he could have 20 more auditors and still miss lobbying and political expenditures hidden under "miscellaneous."

Parties for legislators, he said, might appear in company books as "entertaining business associates." Lobbying might be called "legal fees."

"Who am I to question it," says McClellan. "Were accountants . . . not detectives."

[From the St. Petersburg (Fla.) Times, Mar. 28, 1969]

UTILITIES PLAY THE RATING GAME (By Roland Page)

U.S. Sen. Lee Metcalf, D-Mont., says four investor-owned electric utilities in Florida "overcharged" their customers \$69.48-million in 1967.

The Florida Public Service Commission (PSC) has ordered only \$6.5-million in rate reductions since then.

Metcalf says Tampa Electric Co. alone collected \$11.77-million too much from its customers in 1967.

BUT THE PSC has raised that company's rates \$2.2-million since then.

Metcalf says Florida Power Corp., Florida Power & Light Co. and Gulf Power Co. overcharged \$17.74-million, \$33.58-million and \$6.40-million respectively in 1967.

But the PSC has reduced rates of only Florida Power Corp. since then—and then only by \$6.5-million.

The Federal Power Commission says Florida Power enjoyed an 8.11-per-cent rate of return in 1967.

But the PSC said it was only 6.62 per cent in a rate case since then.

THE PSC notes that it ordered a net \$43.3-million in electric rate reductions from 1957 to 1967.

But Floridians have continued to pay some of the highest utility bills in the land and companies have collected profits way above the national average since then.

The name of the game is regulatory gymnastics. It can be played with a dozen sets of rules producing opposite results.

Metcalf and the Federal Power Commission usually choose rules that would result in dollars for the consumer—if they could set the rates.

BUT IN Florida, the PSC is the rate-making body.

And it seems to prefer the utility rulebook, especially when the purse is big.

Take, for instance, taxes which utilities collect from their customers and pay to themselves, and use of the year-end rate base.

Taxes are considered part of the utility company's operating expenses when setting rates. Hence customers pay the company's debt to Uncle Sam. That is standard.

BY TAKING advantage of several favorable features in the tax laws, however, companies always pay the government less than they've collected.

The companies, and the Florida commission, say this money should not be refunded yearly via lower rates for the customers.

In hearings last year, one expert hired by the PSC said the rates of six major electric and telephone companies could have been reduced a total of \$32.2-million if the tax policy were changed.

It was not.

Probably the most controversial and lucrative of the tax breaks is "liberalized depreciation." Roughly, it allows utilities and other industry to depreciate new property for tax purposes at a faster than normal rate.

THE PSC accepts company interpretation of these benefits as tax "deferrals" rather than tax "savings."

It reasons that the taxes on any single item will come due at the end of the rapid depreciation process.

Present ratepayers, says the PSC, should not get those first-year benefits through lower rates "at the expense of future customers or subscribers."

Opponents, including rate consultant Robert E. Bathen, argue that companies add new properties every year, claim new depreciations, and accumulate more and more money.

The PSC answers that if the companies stop growing taxes "deferred" are likely to come due.

So when liberalized depreciation was made available to utilities in 1955, the PSC ordered companies to place their tax "deferrals" into reserve accounts for the "future."

That was 19 years ago. The old debt has not come due. The companies keep growing at faster and faster rates. The "reserve" overflows.

Florida Power Corp. customers of 1955 started that company's "reserve" for the "future." They've been adding to it ever since so that it now totals \$26.6-million. Last year's contribution was \$3.2-million.

Since companies keep this "tax" money, the Federal Power Commission enters it as part of their "net operating income." The PSC does not.

Hence one of the major differences which contribute to Metcalf's "overcharge."

The companies and the Florida PSC contend that this state is growing faster than the rest of the nation and that utilities in the past have financed "tremendous expansion programs" to provide service to a booming area.

The great need, said the PSC in an order affirming its tax treatment last year, is for capital to enable companies to provide facilities to meet the demand.

It quoted Dr. Josephus Parr, an economist, who said total reserves from liberalized depreciation for Florida utilities totalled \$46-million.

"He was particularly interested in these reserves," said the commission, "because they indicate the additional financing necessary for their replacement."

The reserves are used to purchase new plants.

Commissioners cite the plight of General Telephone Co. of Florida in illustrating what can happen if a utility falls behind the growth rate of its service area.

General Telephone, they note, inherited an antique telephone system during a boom period and still is suffering from a severe service problem.

The company recently was granted a \$4.2-million rate increase to help to meet financial demands put on it by growth. The PSC at the same time ordered it to put up \$1-million bond and promised a refund of the higher income if the company fails to improve its service by June 30.

General Telephone doesn't use liberalized depreciation, but it does take advantage of similar tax breaks.

It also enjoys the benefits of the "year-end rate base," another PSC policy neither recognized by the Federal Power Commission—nor by the Federal Communications Commission.

It works this way:

"Company A" might have \$100-million invested in plant and equipment (rate base) to provide service to its customers as of Jan. 1, 1967. During the year, however, it adds new plant, so that by Dec. 31, it has \$200-million invested.

Problem: If a commission decides Company A should make a 6 per cent rate of return on its investment, should it take 6 percent of \$100-million and set rates to produce \$6-million in profits; or should it take 6 per cent of \$200-million to produce \$12-million in profits?

The Federal Power Commission, the Federal Communications Commission and 26 state commissions (as of 1967) say neither extreme would be fair.

They use an "average" investment rate base (6 per cent of \$150-million for a \$9-million profit) on the theory that it best represents the company's total operation for the test year.

The PSC's use of the year-end method amounts to another big part of Metcalf's overcharge.

Suppose, for example, the PSC adopted Metcalf's 6 per cent rate of return for "Company A"—giving the company a \$12-million profit on a \$200-million year end rate base.

The Federal Power Commission would divide the average \$150-million rate base into \$12-million profits and come up with an 8 per cent rate of return—which Metcalf would call "overcharge."

When it first adopted the year-end method in 1953, the PSC said it was helping utilities meet a "mounting economic boom" created by growth problems and demands for more service.

"Those problems have not abated," it said in 1966, "but on the contrary, have increased."

In an appeal contesting the use of the year-end rate base last year, the Florida Supreme Court "expressly commended" the average rate base as the "sounder and better practice" and said it should be used in future rate cases.

"In the absence of the most extraordinary or emergency conditions or situations," said the court, "average investment during the year should be the method employed by the commission."

The court declined to make that an order, and it upheld the PSC method in that particular case because "we cannot substitute our judgment for that of the commission."

Within less than a month, however, on April 9, 1968, the PSC ordered a \$4-million rate reduction for Florida Power Corp., and switched to the average rate base.

The rate base policy switch alone was responsible for \$734,023 of the rate reduction.

The commission said the timing of its action was "purely by coincidence."

The policy change was short-lived. In a \$1.5-million rate reduction last December, Florida Power was placed back on the year-end system.

"There still is little difference in the year-end and average investment rate base," the PSC acknowledged.

But it said Florida Power's capital needs for the five-year period 1968 to 1972 will be about \$400-million.

"The financing of this program, made necessary by the unparalleled growth of the company's service area . . . will require realistic earnings," the commission said. It added: "We are convinced that the use of the year-end rate base . . . will materially assist in the successful financing of this program."

Opponents of this philosophy contend: Stockholders rather than consumers should provide capital for the company.

Growth also means more business and more income for the utilities and the year-end rate base fails to consider those benefits.

Use of the year-end rate base, deferred tax treatment, and other PSC policies hide the actual profit companies are receiving.

C. W. McKee Jr., comptroller of Florida Power Corp., concedes raising of capital is the stockholder's job—not the consumer's.

Asked why the PSC doesn't raise the rate of return whenever a company needs expansion money, McKee replied: "I guess it wouldn't be politically expedient—Metcalf would take the higher rate of return and issue a news release."

Despite \$5-million in rate reductions last year, Florida Power's profits jumped \$2.3-million over those of 1967.

Since 1962, the company has enjoyed a 64 per cent increase in its profits. Last year, they totalled \$25.6-million.

Meanwhile, the company isn't confining its expansion to the service demands forced upon it.

Three weeks ago, the Williston City Council learned Florida Power wants to buy that city's municipal electric system.

NO "OVERCHARGE," THANKS TO THE PSC
(By Roland Page)

Did Florida Power Corp. collect \$17.74-million too much from its customers in 1967—as charged by Sen. Lee Metcalf?

Yes—under the Federal Power Commission's method of computing company earnings, rates of return and investment in plant.

Yes—under the Montana Democrat's recommendation of 6 per cent as a "fair" rate of return—which also was the latest rate of return prescribed by the federal commission in an electric company case.

No—under the Florida Public Service Commission's (PSC) methods of communication.

No—under the Florida PSC's current "allowed" 7.12 per cent rate of return for that company.

The chart below shows how Metcalf, using Federal Power Commission figures, arrived at the "overcharge" he assigned to Florida Power Corp.

It also shows how the PSC, using its figures, would come up with different conclusions. Both the state and federal commissions based their computations on reports filed by the company for the calendar year 1967.

The Federal Power Commission calculated Florida Power had an "average" investment in plant and facilities (rate base) of \$435.5-million in 1967.

The Federal agency also calculated by its standards that the company cleared \$35.5-million in net operating revenue.

Florida Power realized, therefore, an 8.11 per cent rate of return on its investment (\$35.3-million is 8.11 per cent of \$435.5-million). Metcalf thinks 6 per cent is a fair rate of return.

Six per cent would have produced \$26.17-million in net operating revenues by federal standards—or \$9.2-million less than the company actually earned. The difference, to Metcalf, is "overcharge."

In addition, Florida Power was figured by the federal commission to have collected from its customers \$8.5-million in corporate federal income taxes to cover the "overcharge" (about 92 cents for each dollar of income). Total—\$17.7-million.

The Florida Public Service Commission (top line), by using the so-called "year end rate base," always gives companies credit for a bigger investment than does the federal commission.

In this example, the PSC rate base is \$35.7-million higher than the federal computation.

Meanwhile, the PSC figured net operating income for 1967 at only \$32.2-million—or \$3.2-million less than the federal figure.

This is due mainly to the PSC's tax policies. It treats deferred taxes as an operating expense and thus deducts them from net income.

The combination of higher rate base and lower income always makes for a lower rate of return—in this case, 6.85 per cent.

Since the PSC thinks 7.12 per cent, rather than 6 per cent, is a "fair" rate of return for Florida Power, the company is in no danger of a rate reduction.

A 7.12 per cent return by PSC standards would have produced \$33.4-million net operating revenue—or \$1.1-million less than the company was figured to have earned. Thus, to the PSC, there's no overcharge.

Florida Power Corporation: Are its rates fair? Or are they an overcharge?

It all depends whose figures you use. This table shows how the computations of two agencies can produce different answers:

Florida Power Corp. earnings as computed by the Florida Public Service Commission:

Rate base.....	\$471,200,000
Net operating income.....	\$32,300,000
Actual rate of return (percent).....	6.85
Fair rate of return (percent).....	7.12
Net operating income at 7.12 percent.....	\$33,400,000

Florida Power Corp. earnings as computed by the Florida Public Service Commission—Continued

Difference in income.....	—\$1,100,000
Taxes collected on extra income.....	0
Total "overcharge".....	0

Source: Florida Public Service Commission, by special request.

Florida Power Corp. earnings as computed by the Federal Power Commission:

Rate base.....	\$435,500,000
Net operating income.....	\$35,300,000
Actual rate of return (percent).....	8.11
Fair rate of return (percent).....	6
Net operating income at 6 percent.....	\$26,170,000
Difference in income (called "Overcharge" by Metcalf).....	\$9,200,000
Taxes on extra income.....	\$8,500,000
Total "overcharge".....	\$17,700,000

Sources: Congressional Record, and Statistics of Privately Owned Electric Utilities in the United States, 1967.

[From the St. Petersburg (Fla.) Times, Mar. 29, 1969]

PSC: LITTLE REASON TO FAVOR CUSTOMERS (By Roland Page)

The three members of Florida's Public Service Commission (PSC) have little reason to favor utility customers in any given rate case or policy decision.

They were elected to office in campaigns nearly ignored by the customers but partially financed by utility company representatives.

They are visited or telephoned almost daily by the highly organized utilities—but seldom by the unorganized customers.

They are not trained in the vital regulatory fields of economics, law, engineering or accounting, and must depend entirely on the guidance of others.

They get much "guidance" from the companies, some neutral guidance from the PSC staff, but little guidance from the customers, who, incidentally, foot the bill both for the companies and for the staff.

They must seek reelection every four years, and hence worry about campaign money during the last two years of any given term.

Former Florida PSC chairman Alan Boyd acknowledged 10 years ago the problems created by statewide election of Public Service Commissioners.

"There is little interest in the commission political campaigns," he wrote, "and little knowledge on the part of the public of whom or for what they may be voting."

Boyd, who later became the first U.S. secretary of transportation, said a candidate's ability to raise money for his campaign is therefore "severely restricted" and utility companies "are in a position to exercise tremendous power in selecting the candidates."

He also noted that it usually takes a new commissioner at least two years of his four-year term to understand the complexities of utility regulation, and that "he then spends the rest of the time worrying about whether he can be reelected."

Boyd recommended the so-called "Missouri Plan" of selecting commissioners. Under it prospective commissioners are "nominated by the governor, supposedly to insure against election of commissioners whose only qualification is a hefty campaign treasury or the right party affiliation. One name is nominated for each vacancy."

The nominees are then placed on a ballot and voters may mark "yes" or "no" beside each name, thus retaining supreme authority in the people.

Boyd also recommended six-year terms for commissioners—the terms used by 35 of 55 regulatory commissions in other states, according to a recent U.S. Senate committee report.

His bill incorporating these features died in a legislative committee and PSC members continue to be elected statewide to four-year terms.

As a result, three career politicians (all Democrats) with no training in the technical or professional fields involved in regulation, now head the PSC.

Law requires that they conduct their hearings like a court—but none of them have law degrees. Their responsibilities require decisions involving questions of economics, accounting and * * * those fields, and none of them are required to have training in those fields, and none of them do.

Some of their own staff members complain privately that this lack of training makes it difficult to get technical points across to the commissioners.

While in office, the commissioners are subjected to what one attorney called "constant pressure and lobbying" from utility representatives.

"The people who contact them are the utilities," he said. "You don't have the consumers coming up to talk to them once or twice a week."

The attorney asked not to be identified. He represents a utility company before the commission.

Consumers, he said, have no organization with the money, the will or the know-how to match the utilities in their "informal discussions" with commissioners.

He pointed to the PSC's handling of the corporate federal income tax surcharge as an example of the results.

The PSC granted two major utilities permission to pass the surcharge on to their customers.

It was learned the commissioners ignored the recommendation of their own general counsel in approving the requests without a public hearing.

Utility representatives had convinced them such action was proper.

A furor ensued, with one state senator threatening a legislative investigation. The commission rescinded its order and told the companies to return what money they had collected.

In a public hearing the situation is usually the same.

Companies haul in mountains of prepared testimony and hire some of the nation's leading economists and other experts to advance the company point of view on a regulatory issue.

All company expenses in a hearing are paid for by the consumers through their rates.

Hundreds of customers might appear in opposition to the company view, but, as Boyd once pointed out, "the opinions of private citizens who are not experts is valueless, because they cannot be considered in reaching a decision."

"The commission," agreed Pinellas County Atty. Daniel Martin, "can't deny a rate increase just because some organizations pass resolutions saying they're against it—the commission has to have valid evidence that the rate increase isn't needed."

Valid evidence only can come through experts—and experts are expensive.

The Pinellas County Commission hired one such expert several years ago, Robert E. Bathen, a rate consultant from the engineering firm of R. W. Beck and Associates to testify on behalf of the county in seeking reductions in the rates of Florida Power Corp. and General Telephone Co. of Florida.

He was paid a total \$25,000 for those services.

Bathen, among other things, maintained that the commission should not allow the

utilities to earn a return on accumulated deferred taxes.

The commission agreed in issuing subsequent orders—though it did not mention Bathen—and a subsequent change in policy theoretically is saving customers throughout Florida thousands of dollars per year.

When it was time to appeal other commission decisions to the Florida Supreme Court, however, the county decided it could not afford the estimated \$15,000 it would cost to put Bathen on the stand.

The county failed to win one penny of financial aid from other cities and counties whose citizens were affected by the cases—although it was sent a drawerful of encouraging resolutions.

Theoretically, the PSC staff is the "people's expert" in rate cases.

In practice, however, the staff functions more as a neutral adviser to the commissioners.

Staff members, says Martin, seldom take the witness stand and never appeal a decision of the commissioners.

Staff neutrality probably was best expressed by Lewis Petteway, the PSC's general counsel.

"The commission represents the public," said Petteway, "but the public includes investors, subscribers, utilities and utility employees. So we've got to balance all those conflicting interests to do a good job."

Petteway also explained a commission policy against releasing staff recommendations to the public.

"One of my recommendations got out once," he said, "and it so happened the commission had ruled against me. Then I had to defend the commission's stand in the Supreme Court and it got kind of embarrassing when the opposition read my own recommendation."

Insufficient funds and personnel problems raise doubts that the staff can match the utilities even as advisers to the commission.

The PSC, for instance, has no economist, no certified public accountant, and no securities analyst.

It hired the national accounting firm of Ernst & Ernst during its study of tax credits last year, and hence received the advice of an economist with that firm.

The State Budget Commission, however, has cut in half the recommended funds available to the PSC for such consultants in the next biennium.

Of 66 new staff positions the PSC is requesting in its request this year, the Budget Commission is recommending approval of 14.

PSC TRIO: A SALESMAN, A COACH, A CAR DEALER

Here are the three men who set utility rates in Florida and decide the complex legal, accounting, economic and technical problems involved in regulating one-fifth of the state's economy:

Jerry W. Carter, Democrat, 81 years old. He was, according to a 1967 U.S. Senate report, the only member of a state regulatory commission with no more than a grade school education.

He came to Florida in 1908 as a sewing machine salesman. He supported Sydney J. Catts for governor and was rewarded in 1917 with appointment as State Hotel Commissioner.

He was elected to the Florida Railroad & Public Utilities Commission (later the PSC) in 1934. Once describing himself as "just a cheap politician—because that's all Florida can afford," he won re-election eight times and says he is ready to run again in 1970.

He attends fewer and fewer public hearings because of illness. When he does participate, two full-time PSC staffers have been seen following him around to make sure he doesn't hurt himself. He has been known, in recent years, to doze off in the middle of complex testimony.

Staff members say Carter was one of the nation's best railroad regulators "in his prime," but added that he has "little interest" in electric, gas, or telephone utilities.

In his most recent election in 1966, Carter received \$5,610 in campaign contributions from representatives of utilities regulated by the PSC.

Jess Yarborough, Democrat, 62, is the newest member of the commission, having defeated St. Petersburg attorney Ray Osborne, a Republican, last November. Osborne later became lieutenant governor of Florida.

Yarborough says there "ain't nothin' highfalutin about utility regulations" and adds that he ran for the post for three reasons: 1. "I like politics;" 2. "It's an important office;" and 3. "I thought I could win."

A former Miami high school football coach who boasts in his campaign literature that he "lost only one game to Florida schools during 10 years," Yarborough is the only commissioner with a college degree.

He was a state legislator before joining the commission. Before that, he was Miami's director of public welfare, a Dade County Commissioner and a Dade County school board member.

About one-fourth of the \$24,307 in campaign funds accumulated by Yarborough, near the end of his race with Osborne, were linked to utilities. "They're old friends," he said of the donors.

William T. Mayo, 51, has only two years of college, but claims his business experience as a Tallahassee car dealer and his various government posts as qualifications for the PSC.

The son of the late Nathan Mayo, former Florida Commissioner of Agriculture, the PSC chairman was once mayor of Tallahassee, a member of the State Road Board, and administrator of the Interstate Highway System in Florida.

Mayo is the only incumbent who first joined the PSC by appointment (by former Gov. Farris Bryant). He fought successfully for a law enabling the PSC to consider service when setting rates and initiated studies to further strengthen the agency.

He is generally considered a strong commissioner. He thinks election is the best system of choosing commissioners because it keeps them "more responsive to the public."

When Mayo campaigned for election to his first full four-year term in 1966, he received \$9,075 in contributions from utility-linked sources.

FINDINGS: DIVORCE PSC FROM UTILITIES

A study of Florida's system of utility regulation indicates the following findings:

The Public Service commissioners, elected to an office which few voters understand, often must depend on the very people they hope to regulate for campaign funds.

The regulatory agency, with too much work and too little staff and powers, can't meet its responsibilities.

Consumers, untrained in the technical aspects of regulation, unable to see utility records or detailed reports, and unable to combine the knowledge and resources they do have, are under-represented in rate cases.

[From the St. Petersburg (Fla.) Times, Mar. 30, 1969]

PUBLIC SERVICE COMMISSION—HEAVY DUTIES, LITTLE POWER (By Roland Page)

The Florida Public Service Commission (PSC) has too many jobs and not enough powers.

For 82 years, the State Legislature has been quick to assign new duties to the regulatory agency—but slow to grant it the powers needed to carry them out.

Utility opposition, legislative inaction and, in some cases, PSC refusal or inability to use the powers available, have combined to keep regulation somewhat less than effective.

It began in 1887 with creation of the "Florida Railroad Commission."

It continued to 1947 with the "Railroad and Public Utilities Commission"; to 1963 with the "Public Utilities Commission," and finally to 1965 with the PSC.

The change in names reflected the change in workload—always heavier.

Today's PSC has jurisdiction over all telephone and telegraph companies, all privately-owned electric and natural gas companies, 218 private water and sewer companies, 15 railroad or railroad terminal companies, and 11,412 buses, trucks, taxicabs, and other motor carriers operating in this state.

Ferries, toll bridge companies and canal companies, as well as dump trucks, transportation brokers, freight forwarders, and movers also come under its jurisdiction.

The PSC is responsible for fixing fair, reasonable and compensatory rates for businesses under its jurisdiction and for setting and enforcing standards of service, efficiency and safety.

It must see that the operator answers when you dial "0," that some buses run on time, that the gas heater doesn't run out of gas or the refrigerator out of electricity, and that these and other services are available at fair prices.

As a footnote, it's also supposed to help the attorney general make sure bookies don't use the telephone for gambling purposes.

It has been a "catch-all" agency for the Legislature—a good spot to put a job that doesn't fit anywhere else.

At least one committee of the Florida Legislature apparently feels some of the jobs don't fit together anymore.

The House Committee on Government Reorganization proposes abolishing the PSC and putting public utilities under a new Department of Business Regulation—along with banking and insurance.

Regulation of common carriers, the committee feels, might better be handled by the Department of Transportation.

The Committee might have a point.

Growth of federal regulatory activity over railroads has dwarfed state responsibilities in that area.

Most motor carriers already are regulated in some respects by several state agencies (the Transportation Department, the Department of Agriculture) and it's not uncommon to find a PSC inspector, and several other state agents checking one truck for several purposes all of which could be accomplished by one man.

Growth of other utilities, meanwhile, especially the telephone, electric, and natural gas companies has been phenomenal.

The State's six biggest privately-owned telephone and power companies alone now serve 4.6-million customers and had a gross investment of \$3.5 billion at the close of 1967.

Yet the PSC's largest single department is devoted entirely to transportation; it's largest single request for new staff this year is for transportation; and most of its general professional departments (accounting, rates, legal) must split their time between the giant utilities and common carriers.

That's why comparison of the PSC staff with those of other state utility commissions is invalid—many states have separate boards for transportation, utilities, and other businesses.

The biggest problem in separating common carriers from utilities would be rate-making and the powers and technical staff it requires.

PSC Chairman William T. Mayo notes the Transportation Department, under the House plan, would have to be granted legislative powers similar to those of the PSC in order to set common carrier rates.

He expressed no opinion on the possible split—but voiced reservations over putting

utilities under a large department with other duties.

"You might create a monster," he warned. He might have added that a "powder puff" can result if the Legislature fails to grant the PSC or any new regulatory body powers vital to effective consumer protection.

The 1969 Legislature could consider other problems which weaken utility regulation and the consumer's voice.

Among them:

Availability of company records—Consumers can't get at utility records to verify certain claimed expenses in a rate case. The PSC has the power to review actual records, as well as the power to order them produced for consumer representatives, and the power to demand itemization of any expenses the company wants to include in its rates.

The commission, however, doesn't require such itemization and, critics say, it usually declines requests for it by utility opponents in hearings.

The City of Miami last year asked permission to see the records and federal income tax returns which support exhibits of Florida Power & Light Co. in its current rate case. The PSC denied the request, saying in a Nov. 11 order that Miami:

"Has attempted an 'en masse' examination or 'fishing expedition' into the company's records in the expressed hope that error may be discovered in the underlying documents constituting the basis for the exhibits presented at the direction of the Commission. We find that mere suspicion that some error in the company's records may exist does not constitute sufficient grounds to require the company to submit its books and records for unrestricted examination."

In cases before the PSC, companies generally list public relations, advertising, labor relations, legal, professional and other expenses as "miscellaneous general" or "miscellaneous sales."

A utility consumer's counsel, if created by the legislature, might be granted authority to inspect records along with the PSC auditors.

Inability of local governments to represent the public—A legal question prevents cities or counties from entering rate cases unless they are customers of the utility involved. Legislation apparently is needed to allow cities to combine resources for cases involving regulatory issues of statewide significance.

Lack of jurisdiction—The commission has no jurisdiction over municipally and cooperatively-owned utilities and no territorial jurisdiction over private companies.

It can do nothing about wasteful duplication of lines and facilities when one utility enters an area served by another.

REGULATION—OR DISASTER?

Florida might be standing at a crossroads between effective state regulation of utilities—and disaster.

A constitutional question challenging the very existence of the elected State Public Service Commission (PSC) is responsible.

It's forcing legislators to consider replacing the 82-year-old agency with an appointed board.

Critics of the PSC, including a former commissioner, long have maintained the elective system gives utilities "tremendous power" over its members.

They contend an appointed board would be better insulated from utility-linked campaign contributions, and better able to regulate independently.

It's far too early for them to rejoice.

The constitutional question has not been settled and odds are that when it is, the settlement will favor the existing system.

While legislators could change the PSC even under those circumstances, they wouldn't have to—and they've shown little inclination to do so.

If they are forced to switch to an appointive agency, hasty decisions as to terms, size, qualifications and the appointing authority could result in disaster.

The constitutional question has been forwarded to Gov. Claude Kirk, who is expected to ask the Florida Supreme Court for an advisory opinion.

Meanwhile, the only expressed legislative concern has been for conforming with the State Constitution—not for improving utility regulation in general.

That question seems to have been lost in the flurry of government reorganization.

Yet it's a massive, complex issue, striking at the pocketbook of virtually every voter in the state.

The PSC presently controls about one-fifth of Florida's economy.

It regulates 15 railroad companies, 20 telephone companies, one telegraph company, five of the state's largest electric utilities, 16 natural gas companies, 218 water and sewer companies, hundreds of taxicabs and thousands of common carriers.

It sets and enforces rates and safety and service standards for utilities under its jurisdiction. It serves as policeman, judge and jury in all matters concerning those companies and their customers.

In Florida, it's the Federal Power Commission, the Interstate Commerce Commission and the Federal Communications Commission all rolled into one.

Like those agencies, it has a unique combination of legislative, judicial and executive powers—all of which are necessary in performing its complex and technical functions.

Also like those agencies, and practically, all similar state commissions, its members are kept independent of the legislative and executive branches through fixed terms.

Unlike the federal agencies, however, the PSC remains an elective office—it's not independent of politics.

PSC Chairman William Mayo is opposed to any change in the system under which he keeps his job.

Election, he says, keeps the commissioners "closer to the people."

But if the Legislature tries to abandon the system, either by constitutional demand or by choice, Mayo warns it should "look at the whole thing—separate it from government reorganization."

The PSC, as Mayo put it, is a "different breed of cat."

The House Committee on Government Reorganization, which first raised the constitutional issue, has drafted a plan which would place utilities under a Department of Business Regulation—along with banking and insurance.

A department director, appointed by the governor with consent of the Senate, would direct a professional staff which, in turn, would conduct hearings, set rates, investigate complaints and generally police the industry.

Decisions of the staff would be subject to appeal to a five-member board, also appointed by the governor and Senate and subject to removal only by the governor and Senate.

Regulation of common carriers, one of the biggest areas of PSC responsibility, would be placed under the Department of Transportation under the House plan—which would mean granting of rate-making powers to Transportation.

The House Committee has been silent as yet on the critical questions of terms for the Board members and the director of the Business Regulation Department and on how the director would be removed.

It also has refrained from endorsing any change in the current structure, stating only that its plan would meet the possible constitutional requirement and that it "could" be adopted whether change is mandatory or not.

The State senate, meanwhile, seems confident no change will be necessary and is

keeping hands off the PSC. It has offered no plan.

State Planning and Budget Director Wallace Henderson has proposed a reorganization plan which, among other things, would abolish the PSC and put all business regulation under a Department of Commerce.

He made no recommendation on how the Department would be headed.

If they do reform the system, whether by constitutional mandate or choice, legislators might also look at the Federal Power Commission and the boards of California, New York and Wisconsin for ideas.

These are the commissions generally admired by consumer-oriented experts and professional regulators.

The Federal Power Commission consists of five members appointed by the President with the consent of the Senate for five-year terms, with one member's term expiring each year.

California has five commissioners appointed by the governor with consent of the Senate for six-year staggered terms.

New York has seven members, five full-time and two part-time, appointed for 10-year terms by the governor with the Senate's consent.

It also has in its jurisdiction the company which charged the highest electric bill in the nation in at least one category reported to the Federal Power Commission in 1967.

The company, Consolidated Edison of New York Inc., charged \$9.94 for 250 kilowatt hours. The New York Public Service Commission, nevertheless, is included among most groupings of consumer-oriented state agencies—possibly because Consolidated Edison was held in the same year to a rate of return of 5.61 per cent.

Florida Power Corp. was fourth highest in the same utility bill ranking \$9.26, but its rate of return, calculated by the same method, was 8.11 per cent.

Wisconsin, like Florida's present Commission, has only three members. Unlike the PSC, however, Wisconsin's commissioners also are appointed by the governor and Senate and they have six year, rather than four-year, staggered terms.

No two experts agree on the best structure for a regulatory commission, but they do note that:

Appointment removes commissioners from election campaigns in which they inevitably face voter apathy and are forced to accept campaign contributions from utility-linked sources.

The governor, more than any other official, is likely to represent the general "philosophy" voters want their state government and its agencies to take. The theory is that he will appoint commissioners attuned to that philosophy.

Consent of the Senate or Legislature in one safeguard against political patronage by the governor—especially when the legislative majority is with the opposite party. Proponents of this check also argue that it tends to encourage appointment of qualified commissioners.

Fixed terms insure the independence such commissions must have as quasi-judicial agencies operating in a specialized field.

Terms should be long enough to enable a commissioner to "get the hang" of his complicated work, but short enough and staggered so that the governor can appoint a majority within his own term—hence reflecting in commission decisions the "philosophy" expressed in the governor's election.

Change in the commission membership should be gradual so that utilities aren't confronted with abrupt policy turnabouts which could be economically ruinous.

Membership should be large enough to provide for experienced members sitting at all times (Two of Florida's three present Commissioners are up for re-election next year. If they are defeated the PSC would be left with one experienced member—whose experience began only this year).

LACK OF A STAFF HAMPERS RATE WATCHERS

The Florida Public Service Commission (PSC) can't do its job.

It doesn't have the staff, the funds or the professional experts needed to see that the 270 privately-owned utilities under its jurisdiction are charging consumers no more than "fair and reasonable rates."

As the PSC itself said in its current budget request to the Legislature, a "critical situation exists in all departments from Executive through the Administrative and into the technical and professional departments."

It said at least 66 new staff members are needed merely to maintain "the current level of services."

The State Budget Commission, which screens requests of all state agencies before they go to the legislators, apparently doesn't believe the PSC.

Of the 66 positions requested, the Budget Commission recommended only 14 be approved.

It noted that the PSC staff has doubled since 1961. So has its budget.

But the growth in budget and staff hasn't kept pace with the burgeoning regulatory workload in Florida.

The number of water and sewer systems alone under PSC jurisdiction tripled in one day last year—when the now defunct Duval County Commission voted to turn all such privately-owned utilities in its jurisdiction over to the state agency.

Under the budget commission recommendation, the PSC is destined to police the safety and service standards of those systems without an engineer.

The situation isn't new.

For years, the PSC has been deciding questions of economic theory without the services of an economist.

It has approved millions of dollars in utility security issues without a securities analyst.

It frequently hears the testimony of certified public accountants hired by utilities—but has no CPA of its own.

"Our people might be just as qualified," says Chief Accountant John D. McClellan. "And they frequently are—but it makes it rough when you don't have that CPA after your name."

McClellan himself is leaving the PSC because he can't get certified as long as he's there.

The State Board of Public Accountants doesn't recognize experience with the regulatory commission for certification purposes.

The PSC can't afford to send its accountants to school for an extra year—another method of gaining certification.

So, as McClellan put it, "they're forced to leave"—usually for a private accounting firm.

The problem discourages recruiting. "I have to tell them if they come with us they can't get certified," said the PSC chief.

He also has to tell young prospects they'll start at \$6,840—while the national average starting pay for graduate accountants is \$8,400.

The commission now has eight to ten accountants. The number fluctuates because of turnover. McClellan says he could use 20 more.

A request for one more accountant was slashed by the Budget Commission this year.

The Commission last year hired the consultant firm of Ernst and Ernst to give it the weight of CPA and economist services during critical rate hearings. The cost was \$25,000.

The PSC has asked for another \$25,000 in consultant funds for the next biennium.

The Budget Commission recommended against it because of the "increase in staff" it was approving for the PSC. It cut the figure in half.

Ernst and Ernst did a staff organization study of the PSC. It found, among other things, that customers of eight Florida util-

ities could have saved \$11-million by the addition of one staff member.

The problem was an 18-month delay in \$32.8-million worth of rate reductions. For each month the orders were delayed, the utilities were collecting \$1.8-million more from customers than they should have been.

Ernst and Ernst blamed "multiple requirements" on the executive director and general counsel. One man was doing two full-time PSC jobs.

The \$69.4-million "overcharge" U.S. Sen. Lee Metcalf has assigned to four Florida elec-

tric companies would support the PSC for 36 years under its current budget.

One company alone cleared profits last year equal to 10 times the commission budget.

Floridians, through rates, are providing utilities with unlimited funds and experts with which the companies can represent themselves before the PSC.

The commission, says PSC Chairman William T. Mayo, must have "additional personnel as capable and knowledgeable as the experts the regulated groups bring in."

WHAT'S BEST WAY TO REGULATE YOUR UTILITY BILLS?—A 3-WAY COMPARISON¹

Present Florida Public Service Commission	California Public Utilities Commission	House proposal	
3 Commissioners.....	5 commissioners: Utilities, consumer counsel.	5 board members.....	Director, department of business regulation.
Elected.....	Appointed by Governor and senate.	Appointed by Governor and senate.	Appointed by Governor and senate.
4-year terms.....	6-year terms.....	Terms?.....	Terms?.....
Removed for cause by Governor.	Removal by 2/3 vote of legislature.	Removed by Governor and senate.	Removal?.....
Majority changeover in 1 election.	Takes 4 years for majority change.	Majority change?.....	
Staff under commission.....	Staff under commission.....	No staff.....	Staff regulates utilities subject to appeal to board.

¹ From the St. Petersburg Times, Mar. 30, 1969.

"There is little interest in the commission political campaigns and little knowledge on the part of the public for whom or for what they may be voting. The cost of a statewide political campaign is very expensive and the ability of candidates to raise money is severely restricted. Because of the lack of interest and knowledge in the office, the net result is that companies regulated by the commission are in a position to exercise tremendous power in selecting candidates, even though this power has apparently never been exercised."—Alan Boyd, former Chairman, Florida Public Service Commission.

LOCAL REGULATION?—PUBLIC UTILITIES PREFER STATE

Florida electric companies wrote and sponsored the laws placing them under state regulation because they preferred it to local jurisdiction, says former State Sen. Henry Baynard of St. Petersburg.

Baynard should know.

Electric companies in Florida went completely unregulated until a few counties began establishing utility commissions of their own in the late 1940s.

Pinellas was a leader. Public pressure, culminating in the election of a Pinellas representative who had vowed to change the situation, led to the creation of a three-man Pinellas County utility commission.

It was Baynard who introduced the bill.

To get it passed, however, he promised not to oppose repeal of the county bill if statewide jurisdiction later was approved.

"That was a mistake," says Baynard.

He said the County Utilities Commission proved effective—ordering \$3-million in rebates and lower rates during its brief existence.

The companies, meanwhile, pushed legislation in 1951 placing them under the Florida Railroad and Public Utilities Commission (now the Public Service Commission), said Baynard.

Baynard doesn't think a return to local regulation would improve the situation.

"It has to be statewide or it would be impossible for the companies to operate," he said. But he thinks the state agency should have "more teeth" to it.

A COUNSEL: WOULD IT AID UTILITY REGULATION?

Does Florida need an "office of utility consumers' counsel" in addition to its regulatory commission?

Lack of competent consumer representation in utility rate cases before the Public Service Commission (PSC) is as telling now as it was 10 years ago.

At that time, the PSC itself called it a "problem which shouldn't exist."

Companies haul stacks of testimony and armies of experts into hearings to support their side for a rate increase—secure in the knowledge that it's all paid for in the customer utility bills.

Their customers, meanwhile, go unrepresented, unless a city, county or other agency within a company's service area decides to carry the ball.

And that doesn't happen very often. Few local governmental agencies are willing to risk spending taxes on other than local government affairs.

Especially when they find—as Pinellas County did in a three-year rate fight with Florida Power Corp. and General Telephone Co. of Florida—that other local governments in the utility's service area aren't willing to chip in.

Moreover, there's a question as to whether cities and counties can legally represent the public before the PSC.

Pinellas County and the City of Miami have justified past involvement in rate cases by being customers of the respective utilities serving them.

This approach precludes, however, united statewide action on behalf of the disorganized consumer.

Miami, served by Florida Power and Light Co. and Southern Bell Telephone Co., couldn't join the Pinellas struggle.

Nor can Pinellas aid Miami in its current contest with Florida Power and Light.

In 1965, Pinellas County's hired expert, Robert E. Bathen, testified in opposition to several PSC policies which were in effect statewide.

The PSC agreed with Bathen on one point, reversed its policy, and saved state-wide consumers an estimated \$11-million since then.

An appeal was filed to the State Supreme Court on some of the other points—but the county ran out of funds. It already had spent more than \$38,000 for the services of Bathen and George Spiegel, a Washington attorney who specializes in utility regulation.

Pinellas appealed without Bathen and Spiegel—and the appeal was dismissed.

U.S. Sen. Lee Metcalf, D-Montana, thinks he might have a solution to consumer weakness and disunity.

He's introduced a bill in Congress that would establish a "U.S. Office of Utility Consumers' Council."

It would:

Hire experts to represent the public in utility cases before federal or state agencies. Provide grants to local or state governments for up to 75 per cent of the cost of establishing their own such offices.

Periodically recommend legislation which might strengthen consumer protection.

Metcalf introduced similar legislation last year. He suggested the Consumer Counsel be supported by a tax on utilities, since customers already pay all company taxes, all regulatory fees and all costs of company testimony and representation.

It didn't pass.

Metcalf says three states have established Consumer Counsel offices of their own without federal aid. He quotes the Public Service Commission Chairman of one of the states, Maryland, as describing the counsel office as "absolutely indispensable."

Metcalf said cost of the proposed U.S. office would be about \$40-million. Divided 50 ways that would be \$800,000 per State if each state decided to act on its own. The California Office, however, operated on a \$60,000 to \$100,000 budget.

A change in the PSC's tax policies alone, could have saved customers of six utilities \$32.2-million in 1967, according to an expert hired by the PSC.

That possibly could have funded a Florida Utility Consumers Council for 400 years.

The PSC points to its staff as representative of the public in rate cases. The staff, however, is neutral at best and acts more as an adviser to the commissioners.

As Pinellas County Attorney Martin said, the PSC follows courtroom procedure, but the system seldom provides the "adversary" atmosphere of a court.

"You have the commissioners as judges and the companies on one side," said Martin, "but nobody on the other side."

Martin would have the staff separated from the commissioners and converted into what Metcalf is proposing.

"Let the staff appeal decisions of the commission," he says. "If it doesn't, who will?"

He also would like the PSC staff recommendations to be made public. "We can't disagree with them," he says, "because we never know what they (the recommendations) are or what these professional people think."

PSC Chairman William Mayo says staff recommendations are kept confidential because they're technical, diversified between PSC departments and would "confuse the public."

BETTER UTILITY REGULATION FOR A BETTER FLORIDA

Public utilities are not ordinary businesses. They are monopolies granted by the state and regulated in the public interest.

The 73-year history of monopoly regulation in Florida was well phrased to a congressional committee in 1965 by Edwin L. Mason, then chairman of the Public Service Commission: "The best regulation is little or no regulation."

In truth, the best utility regulation is careful, informed and complete regulation to guarantee investors a fair return and customers reliable service at the cheapest possible rates.

With its eye on reorganization, the 1969 Florida Legislature has an unusual opportunity to remodel the Public Service Commission into an instrument for more effective utility regulation.

WHAT'S WRONG WITH THE PRESENT PUBLIC SERVICE COMMISSION?

In a phrase, the PSC doesn't do its job. A detailed series by Times staffer Roland Page last week documented repeated cases of lax regulation:

The PSC lacks information on utility expenses charged to customers. It does not require itemized listings of millions of dollars of expenses shown in reports as "miscellaneous."

The PSC doesn't even bother to check thousands of dollars worth of contributions, even those which obviously are questionable.

The reasons for these shortcomings also are clear:

The commission's staff is overworked, undermanned and undertrained.

The commission's hearings are distorted. In the natural struggle between the interests of investor and consumer, the PSC staff is neutral. The utilities are loaded with expert horsepower, and the consumers usually are not represented.

The commissioners themselves are highly susceptible to political influence from utility interests which contribute heavily to their campaign treasuries.

WHAT DO FLORIDIANS WANT OF THEIR PUBLIC SERVICE COMMISSION?

We believe they want a commission that does its job expertly. They want a commission that isn't classified as heavily oriented toward investors (as the Florida commission always has been), or even overly weighted toward consumers. They want middle-road regulation guided by professional skills instead of political backscratching.

They want a commission that plans well for growth. They want a commission that prevents deterioration of service and equipment such as occurred under the old Peninsular Telephone Co. They want a commission that requires better service more quickly, as since General Telephone purchased Peninsular in August 1957.

They want regulation that guarantees electric power every time a switch is flipped. They want regulation that attracts investors, rewards stockholders, satisfies customers and allows utilities to set standard of progress in their communities.

HOW CAN UTILITY REGULATION IN FLORIDA BE IMPROVED BY THE 1969 LEGISLATURE?

We recommend to the upcoming Legislature a five-point program for modern, balanced regulation of utility monopolies:

1. Restructure the commission into a professional five-member board appointed to staggered, six-year terms by the governor and confirmed by the Senate. The six-year terms would require a referendum on a constitutional amendment, which would be a good test of public acceptance. Terms must be long enough to assure experienced regulators, but who retain some independence.

It is an incredible fact that in 1968 400,000 more Floridians voted on who would cast one of 100 votes in the U.S. Senate than who would cast one of three PSC votes controlling their high monthly utility bills. Perhaps a yes-no Missouri Plan vote could be adapted to guide the governor's reappointments.

2. Provide the commission with an adequate, skilled staff. By all means the Legislature should restore the 50-plus staff additions requested by the PSC and chopped out by the Cabinet Budget Commission. The thousands of dollars invested in staff should be weighed against the millions spent and earned by utilities.

3. Establish an effective adversary system for commission proceedings. This means creating within the commission staff a consumer representative—a sort of public defender for utility customers—with the same powers of independent research enjoyed by commission auditors. There is a precedent for such a consumer's ombudsman in the Federal Communications Commission's Broadcast Bureau. Out of each contest between utility experts and consumer experts would come the true facts for a fair decision.

4. Require by law an annual report to the people from the commission. The report should be comparable to the Federal Power

Commission's, using the same calendar year, and including rates of return and net earnings for all regulated utilities. With computerized accounting the report could be offered to the public without delay.

5. Grant the reconstituted commission territorial jurisdiction over all public utilities, including municipal and REA systems.

This program would provide a brilliant start toward greater representation for the consuming public in all branches of state government.

IMPORTANT LEGISLATION TO THE STATE OF ALASKA

HON. HOWARD W. POLLOCK

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 15, 1969

Mr. POLLOCK. Mr. Speaker, today at the request of the Alaskan commissioner of labor, Mr. Thomas J. Moore, I have introduced a bill which would amend the Public Works and Economic Development Act of 1965 to permit smaller redevelopment areas in the State of Alaska. The purpose of this bill is contained in a letter I received from Mr. Moore and I would like to set forth in the RECORD at this time a portion of this letter. As can be seen this legislation is of an extremely important nature to the State of Alaska:

Our Employment Security Division has the responsibility for the official workforce measurements (employment, unemployment and unemployment rates) within each labor market area of the State. We attempt to make these measurements as accurate and valid as is possible as the rates are utilized for many purposes. One somewhat questionable use of the rates is to determine what areas qualify for grant assistance under the terms of the Public Works and Economic Development Act of 1965. The rates are one of the major bases by which the Economic Development Administration must determine the amount of their participation, if any, in providing grants for economic development. This causes some problems as follows:

In the summer of 1966, it was determined that one rather large company had a substantial number of persons actively working in the east side of the Prince of Wales Labor Market Area. Thus, the workforce data for the area subsequent to July, 1966 included that company's employment. The net effect of this action was a substantial drop in the unemployment rate for the entire Prince of Wales labor market area. Due to the drop in the unemployment rate, the Economic Development Administration was forced to decrease their grant participation in the Prince of Wales area from 80 percent to 60 percent.

To further complicate the situation, we firmly believe that the change in the unemployment rates for the Prince of Wales labor market area does not reflect a true picture of the economic condition of the vicinity surrounding Klawock.

Some discussion of the labor market area concept would probably be helpful. One of the acknowledged facts in economics is that aggregate measures tend to hide problems in the subsectors. To point up these problems, each state's employment service agency determines that state's unemployment rate and the unemployment rates for "labor market areas" within the state. These labor market areas are generally, but not always, based on geopolitical divisions or are sub-sections of major geopolitical divisions. Examples of these divisions are counties, cities, towns, boroughs, standard metropolitan statistical

areas, etc. In Alaska, we have used the election districts established for the 1956 state constitutional election for our labor market areas. It has been found that for most purposes, the areas so established were satisfactory.

However, in many areas of the state, economic development which occurs at one location within a labor market area has little effect upon other locations in the areas which remain depressed. Two more examples of this, besides Klawock, would be that—

The wholesale bulk copper ore storage and shipping terminal at Skagway will have little, if any, effect on Haines, and

The Amchitka project will have negligible impact anywhere else in the immediate area (although it may be "beneficial" to the Anchorage area.)

The unemployment rate for the labor market areas involved will probably decline causing the grant rates to drop and thus, as occurred in Klawock, effectively prevent economic development of a poverty pocket.

As is typical of most federal laws, regulations, standards, etc., the particular law involved here (the Public Works and Economic Development Act of 1965) is just not satisfactory to resolve Alaska's problems. Changes in the law would appear to be the only meaningful way to help small pockets left behind by development at other points.

We have been concerned about this matter for some time, but under the present law, we are restricted in what we can do.

THE MILITARY-INDUSTRIAL COMPLEX

HON. GLENARD P. LIPSCOMB

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 15, 1969

Mr. LIPSCOMB. Mr. Speaker, the farewell address delivered by former President Eisenhower discussing his views on the need to work for peace and human advancement is a message of significance to all of us.

It has been a matter of concern to me however that many seem to concentrate on just one phrase from that address to the exclusion of other equally important aspects of the talk. That phrase is the "military-industrial complex," which the former President used to caution against a situation where unwarranted influence may rest in one element of our society. But concentration on just this one phrase tends to overlook the fact that President Eisenhower also declared we must have a completely adequate military establishment to help keep the peace. Because of my concern about this development I discussed it in a statement to the House of Representatives on April 2, 1969.

The Los Angeles Times on April 14 contained an editorial commenting on former President Eisenhower's farewell address and my statement. In mentioning both General Eisenhower's remarks about the need for caution and on the other hand the need for an adequate military establishment, the Times asserts:

As Congress grapples with the task of deciding how much of our economic resources should be devoted to national security, both halves of Gen. Eisenhower's farewell address should be kept in mind.

Under leave to extend my remarks I submit a copy of the editorial from the April 14 issue of the Los Angeles Times for inclusion in the RECORD. Also included is a copy of the text of former President Eisenhower's address which he delivered January 17, 1961:

[From the Los Angeles Times, Apr. 14, 1969]

THE MILITARY-INDUSTRIAL COMPLEX

One of the most interesting phenomena of the 91st Congress has been the crescendo of attacks on the so-called "military-industrial complex."

The ABM debate, for example, has prominently featured charges that the defense establishment and its highly effective lobby have grown so powerful that democracy itself is endangered.

Such verbal assaults frequently observe, quite accurately, that the late President Eisenhower was among the first to sound the alarm.

They quote Gen. Eisenhower's farewell speech, just before his retirement, in which he declared:

"We must guard against the acquisition of unwarranted influence . . . by the military-industrial complex. The potential for the disastrous rise of misplaced power exists and will persist."

"Only an alert and knowledgeable citizenry can compel the proper meshing of the huge industrial and military machinery of defense with our peaceful methods and goals, so that security and liberty may prosper together."

As Rep. Glen Lipscomb (R-Calif.) pointed out the other day, though, the rest of what Gen. Eisenhower had to say in the same speech somehow gets left out of the quotations.

Specifically, the late President said that "a vital element in keeping the peace is our military establishment. Our arms must be mighty, ready for instant action, so that no potential aggressor may be tempted to risk its own destruction."

As Congress grapples with the task of deciding how much of our economic resources should be devoted to national security, both halves of Gen. Eisenhower's farewell address should be kept in mind.

FAREWELL RADIO AND TELEVISION ADDRESS TO THE AMERICAN PEOPLE, JANUARY 17, 1961

(Delivered from the President's Office at 8:30 p.m.)

My fellow Americans:

Three days from now, after half a century in the service of our country, I shall lay down the responsibilities of office as, in traditional and solemn ceremony, the authority of the Presidency is vested in my successor.

This evening I come to you with a message of leave-taking and farewell, and to share a few final thoughts with you, my countrymen.

Like every other citizen, I wish the new President, and all who will labor with him, Godspeed. I pray that the coming years will be blessed with peace and prosperity for all.

Our people expect their President and the Congress to find essential agreement on issues of great moment, the wise resolution of which will better shape the future of the Nation.

My own relations with the Congress, which began on a remote and tenuous basis when, long ago, a member of the Senate appointed me to West Point, have since ranged to the intimate during the war and immediate post-war period, and, finally, to the mutually interdependent during these past eight years.

In this final relationship, the Congress and the Administration have, on most vital issues, cooperated well, to serve the national good rather than mere partisanship, and so

have assured that the business of the Nation should go forward. So, my official relationship with the Congress ends in a feeling, on my part, of gratitude that we have been able to do so much together.

II

We now stand ten years past the midpoint of a century that has witnessed four major wars among great nations. Three of these involved our own country. Despite these holocausts America is today the strongest, the most influential and most productive nation in the world. Understandably proud of this pre-eminence, we yet realize that America's leadership and prestige depend, not merely upon our unmatched material progress, riches and military strength, but on how we use our power in the interests of world peace and human betterment.

III

Throughout America's adventure in free government, our basic purposes have been to keep the peace; to foster progress in human achievement; and to enhance liberty, dignity and integrity among people and among nations. To strive for less would be unworthy of a free and religious people. Any failure traceable to arrogance, or our lack of comprehension or readiness to sacrifice would inflict upon us grievous hurt both at home and abroad.

Progress toward these noble goals is persistently threatened by the conflict now engulfing the world. It commands our whole attention, absorbs our very beings. We face a hostile ideology—global in scope, atheistic in character, ruthless in purpose, and insidious in method. Unhappily the danger it poses promises to be of indefinite duration. To meet it successfully, there is called for, not so much the emotional and transitory sacrifices of crisis, but rather those which enable us to carry forward readily, surely, and without complaint the burdens of a prolonged and complex struggle—with liberty the stake. Only thus shall we remain, despite every provocation, on our chartered course toward permanent peace and human betterment.

Crises there will continue to be. In meeting them, whether foreign or domestic, great or small, there is a recurring temptation to feel that some spectacular and costly action could become the miraculous solution to all current difficulties. A huge increase in newer elements of our defense; development of unrealistic programs to cure every ill in agriculture; a dramatic expansion in basic and applied research—these and many other possibilities, each possibly promising in itself, may be suggested as the only way to the road we wish to travel.

But each proposal must be weighed in the light of a broader consideration: the need to maintain balance in and among national programs—balance between the private and the public economy, balance between cost and hoped for advantage—balance between the clearly necessary and the comfortably desirable; balance between our essential requirements as a nation and the duties imposed by the nation upon the individual; balance between actions of the moment and the national welfare of the future. Good judgment seeks balance and progress; lack of it eventually finds imbalance and frustration.

The record of many decades stands as proof that our people and their government have, in the main, understood these truths and have responded to them well, in the face of stress and threat. But threats, new in kind or degree, constantly arise. I mention two only.

IV

A vital element in keeping the peace is our military establishment. Our arms must be mighty, ready for instant action, so that no

potential aggressor may be tempted to risk his own destruction.

Our military organization today bears little relation to that known by any of my predecessors in peacetime, or indeed by the fighting men of World War II or Korea.

Until the latest of our world conflicts, the United States had no armaments industry. American makers of plowshares could, with time and as required, make swords as well. But now we can no longer risk emergency improvisation of national defense; we have been compelled to create a permanent armaments industry of vast proportions. Added to this, three and a half million men and women are directly engaged in the defense establishment. We annually spend on military security more than the net income of all United States corporations.

This conjunction of an immense military establishment and a large arms industry is new in the American experience. The total influence—economic, political, even spiritual—is felt in every city, every State house, every office of the Federal government. We recognize the imperative need for this development. Yet we must not fail to comprehend its grave implications. Our toil, resources and livelihood are all involved; so is the very structure of our society.

In the councils of government, we must guard against the acquisition of unwarranted influence, whether sought or unsought, by the military-industrial complex. The potential for the disastrous rise of misplaced power exists and will persist.

We must never let the weight of this combination endanger our liberties or democratic processes. We should take nothing for granted. Only an alert and knowledgeable citizenry can compel the proper meshing of the huge industrial and military machinery of defense with our peaceful methods and goals, so that security and liberty may prosper together.

Akin to, and largely responsible for the sweeping changes in our industrial-military posture, has been the technological revolution during recent decades.

In this revolution, research has become central; it also becomes more formalized, complex, and costly. A steadily increasing share is conducted for, by, or at the direction of, the Federal Government.

Today, the solitary inventor, tinkering in his shop, has been overshadowed by task forces of scientists in laboratories and testing fields. In the same fashion, the free university, historically the fountainhead of free ideas and scientific discovery, has experienced a revolution in the conduct of research. Partly because of the huge costs involved, a government contract becomes virtually a substitute for intellectual curiosity. For every old blackboard there are now hundreds of new electronic computers.

The prospect of domination of the nation's scholars by Federal employment, project allocations, and the power of money is ever present—and is gravely to be regarded.

Yet, in holding scientific research and discovery in respect, as we should, we must also be alert to the equal and opposite danger that public policy could itself become the captive of a scientific-technological elite.

It is the task of statesmanship to mold, to balance, and to integrate these and other forces, new and old, within the principles of our democratic system—ever aiming toward the supreme goals of our free society.

v

Another factor in maintaining balance involves the element of time. As we peer into society's future, we—you and I, and our government—must avoid the impulse to live only for today, plundering, for our own ease and convenience, the precious resources of tomorrow. We cannot mortgage the material assets of our grandchildren without risking the loss also of their political and spiritual heritage. We want democracy to survive for

all generations to come, not to become the insolvent phantom of tomorrow.

vi

Down the long lane of the history yet to be written America knows that this world of ours, ever growing smaller, must avoid becoming a community of dreadful fear and hate, and be, instead, a proud confederation of mutual trust and respect.

Such a confederation must be one of equals. The weakest must come to the conference table with the same confidence as do we, protected as we are by our moral, economic, and military strength. That table, though scarred by many past frustrations, cannot be abandoned for the certain agony of the battlefield.

Disarmament, with mutual honor and confidence, is a continuing imperative. Together we must learn how to compose differences, not with arms, but with intellect and decent purpose. Because this need is so sharp and apparent I confess that I lay down my official responsibilities in this field with a definite sense of disappointment. As one who has witnessed the horror and the lingering sadness of war—as one who knows that another war could utterly destroy this civilization which has been so slowly and painfully built over thousands of years—I wish I could say tonight that a lasting peace is in sight.

Happily, I can say that war has been avoided. Steady progress toward our ultimate goal has been made. But, so much remains to be done. As a private citizen, I shall never cease to do what little I can to help the world advance along that road.

vii

So—in this my last good night to you as your President—I thank you for the many opportunities you have given me for public service in war and peace. I trust that in that service you find some things worthy; as for the rest of it, I know you will find ways to improve performance in the future.

You and I—my fellow citizens—need to be strong in our faith that all nations, under God, will reach the goal of peace with justice. May we be ever unswerving in devotion to principle, confident but humble with power, diligent in pursuit of the Nation's great goals.

To all the peoples of the world, I once more give expression to America's prayerful and continuing aspiration:

We pray that peoples of all faiths, all races, all nations, may have their great human needs satisfied; that those now denied opportunity shall come to enjoy it to the full; that all who yearn for freedom may experience its spiritual blessings; that those who have freedom will understand, also, its heavy responsibilities; that all who are insensitive to the needs of others will learn charity; that the scourges of poverty, disease and ignorance will be made to disappear from the earth, and that, in the goodness of time, all peoples will come to live together in a peace guaranteed by the binding force of mutual respect and love.

A MATTER OF PRIORITIES

HON. WILLIAM L. HUNGATE

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 15, 1969

Mr. HUNGATE. Mr. Speaker, I would like to bring to the attention of my colleagues the following article which appeared in the April 1969 edition of the Illinois Bar Journal:

A MATTER OF PRIORITIES: FIRST, THE LAWYER'S DUTY TO HIS CLIENT; SECOND, THE LAWYER'S PUBLIC IMAGE

The proposed new "Code of Professional Responsibility" of the American Bar Associ-

ation is the first overall revision of the Canons of Professional Ethics in 60 years; and the former 47 Canons are reduced to 9 in number, each accompanied by extensive "Ethical Considerations" and "Disciplinary Rules."

Canon 7 provides as follows:

"A lawyer has a duty to represent his client with zeal limited only by his duty to act within the bounds of the law."

The "Ethical Considerations" which follow Canon 7 make it clear that "bounds of the law" include enforceable standards of professional conduct. The "Disciplinary Rules" which follow Canon 7 cover specifically what the lawyer must do and what he cannot do in representing his client in an ethical manner.

Against that background, and with the limitations referred to above, let us nevertheless consider again the words of Canon 7:

"A lawyer has a duty to represent his client with zeal limited only by his duty to act within the bounds of the law."

This is very strong language, but I think it describes accurately the lawyer's duty to his client. It most certainly states my view of a lawyer's duty to his client.

However, there can be no doubt that the public image of the profession is directly affected by the conduct of lawyers who, most properly, represent their clients with the "zeal" required in Canon 7.

Unlike members of the other professions, lawyers regularly handle a wide variety of adversary matters, including trial work and negotiations in working out disagreements of all types among clients. The final decisions are not always made by judges, juries, arbitrators, referees, commissioners, boards or whatever. The great majority of controversies requiring lawyers eventually end up in negotiated settlements.

Nevertheless, clients in all of these situations have very strong views, and their frequent lack of appreciation for people on the other side of the controversy very naturally extends to and includes their lawyers—particularly so inasmuch as lawyers are the spokesmen.

Both during trial and in negotiations clients often say and believe uncomplicated things about lawyers for the other side. Too frequently their own lawyers do nothing to correct these impressions, which are usually unfair and inaccurate.

The loser in a lawsuit, or one who feels he got the worst of negotiations, too often believes (again unfairly) that the lawyer on the other side was underhanded and deceitful.

Even with an ordinary real estate deal (and I hasten to acknowledge that many real estate deals are extremely complicated and not ordinary in any way) clients too frequently start out with the impression that it is going to be a match of wits between two lawyers, and seek reassurances that the lawyer on the other side will not get the best of the deal.

In numerous other legal situations, where more than one lawyer is involved, clients too frequently feel there is a contest of some kind and are suspicious of the other lawyer's motives.

In ordinary contacts with a minister or doctor, just for example, adversary aspects are seldom present, and there is little occasion for criticism.

In my view the situation I have described explains in large part the attitude toward lawyers by too many members of the public. Human nature being what it is, little can be done about it.

A lawyer recognizes all of this, but his primary duty is to serve his own client, regardless of whether others find this pleasing or displeasing, and regardless of whether they choose to cast aspersions when a lawyer represents his client "with zeal limited only by his duty to act within the bounds of the law."

Fortunately, all of the above applies only to a very small segment of the total population, but it is a vocal segment nevertheless; and the repeated utterances of this relatively small number on the subject of lawyers does, beyond any question, affect to some degree the public image of lawyers.

Likewise, persons who choose work in government and in politics as their careers, whether they are lawyers or laymen, have similar problems as far as their public image is concerned. A dedicated, honest, conscientious and hard-working legislator (and a very high percentage of legislators in all levels of government are exactly that) voting on a highly controversial bill knows in advance that, whichever way he votes, a large segment of the population will commend him for his vote and another large segment of the population will criticize him and challenge his motives and integrity for voting as he did.

The problems discussed above are easy to define, but no solutions are apparent. It is part of the price to be paid in rendering public service.

ALFRED Y. KIRKLAND,
President, Illinois Bar Journal.

COLUMBUS STUDENT WINS NATIONAL ESSAY CONTEST

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 15, 1969

Mr. HAMILTON. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include this prize-winning essay by 16-year-old Carol Poland, of the Columbus, Ind., community.

Miss Poland, who received the Lucille M. Wright citizenship award from the Girls Clubs of America, challenges her fellow young people who rebel against authority—who seek to change the establishment—to be ready to replace it with a better system.

Miss Poland's excellent essay, printed in the April 9 edition of the Columbus Republic, reads as follows:

THE KIND OF CITIZEN I WANT TO BE

(By Carol Poland)

The word "Citizenship" is hard to define. It means something different to everyone.

Being a citizen is having the privilege of voting. When you receive this privilege, you are given the responsibility of caring enough about your city and country to take the time to register and vote and the knowledge for choosing the one who would do the best job in each office he seeks.

A great many "protestors" have arrived on the scene of the present time. They protest the Vietnam war, the administration in the schools, the political leadership and protest just to be protesting. It is not enough just to protest, but the people should constructively take part in these activities.

Maybe our country was built on protest against a foreign power imposing unfair restrictions and taxes on our forefathers. But they had a plan to build a country, to give of themselves with hard work, and honesty, dreaming of a country with equal rights for everyone, for freedom of religion—not from religion.

Minorities should have equal rights in this country but they should not be permitted to rule the majority. The atheist "Medelines" shouldn't be granted the right to tell the children in the classroom or the astronauts that they have no right to pray or to read the Bible. She could have just turned off her television if she didn't want to hear it.

A good citizen is a friend to all, regardless of color or social status. A white person is not better than a colored person; a colored person should have no more privileges than a white person. The pigment of the skin is the only difference.

A good citizen also sets a good example in his community. He contributes volunteer services to community service groups, such as, being a senior leader at a Girls Club, by being a big sister to a C.A.P. child, by being a companion to a senior citizen.

He is active in the church of his choice. This builds a good moral background which gives reasons for performing services to country and fellowman. This country was founded on religious background, he will obey the laws of his community and the nation. The breakdown of law and order is the result of the lack of individual training and observance at church and Sunday School. Law officers tell us that few who are trained in the churches will get in trouble with the law.

A good citizen is well informed about the things going on around him. News casts may be dull but this information affects the lives of everyone. If the youths are dissatisfied with the way adults are running the country, they must be well informed on these matters, if they are going to change them for the better.

A good citizen appreciates what others have done for him. The brave men in the past gave their lives for our freedom and thousands of young men have given their lives in this war we are fighting now.

I feel these are the traits of a good citizen and the future concerned citizen I hope to be.

CONSCIENCE AND THE DRAFT

HON. ROBERT L. LEGGETT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 15, 1969

Mr. LEGGETT. Mr. Speaker, a few weeks ago Federal Judge Charles E. Wyzanski ruled unconstitutional the provisions of the selective service law allowing the status of conscientious objector only to those who based the objections to military service on religious grounds. In his decision the judge held that this restriction was a violation of the first amendment in that it discriminated in favor of religion and against nonreligious beliefs.

I agree with and support this decision. Profound moral objections to war—especially the war in Vietnam—must be recognized. On purely practical grounds, I would consider it unsafe to be in the field with a soldier who had such strong objections to combat. On the theoretical ground on which this decision was based, we must recognize the strength of conviction of the conscientious objector who opposes military service on moral grounds.

I include here an editorial from the April 4, 1969, edition of the Christian Science Monitor:

CONSCIENCE AND THE DRAFT

One of the thorniest but most exalting challenges a freedom-strong democracy can face is reconciling private conscience with public need. If public need is not served, freedom and democracy can be lost. But if private conscience is not honored, this can be equally fatal to all that freedom and democracy hold dear. The great, continuing, never-settled problem is to harmonize this right of the individual to do what his deep-

est, best, God-given conscience dictates with the right of society to protect and enforce what a democratic consensus of opinion deems the highest good.

Once again, with Federal District Judge Charles E. Wyzanski Jr.'s ruling, the United States must work out such a problem. By deeming that the draft law was unconstitutional where it said that a man could be exempted from military service only if his objection to war was religion-based, Judge Wyzanski has greatly broadened and sharpened the national debate over America's whole draft setup. He has said, and rightly, that the present law discriminates against those who may object to the draft on the grounds of "profound moral beliefs which constitute the central conviction of their beings."

We welcome this broadened and sharpened debate. We find it well that the question must now go to the Supreme Court for a final, definitive ruling. We are glad that the judge's decision is likely to spur the search for a better means of meeting the nation's military manpower needs.

Today, on many fronts, the question of conscience is coming more strongly to the fore. This is a healthy development; it is proof of the self-correcting and self-raising nature of the American ethos. And no nation or people ever loses by heeding the lessons which crises of conscience teach.

It will not be easy for the United States to cope with the practical questions raised by Judge Wyzanski in the John H. Sisson case. But the decision giving weight to the young man's conscientious objection to the draft, and thereby to war, was morally right. In the long run such decisions will strengthen society rather than weaken it.

Also to be welcomed was Judge Wyzanski's opinion that the present draft law violates the First Amendment stating that "Congress shall make no law respecting an establishment of religion." This amendment has been under serious and progressive weakening for some years, primarily through the granting of public and federal financial aid to religious schools. Judge Wyzanski's application of the amendment to the draft law should encourage the Supreme Court to honor the amendment's application in other fields.

TRAVELING CONGRESSMEN

HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 15, 1969

Mr. MIKVA. Mr. Speaker, Michael J. Howlett, the auditor of public accounts in Illinois, recently sent me some remarks which he made before a Knights of Columbia dinner in Evansville, Ind. I believe Mr. Howlett's remarks probably reflect the feelings of millions of Americans—especially those who are residents of our hard-pressed inner-city areas. Mr. Howlett points out that if Congressmen wish to travel, they might very well begin by traveling to some of the so-called ghetto areas in our Nation's largest cities and to areas of rural poverty throughout the country. I believe that Mr. Howlett's remarks indicate a healthy skepticism about the travels of congressional junketeers, as well as an awareness—which we must hope all citizens share—that Congress first and most important job in this session is to begin devising solutions to our pressing domestic problems.

Apparently some elements of the press share Mr. Howlett's thoughts, for

his remarks were the subject of an editorial in the Quincy, Ill., *Herald-Whig*, on March 10, 1969. I include the *Herald-Whig* editorial for the perusal of my colleagues.

The item referred to follows:

TRAVELING CONGRESSMEN

Michael J. Howlett, who this year began a new and well-deserved term as Illinois auditor of public accounts, speaks often and well, at many gatherings and upon many subjects. Sunday night, addressing Knights of Columbus of Evansville, Ill., at their golden jubilee dinner, he teed off on the foreign travels of congressmen and suggested an interesting alternative.

Noting that during 1967 U.S. taxpayers paid the expenses of 206 congressmen for 30 trips abroad, Howlett suggested that the money might be better spent on tours of American city ghettos and rural poverty areas.

"I do not doubt that these visits were useful," he said of the trips abroad. "Many of them probably were a personal sacrifice by the men involved. Information gathered, especially in Vietnam, Korea and Western Europe was necessary to a correct understanding of our foreign policy."

"But the problems of poverty at home amid the greatest prosperity of all history, demand more meticulous attention than they are receiving. Some of the money we have spent to combat poverty has been wasted."

Howlett proposes that we have a year's moratorium on expense-paid trips overseas, "or at least some diminution," and use the money thus saved to set up congressional tours of city slums and rural poverty areas.

Expanding on that theme, he said that congressmen representing slum districts could arrange to conduct visits of their colleagues from states, or districts, having no such problems. To provide a two-way street, he proposes that city congressmen, in return, "could profit by visits to Appalachia, some of our Indian reservations, and areas of backwoods poverty."

Howlett, as noted, does not propose a complete halt for foreign trips by congressmen, and that is wise. Some foreign fact-finding trips are valuable. But the taxpayers footing the bills have long had doubts about the need or value of many costly congressional junkets.

His idea, it must be suspected, won't be embraced happily by Congress. So we don't look for any drastic change. But there is no question about the need for those in Congress to understand the problems of areas other than the ones they themselves represent. It could lead to a broader representation of all Americans, not just those of specific states or districts. As Howlett said in his talk Sunday night:

"We have more people at work today than ever before, making more money than ever before. More young people are going to college than ever before and staying there longer. We are comfortable and well-informed, but too many of our comfortable, well-informed people don't know how the other fellow lives."

EDUCATION IN ALABAMA

HON. BILL NICHOLS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 15, 1969

Mr. NICHOLS. Mr. Speaker, the Alabama Legislature is presently meeting in special session to consider one of the most pressing problems facing our State. That is the matter of education. We feel

very strongly in Alabama that education is the answer to many problems, and that by strengthening our educational system, we can strengthen our whole State.

Great strides were made in education during the administrations of Gov. John Patterson and Gov. George Wallace. But like many other States, the lack of funds is again threatening our fast-growing schools.

Gov. Albert P. Brewer has called this special session, and has made a number of recommendations as to where the badly needed funds should come from. Already the house of representatives has given its approval to much of the program, and the senate has now begun debating these programs.

But just additional funds are not enough. Many other States are finding, just as we in Alabama are, that our educational system is still operating under antiquated rules and regulations. As Governor Brewer said in his opening address to the legislature, we must not only ask our taxpayers for better paychecks for our teachers, we must also promise better teachers and administrators for our paychecks. Mr. Speaker, I was very much impressed by Governor Brewer's address, and I am sure our colleagues whose States are facing educational crises would enjoy reading it. Therefore, I include it in the Record, as follows:

Mr. President, Mr. Speaker, members of the joint session, ladies and gentlemen:

We are assembled here tonight in extraordinary session for a most extraordinary reason—to do something more, to do something better, for the school children of our State.

After months of study, after many personal visits to schools in our State, and after long and invaluable consultation with you members of the legislature, I am convinced that a crisis does indeed exist in public education in Alabama today.

We have been here before.

We have too long had a crisis approach to education in Alabama. That is, we have moved from crisis to crisis—each time, appropriating more money for the public school system, yet not actually doing anything to improve the system itself. Our approach to education, rather than keeping pace with the times, has simply become more expensive.

At the outset I must say—and say it emphatically—that we Alabamians need not be ashamed of our efforts in public education. We can look with pride upon the fact that we rank fourth in the nation in state support for our schools. We can look with even greater pride upon the fact that Alabama ranks very high nationally in percentage of support for education based on per capita income. But despite our efforts of the past, despite our sacrifices, much yet remains to be done.

As we strive in the coming weeks to meet the challenge confronting us, it would be my fervent hope, and yes, my fervent prayer, that we keep uppermost in our minds this one thought—we are not here on behalf of the college administrators and faculty; nor are we here on behalf of the public school principals and teachers—we are here for one purpose, and one purpose alone, and that is to do something better for the school children of Alabama.

I will offer to you members of the Legislature tonight an educational program which may be viewed by some as revolutionary. It will propose changes in education administration and educational approaches which are indeed dramatically different from those employed for the past half a century. I am convinced that education can do a better

job than it has been doing; more importantly, I am convinced that education wants to do a better job than it has been doing. The program I offer you tonight, which is in fact a consensus program which resulted from our legislative conferences, will, I believe, give education the opportunity to do a better job.

The pride I mentioned earlier in what has been done for education in Alabama was a sincere expression. But let us not confuse pride with satisfaction. I am not satisfied, nor are you, with what we have in public education today.

And we can't be satisfied with what we have in public education today when we find cumbersome administrative procedures—far too many schools—even far too many school systems—shamefully over-crowded classrooms—our institutions of higher learning at a competitive disadvantage in recruitment of faculty—classroom teachers teaching outside their subject field—many teachers teaching on emergency certificates without adequate background—salaries substantially less than the southeastern average—lack of sufficient textbooks for our school children—charges of waste and inefficiency in the administration of some of our school systems—failure to meet the special needs of many children, including those who will not attend college—and our teachers having to spend valuable class time filling out reports and taking up money and having too little time for their students. All of these factors, and many more, result in less than the best... far less than the best... for the children of Alabama.

I have said repeatedly in the past, and I say again that money alone is not the answer to the problems confronting us in public education.

I say this while readily conceding a vital need for additional revenue.

I am convinced that the people of Alabama are ready and willing to pay for a quality educational system. But I am not willing to ask them to shoulder this burden unless and until we can assure them that they are going to get more for their education tax dollar than they have in the past.

I cannot and will not ask the taxpayers for a substantial increase in educational funds without a corresponding increase in educational quality. To put it another way, I ask not only for more money for education, but more education for our money; I ask not only for better paychecks for our teachers, but better teachers for our paychecks.

So now we arrive at the hour when the people of Alabama demand something more from education than we have had in the past. They demand that we do more for our public schools than just give them more money.

The mandate for change is clear. It is echoed in every part of our state. Parents and citizens have voiced their concern for our present dilemma and have charged their leaders in government with charting a new course.

But now is not the time to fix blame for the past.

Now is not the time to wish we had done it differently.

Now is the time to welcome a new era in Alabama education.

Now is the time to stop talking about what we haven't done and do what needs to be done.

Our program for education provides Alabama with a fresh approach—a new direction for our efforts.

We seek now to lay the mistakes of the past behind us.

We seek to alter our educational system in a fundamental way to meet the new demands of our time.

And we seek to bring education closer to the people who support it.

I want the people of Alabama to know of the time and effort which you as members

of the Legislature have already contributed to this effort. In our discussions in the Governor's Office, you have already exhibited your commitment to a new approach in education.

The program we offer represents the thinking of literally thousands of our citizens from all walks of life—the very excellent report of the Education Study Commission—the comments of many organized groups throughout the state—and yes, the letters and wires from so many concerned Alabamians which you and I have received.

So this program represents, in a very real way, an Alabama commitment to quality education.

The oft-stated goal of this administration for education is to get our educational dollars to the teacher in the classroom and the child at the desk for it is here that education takes place. To this end, bills will be introduced tonight to accomplish the following specific things:

First, we propose the creation of a permanent Education Study Commission, charged with providing us with a continuing study of the constantly-changing role and needs of education in Alabama.

We propose that the first duty of this Commission shall be to secure a professional, in-depth study of the entire educational system in Alabama from the smallest school to the State Department.

Such a study will deal especially with such areas as business practices, management, and the possibility of more use of buildings, personnel, and resources.

The work of the Commission can give the Legislature guidance on future legislation to upgrade and improve the system as a whole. And at the same time, it will give those in education some concrete suggestions on how to make wisest use of our tax dollars.

Secondly, we propose the creation of a Commission on Higher Education which will be responsible for advising the legislature on matters concerning all aspects of higher learning from the junior college to the graduate level.

This Commission will advise the Legislature on budget requests, future programs, and additional institutions. We simply cannot afford wasteful duplication of effort in higher education when our needs are so great.

Thirdly, we propose legislation to provide for the election of the State Board of Education and all local Boards of Education and for the appointment of the state superintendent and all local superintendents.

Education is as much a part of government as any other function at the state and local level—and as such, should be answerable to the people who provide its support.

At the same time, we recognize that the top administrators of our school system at all levels must be highly-qualified, full-time professionals. Elected boards of education must be able to select the best possible people as superintendents—persons who will be directly supervised by the boards in their daily administration of our schools.

A system of elected Boards of Education and appointed Superintendents will give us an organization that answers directly to the people and also provides a competent, businesslike approach to the daily functions of our schools.

Fourth we propose to you tonight two measures which will provide for the future allocation of public funds to education and will correct such inequities as may exist in our present system.

Every child in Alabama, whether he lives on a farm or in a city is entitled to the same amount of state money for his education.

We therefore recommend the altering of the present allocation formula so that each child gets the benefit of his fair share of state funds. I am determined that this be accomplished.

The second proposal addresses itself to the desperate need for more local support for our

schools. We propose that each school system in Alabama be required to provide local support in keeping with its ability.

We are aware that state government is now doing more than its share of providing for public education. Seventy-four per cent of the funds now appropriated to public schools in Alabama comes from the state—one of the highest percentages in the nation.

State government cannot continue to carry this burden without local help.

I strongly believe that local people will be more willing to take an active interest in their schools if they have an investment in them. The people of Alabama who take great pride in other institutions such as their homes, their businesses, and their churches are also willing to support their local schools.

State government should not do everything for local people any more than the federal government should do everything for the states. Local people know best what their needs and problems are—and they must have a direct voice in spending their tax dollars.

Fifth, we propose that Alabama's classroom teachers be paid in the future on the basis of their proven ability to do a good job.

As part of the appropriation bill for the next two years, we recommend an initial across-the-board pay raise for all of our school teachers. It is desperately needed to raise salaries to the level of our sister states, and to enable us to attract and keep outstanding young teachers.

Moreover, during the second year of the coming biennium, we propose a system of incentive pay to be administered by the local Boards of Education—and used to provide appropriate reward for those outstanding teachers who demonstrate their excellence.

I feel strongly that those who give of their best, no matter in what field, deserve recognition.

An incentive program will also be a strong inducement to our teachers to stay in Alabama and stay in education—because they know there is room for advancement. It is not fair for the overwhelming majority of skilled, dedicated, motivated teachers to be held to the level of the lowest performance.

Our program also contemplates attention to those areas of education which have been too long neglected—the needs of retarded children, emotionally disturbed children, crippled children, vocational rehabilitation, and vocational education. These and other worthy programs have not been in the mainstream of our educational effort. This shameful affront to thousands of deserving children can no longer be tolerated.

At the same time, we recognize a continuing responsibility to retired teachers, to administrative personnel, to school bus drivers, maintenance employees, cafeteria workers, and all those others so vital to the normal operation of our schools.

We simply cannot neglect any phase of education if we are to have a well-rounded program that serves the needs of all of our people. Our program reaches every area—from the grade school to the graduate school.

As a part of our responsibility, we are recommending revenue measures to you to provide the necessary funding. We are asking you to close some of those gaps in our tax laws which have given favored treatment to special groups. Let me make one thing clear—I am unalterably opposed to and will veto any increase in our already high sales tax which hits hardest those least able to pay.

I am aware of the great concern in our state about the effect of recent court orders, particularly those of the three-judge panel in the Middle District of Alabama involving 99 of our school systems.

These arbitrary and capricious rulings have denied us the use of some fifteen million

dollars worth of badly needed classrooms and school buildings in our State.

They have been a source of discouragement to your governor in trying to build a program for quality education.

But we as a people have faced adversity before, and if we are to realize the great potential of growth and development and progress which exists, then we must not be deterred from our objective by the actions of these who seek social objectives rather than quality education.

I am more firm than ever in my determination that we in Alabama shall indeed have quality education—not a discriminatory education, but a quality education for every child in our State.

Here, tonight, we reach the hour of decision in Alabama. We have come to the time and the place when we must face the future and the promise it holds for our state.

Our educational system must respond to the great demands our people place on it.

We have reached the day when we no longer can afford the luxury of a second-rate effort in education—when we can no longer afford to give our children anything less than the finest possible preparation for the opportunities that lie before them.

Time waits for no man—and no state. And unless we seize upon the opportunity presented to Alabama and its people here and now, it will surely slip from our fingers.

I have been described in the press as being supremely confident that this session of the Legislature will result in a responsible program for our schools. I am supremely confident—supremely confident that you members of the Legislature are prepared to do what needs to be done, what must be done, for the school children of Alabama.

I am convinced that you are convening here in a constructive spirit—not to tear down but to build up—not to argue negatively but to act positively—not to look for problems but to find solutions.

My charge to you is to repeat my opening remarks—We are assembled here tonight in extraordinary session for a most extraordinary reason—to do something more, to do something better—for our children.

They surely deserve no less.

HOW TO ESCAPE U.S. TAXES

HON. DOMINICK V. DANIELS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 15, 1969

Mr. DANIELS of New Jersey. Mr. Speaker, if there is one issue which has come to the fore, it is that of tax reform. Even the most unsophisticated of our fellow citizens are aware that our Internal Revenue Code is riddled with loopholes which favor the very rich as against the middle- and lower-income taxpayers.

On April 10, 1969, the Christian Science Monitor published a very interesting story under an Associated Press byline which explained how it is possible for the very rich to escape paying their fair share of the tax load.

Mr. Speaker, this account is worthy of the attention of all Members of the House, and especially the distinguished chairman, Mr. MILLS, and members of the Committee on Ways and Means, who have been considering this subject for several months now. I ask unanimous consent that it appear following my remarks in the RECORD.

It has been said that there is no force on earth that can compare with that of an idea whose time has come. It seems

to me that tax reform is one idea whose time has come. I hope that we will not let another April 15 go by without providing the tax relief that Americans of moderate income need and deserve.

Mr. Speaker, I cannot, in conscience vote to continue the odious 10 percent surcharge unless meaningful tax reform comes with it. I define meaningful tax reform as tax reform which can be seen and felt by the great mass of the people of the Nation. I will not settle for less.

The article follows:

GIFT DEDUCTIONS POPULAR: HOW TO ESCAPE U.S. TAXES

(By the Associated Press)

WASHINGTON.—There are two kinds of millionaires in the United States: those who pay federal income taxes and those who don't. In the latter group there were 21 last year.

How is it possible, you ask as you reach for your checkbook after a losing bout with Form 1040, to have an income of more than \$1 million a year and yet not pay any federal income tax?

The method most favored by untaxed millionaires is to give away things that have grown in value since they were acquired. Stocks, real estate, a share of the donor's business, art objects—all are good for this treatment.

The current value of the gift is deducted from income subject to taxation. So it's quite possible to reduce taxable income to zero.

One return cited in a recent Treasury Department study showed adjusted gross income of \$10.8 million, contributions totaling \$10.5 million and other deductions of \$400,000-plus. No taxable income and hence no tax.

Another taxpayer's adjusted gross income of \$4.3 million was erased by \$4.5 million deductions, including \$4 million in contributions.

SPECIAL EXCEPTION

Ordinarily, a taxpayer may deduct no more than 30 percent of his income for charitable gifts. But it's not an ironclad rule.

A special exception allows the claiming of contributions without limit if in 8 of the past 10 years the taxpayer's contributions, plus his taxes, have added up to 90 percent or more of income.

One aspect of these gifts that bothers those seeking reform of the tax laws is that it is legal for Mr. Rich to make his donations to a foundation run by his family.

And perhaps the contribution to the Rich Foundation is a share of Mr. Rich's business. This kind of giving, a Treasury study says drily, "lacks the finality which characterizes a true parting with property."

Congress is thinking of throwing out the unlimited charitable contributions privilege, largely because it figures so often in stories about untaxed millionaires.

Another proposed change would make the untaxed superwealthy an extinct species by imposing a minimum tax on all high-bracket incomes, with no exceptions.

Before he left office in January, Treasury Secretary Joseph W. Barr told Congress many middle-income taxpayers are losing confidence in the fairness of the tax system. His warning of a "taxpayer revolt" is still echoing on Capitol Hill. The new Treasury team also is pledged to a reworking of the tax laws.

DEPRECIATION HELPS

If the unlimited charitable contribution rule is the favorite of untaxed millionaires, one of the runnersup would have to be the depreciation rules.

Depreciating is a great vanishing cream for taxable income. You don't have to be a millionaire to use it, but it helps.

Suppose you're a corporation executive poking along at \$250,000 a year. Normally, you might figure on paying about \$110,000 in income tax.

What you might do instead is borrow \$15 million and buy a nice big apartment building. Figure an income from rents of \$1 million, reduced by maybe \$500,000 for upkeep and loan payments.

So far, you're \$500,000 in the black as a landlord, but don't worry about having to pay tax on it. Depreciation will bail you out.

While allowable amounts in succeeding years will be smaller, one accelerated method of figuring depreciation would permit you to claim your \$15-million investment depreciated \$750,000 the first year.

PAPER LOSS RESULTS

You get to deduct depreciation from income, even though no actual cash expenditure occurred. So the \$500,000 you netted from operating the building becomes instead a paper loss of \$250,000 and this cancels out the \$250,000 salary. Result: no taxes instead of \$110,000.

What makes it even more attractive is that the amount of cash that has passed through your hands—money you could put into other short-run projects—is \$750,000. That's more than triple the cash you had to play with back before you became an apartment owner on borrowed capital.

Then there is the oil-depletion allowance. Suppose your wells are producing a before-taxes income of \$1 million a year. It costs \$450,000 to run the operation—deductible expense—so your net is \$550,000.

But the depletion allowance, one of the most controversial tax breaks in the books, permits you to deduct 27½ percent of the gross income from the wells. So off comes \$275,000.

BLACK TO RED INK

You still have another \$275,000 in income. You can make it disappear this way:

You could spend \$375,000 developing some other oil properties. This is deductible expense, so your black-ink \$275,000 becomes a red-ink \$100,000.

You now are theoretically \$100,000 in the hole. Surprisingly enough, this is a position many of the super-rich aim for, because paper losses are just the thing to shelter other income.

In your case, the \$100,000 loss would enable you to have \$100,000 in other income—stocks and bonds, for instance—and keep it all.

The net result of your year as a combination oilman and stock-market babbler is that you have paid no tax, and you come away with at least \$275,000 clear. And though \$1.1 million has passed through your hands, you have had, in the eyes of the law, no taxable income.

CONGRESSMAN HAMILTON REPORTS ON RESULTS OF HIS 1969 QUESTIONNAIRE

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 15, 1969

Mr. HAMILTON. Mr. Speaker, I wish to report that an extensive sampling of the returns on a questionnaire which I sent to the residents of the Ninth District of Indiana indicates they:

Support overwhelmingly the establishment of a postal corporation, such as I have proposed, to remove the Post Office Department from politics, and meet costs from postal revenues.

Favor, by nearly a 4-to-1 margin, international nuclear protection negotiations rather than the construction of an anti-ballistic-missile system.

Support by nearly a 5-to-1 margin, a congressional resolution requiring the

President to seek Congress' approval before U.S. troops are committed to fight in foreign countries.

Also favor by nearly a 5-to-1 vote the abolishment of the electoral college and a direct, popular vote for the President and Vice President.

Support by lesser margins, the lowering of the voting age, a random chance, lottery draft system, and the continuation of the U.S. space program at its present level.

Tabulations on the 11-question survey were stopped at 15,747 when the trend of the responses was clearly established.

I am gratified at the number of responses. They show that Ninth District residents are keenly aware of the issues, both foreign and domestic, which face this Nation.

I recognize the limitations and inadequacies of a brief questionnaire, but it is nevertheless helpful to me as one indication—among several—of public opinion in the 16 counties of the Ninth District of Indiana.

The results of the questionnaire are as follows:

RESULTS OF QUESTIONNAIRE ELECTION REFORM

Electoral College

Would you approve of a Constitutional amendment which would substitute popular election of the President and Vice President for the present Electoral College?

1. Yes: 12,411 or 80.0%.
2. No: 3,087 or 19.9%.

Voting age

Would you favor lowering the voting age of Americans?

1. Yes: 8,190 or 52.2%.
2. No: 7,496 or 47.7%.

NATIONAL SECURITY

The draft

Attempts to revise the draft law come before the Congress each year. Would you favor:

1. The present system, which permits student deferments: 4,493 or 29.5%.
2. A random-chance lottery system, with no student deferments: 5,513 or 36.3%.
3. A professional, all-volunteer Army, at an estimated increase in payroll of \$6 to \$17 billion each year: 5,163 or 34.0%.

Space

The early Apollo series of space exploration missions has been spectacularly successful. Would you:

1. Continue to fund the space program at its present level of \$3.8 billion: 8,448 or 54.1%.
2. Reduce the funds for space exploration: 5,144 or 32.9%.
3. Abandon the space program: 2,019 or 12.9%.

Anti-Ballistic-Missile System

Do you favor:

1. Construction of an anti-ballistic missile system to defend our cities from ballistic missile attack at a cost of approximately \$50 billion: 4,317 or 30.1%.
2. Negotiating an international agreement with adequate inspection safeguards to limit anti-ballistic system defense expenditures: 10,007 or 69.8%.

TAXES AND ECONOMIC POLICY

Tax incentives

In attacking the problems of crime, slums, rural development, pollution, housing and other social problems, should the 91st Congress rely primarily upon:

1. Direct government spending: 1,547 or 9.9%.
2. Private enterprise, encouraged by tax incentives: 3,871 or 24.9%.

3. A combination of 1 and 2: 10,088 or 65.1%.

Tax sharing

Do you favor sharing Federal government tax revenues with State governments when the federal budget is in, or near to, balance?

1. Yes: 11,219 or 74.0%.
2. No: 3,928 or 25.9%

FOREIGN POLICY

Troop commitments

Would you favor a Congressional resolution requiring the President to ask for Congress' approval before United States troops are committed to fight in foreign countries?

1. Yes: 12,125 or 78.8%.
2. No: 3,260 or 21.1%.

Foreign aid

This country's foreign aid program was reduced this year to \$1.7 billion, the lowest level in the history of the program. Would you:

1. Reduce further the foreign aid program: 10,693 or 73.1%.
2. Continue the program at approximately the present level: 4,024 or 26.4%.
3. Increase the level of the program: 491 or 0.32%.

GOVERNMENT PROGRAMS

Antipoverty programs

Head Start, VISTA, Job Corps, Community Action Programs, Upward Bound, and other anti-poverty programs are administered by the Office of Economic Opportunity (OEO). Would you favor:

1. Stopping all OEO programs: 4,402 or 31.2%.
2. Transferring all OEO programs to other government agencies: 2,652 or 18.8%.
3. Continuing all OEO programs under the present arrangement: 4,105 or 29.1%.
4. Continuing some OEO programs: 2,946 or 20.7%.

Postal service

Do you favor:

1. Retaining the present postal service, requiring support from general tax revenues to meet costs exceeding postal revenues: 1,827 or 12.2%.
2. Reorganizing the Post Office Department to provide improved service but still requiring support from general tax revenues to meet costs exceeding postal revenues: 1,847 or 12.8%.
3. Creating a government-owned postal service corporation to provide improved service, to meet costs from postal revenues and to make all appointments non-political: 11,244 or 74.7%.

AMERICANS: RESPECT AMERICA

HON. BEN REIFEL

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 15, 1969

Mr. REIFEL. Mr. Speaker, I am pleased to have the opportunity to insert in the CONGRESSIONAL RECORD an interesting and thought-provoking essay written by Danny Syhre, the son of Mr. and Mrs. Maynard Syhre of Webster, S. Dak. The essay, entitled "Americans—Respect America" was judged the winner in a local contest sponsored by the American Legion Auxiliary.

Danny is a sophomore at Webster High School. He has obviously given a great deal of thought to his subject, and I think his essay merits careful reading by the Members of this body.

The winning essay by Mr. Syhre follows:

AMERICANS: RESPECT AMERICA

There are many ways in which we Americans can respect our country. I think patriotism, by far, is the best way to show our respect for America.

Patriotism is the love of one's country and much more. Patriotism is loyalty. Loyalty is being true and faithful to our country. If we live in a country whose privileges and protection we enjoy, it is our obligation to recognize the benefits we receive by being true to its government. A good American citizen is loyal.

Patriotism is being fair. We must not think we are the only country. All the world should matter to us. We should love the world, but we should love our country more. We do not have the right to do anything harmful to our own country. We need not think unkindly about all other countries in order to be patriotic toward our own.

Patriotism is being well-informed. It is our business to inform and concern ourselves about problems in our community, state, and nation. We owe to our government an understanding of its organization, its works, and its problems. We should know something of the great men of our country. The Pledge of Allegiance to our flag and our patriotic songs should not be just words but there must be some thought and spirit and feeling that makes these words and the music really mean something. A good citizen is well-informed of what's going on.

Patriotism is the courage of a free people firmly dedicated to the noblest cause. We should have courage to speak when we do not agree with something. Patriotism is not to believe blindly in your country, whether it is right or wrong. It means everyday service, it means keeping out of our minds motives and temptations to be selfish or to disregard the authority of our country. True patriotism will display itself in sacrifice when there is a call for it. It will always try to face the facts and know the truth. A good citizen will co-operate with other good citizens in accomplishing worthy ends.

Patriotism is the vision that led our founding fathers into dangers of a wilderness that was to become the proud American Republic in which we live today.

If we Americans will respect our country and be proud of it, then we should have the desire to make it the best of all nations.

AMMUNITION CONTROLS MISINTERPRETED

HON. JOHN E. HUNT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 15, 1969

Mr. HUNT. Mr. Speaker, there is considerable apprehension among our law-abiding citizenry concerning the implementation of the provisions of the Gun Control Act of 1968. Those provisions to which I have specific reference deal with ammunition and the recordkeeping requirements which have been administratively imposed by the former Commissioner of Internal Revenue at the direction of the previous administration.

There is cause for suspicion in the fact that because the Congress overwhelmingly rejected attempts to attach provisions to the act that would have established national registration and licensing, a roundabout approach for registration of sorts was conceived in a misconstruction of the recordkeeping requirements for ammunition through administrative regulations.

Section 922(b)(5) of the act states, in part:

It shall be unlawful for any licensed importer, licensed manufacturer, licensed dealer, or licensed collector to sell or deliver—
(5) any firearm or ammunition to any person unless the licensee notes in his records . . . the name, age, and place of residence of such person if the person is an individual . . . (Emphasis added.)

Ammunition, as defined in the act, "means ammunition or cartridge cases, primers, bullets, or propellant powder designed for use in a firearm".

This is only the half of it, Mr. Speaker, for in title 26 of the Code of Federal Regulations, part 178, section 178.125(c), it is stated:

The sale or other disposition of ammunition, or of an ammunition curio or relic, shall, except as provided in paragraph (d) of this section, be recorded in a bound record at the time such transaction is made. The bound record entry shall show: (1) the date of the transaction, (2) the name of the manufacturer, the caliber, gauge or type of component, and the quantity of the ammunition transferred, (3) the name, address, and date of birth of the purchaser (transferee), and (4) the method used by the licensee to establish the identity of the purchaser (transferee). (Emphasis added.)

It is very interesting to note that when the proposed Internal Revenue Service regulations were initially published in the Federal Register of November 6, 1968, the pertinent provisions of section 178.125 said:

The sale or other disposition of a firearm, ammunition, curio or relic shall be recorded by the licensed dealer or the licensed collector at the time of such transaction . . . The record shall show the date of the sale or other disposition of each firearm, ammunition, curio, or relic, the name, address, and the license number (if any) and the date of birth of the transferee if such person is not a licensee. (Emphasis added.)

Thus, when the regulations were printed in their final form in the Federal Register of December 14, 1968, the additional requirements for information, pertaining to recordkeeping on the disposition of ammunition, included "the name of the manufacturer, the caliber, gauge or type of component, and the quantity of the ammunition transferred."

Not only do I believe these additional regulations are in contravention of the intent and purpose of the Congress respecting the sale and disposition of ammunition, but the cumbersome recordkeeping requirements imposed by administrative regulation are an unnecessary burden on the licensed dealer, under penalty of not more than \$5,000 fine, or not more than 5 years' imprisonment, or both. In addition, the information required pursuant to every single purchase of ammunition is no small inconvenience on the purchaser who is to be needlessly registered, in effect, every time he buys ammunition. It is beyond comprehension how this information can be of use to anyone, but it is certainly one further step to dissuade the law-abiding citizen from purchasing anything connected with a firearm by psychologically characterizing him as a potential lawbreaker or as one who might be implicated with

a crime because of the purchase of a particular type of ammunition.

I firmly believe the majority of the American people are fed up with this type of personal disclosure for the record which represents the continuing erosion of his rights to privacy when there is no clearly defined public interest to be served. No one, I am sure, wants to see the day when his every move can be fed into a computer which, at the push of a button, will disclose his life's history to be used at the discretion of one whose motives might not always be beneficent.

One other point to be made is derived from the language of the preamble to title I of the Gun Control Act of 1968. It states, in part:

... it is not the purpose of this title to place any undue or unnecessary Federal restrictions or burdens on law-abiding citizens with respect to the acquisition, possession, or use of firearms appropriate to the purpose of hunting, trapshooting, target shooting, personal protection, or any other lawful activity . . . , or to provide for the imposition by Federal regulations of any procedures or requirements other than those reasonably necessary to implement and effectuate the provisions of this title.

Significantly, these statements make no reference to "ammunition," even though the provisions of the act regulating the acquisition and disposition of ammunition are contained in title I. Are we to believe, therefore, the proponents of national registration and licensing, having been defeated in their obvious efforts, sought to achieve the objectives in principle by the more insidious regulation of ammunition which, if effectively controlled, would make the possession of a firearm less significant? I think the answer is yes, if for no other reason than the fact that the blanket coverage of all ammunition under the provisions of the act is otherwise without substance.

Therefore, Mr. Speaker, I am pleased to introduce a companion bill to others sponsored by Members of both the House and Senate which would specifically exclude "shotgun shells, metallic ammunition suitable for use only in rifles, any .22-caliber rimfire ammunition, or any component parts thereof" from the definition of "ammunition" as it is used in the Gun Control Act. I urge other Members who feel as I do to do likewise in the hope that such support will allow Congress to work its will on this issue to assure that the administrative regulations of the Internal Revenue Service will not be permitted to subvert the intent of Congress.

A BELL AND A PRAYER

HON. JAMES A. BURKE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 15, 1969

Mr. BURKE of Massachusetts. Mr. Speaker, I would like to bring to the attention of my distinguished colleagues in the House of Representatives the following article which appeared in the Quincy Sun, Quincy, Mass., on Thursday, April 3, 1969, entitled "A Bell and a Prayer":

A BELL AND A PRAYER: WOULD THAT GOD MIGHT GIVE US OTHERS TO TAKE HIS PLACE

The bell tolled sadly and solemn words were spoken this week at Quincy's historic United First Parish Church in a farewell tribute to Dwight David Eisenhower.

The Rev. Stephen W. Brown, pastor of First United Presbyterian Church, Quincy, pinpointed the feelings of a mourning nation with these words:

"Dwight David Eisenhower is a symbol of that which is good, and right, and strong in our nation.

"Would that God might give us others to take his place."

His eulogy to the 34th President and General of the Army was given during an Ecumenical Memorial Service at the "Church of the Presidents" Monday noon.

And at 4 p.m., the big, 2,000-pound bell in the belfry tolled for five minutes as funeral services were being held in Washington, D.C.

The church's bell has thus been sounded in tribute at the death of every President since George Washington.

"Dwight Eisenhower," said The Rev. Brown, "was a warrior whose chief aim was peace."

"Our time is a time of extremes when some are willing to have peace at any price, even the price of chains, and others are willing to have war at any price, even the price of annihilation."

"His words are to be remembered. He said, 'I hate war as only a soldier who has lived it can, only as one who has seen its brutality, its futility, its stupidity.'"

"He also said, 'Today . . . we still must be wise and courageous enough to live fully, confident in the knowledge that we have taken every reasonable step to deter aggression, and that we shall always be ready to defend liberty'"

"His words need to be heard in our time."

The Rev. Brown's eulogy was listened to attentively by approximately 150 persons attending the service at the church that contains the remains of Quincy-born Presidents John and John Quincy Adams and their wives.

Other Quincy clergymen participating in the service were:

Rev. Bradford E. Gale, minister United First Parish Church; Rev. Demetrios Michealides, St. Catherine's (Greek Orthodox) Church; Rabbi David J. Jacobs, Temple Beth El; Rt. Rev. Richard J. Hawko, pastor Sacred Heart Church, Rev. Dean E. Benedict, Quincy Centre Methodist Church.

DWIGHT DAVID EISENHOWER: HIS PASSING IS MORE THAN THE PASSING OF A MAN

(Text of the eulogy to former President Dwight D. Eisenhower given by the Reverend Stephen W. Brown, at the Ecumenical Memorial Service Monday in Quincy's historic First Parish Church)

We are gathered here this afternoon to remember one, Dwight David Eisenhower . . . Supreme Commander of the Allied Forces in Europe during World War II and the 34th President of the United States.

His death on Friday last leaves our land a sadder place. And yet, because Dwight Eisenhower was full of years, because he was covered with honors and praise, because his efforts, perhaps more than any other man of our time, bore much fruit and because death is the inevitable precondition of life . . . the passing of Dwight Eisenhower does not have the overtones of tragedy that would be quite evident in the death of one not so successful, not so full of years and not so highly esteemed.

It is for that reason that the passing of Dwight Eisenhower should inspire in us not only sadness and hurt, but even more, a feeling of somber thoughtfulness, for his passing is more than the passing of a man . . . it is the death of an era in which giants walked the land, the passing of a period in history when men seemed taller and heroes were

easier to come by, the passing of a quality of life that we have somehow lost.

Dwight Eisenhower was a warrior whose chief aim was peace. Our time is a time of extremes when some are willing to have peace at any price, even the price of chains, and others are willing to have war at any price, even the price of annihilation.

His words are to be remembered. He said, "I hate war as only a soldier who has lived it can, only as one who has seen its brutality, its futility, its stupidity" He also said, "Today . . . we still must be wise and courageous enough to live fully, confident in the knowledge that we have taken every reasonable step to deter aggression, and that we shall always be ready to defend liberty." His words need to be heard in our time.

Dwight Eisenhower was a politician whose aim was statesmanship. He was a man who invested in the word "politics" its rightful qualities of honesty, integrity and service. In a time when there are those who would place self-interest above national interest, who would sell their souls for a vote, who would rather have position than honor, his life would guide us.

Called to serve his country as President, he found the business of politics distasteful and at the same time to give that business the depth and quality that a nation governed by political forces must have if it is to survive. He prayed in his first inaugural address, "Give us, we pray, the power to discern clearly right from wrong and allow all our words and actions to be governed thereby May cooperation be permitted and be the mutual aim of those who under the concepts of our Constitution, hold to differing political faiths, so that all may work for the good of our beloved country and Thy glory."

Dwight Eisenhower was a citizen whose aim was to serve his country best by the life that he lived. There was in him a quiet simplicity that seems alien in an age of sophistication and cynicism. He loved his God; he loved his family; he loved his country . . . sentiments, if expressed by a lesser man, would bring on the snide, knowing smiles of a generation that has outgrown that kind of naivete.

However, those were the sentiments with which he worked as he forged together a group of nations and articulated those nations' goals. Those were the sentiments with which he worked as he led his own country in a time of crisis. Had Dwight Eisenhower been only an unknown private citizen who operated the general store in Abilene, Kansas, I doubt that the qualities that he personified as a Supreme Commander, a university president and president of the United States . . . I doubt that those qualities would have been different.

Let us once again listen to his words: "As friends of free people everywhere in the world, we can by our own example . . . our conduct in every crisis, real or counterfeit; our resistance to propaganda and passion; our readiness to seek adjustment and compromise of difference . . . we can by our own example ceaselessly expand understanding among the nations."

We must never forget that international friendship is achieved through rumors ignored, propaganda challenged and exposed; through patient loyalty to those who have proved themselves worthy of it; through help freely given where help is needed and merited. In this sense there is no great, no humble among us. In rights and in opportunity, in loyalty and in responsibility to ideals, we are and must remain equal. Peace is more the product of our day-to-day living than of a spectacular program, intermittently executed.

The best foreign policy is to live our daily lives in honesty, decency, and integrity; at home, making our own land a more fitting habitation for free men; and abroad, joining with those of like mind and heart, to

make of the world a place where all men can dwell in peace. Neither palsied by fear nor duped by dreams but strong in the rightness of purpose, we can then pace our case and cause before the bar of world opinion... history's final arbiter between nations.

Dwight David Eisenhower is a symbol of that which is good, and right, and strong in our nation. Would that God might give us others to take his place. Amen.

HAMILTON PROTESTS INADEQUATE BUDGET FOR SOIL CONSERVATION SERVICE

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 15, 1969

Mr. HAMILTON. Mr. Speaker, I am very concerned about certain items in the recommended budget for the Soil Conservation Service.

I represent the people in 16 southeast Indiana counties. In past years many of these 16 counties have been declared flood disaster areas and drought disaster areas within the same year. The conservation of soil, water, and related resources is vital to both their livelihood and well-being.

Development and management of soil and water resources under the leadership of soil and water conservation districts is moving toward a brighter future. These districts are continually broadening their horizons to meet ever increasing conservation needs. Where formerly they were concerned in only agricultural erosion activities, they now are deeply involved in total soil and water resource development. This includes assisting local people, both rural and urban, manage water resource for flood prevention, erosion, and sedimentation control, municipal, and industrial water supplies, recreation, beautification, fish, and wildlife, and low flow for water quality control.

Each of the 16 soil and water conservation districts in the Ninth Congressional District are governed by five local district supervisors, plus a number of assistant supervisors. They work with and provide the technical assistance of the Soil Conservation Service to cooperators who either own or operate land. These supervisors are dedicated, leading citizens in their areas, and serve without pay to improve the public welfare through soil, water, and related resource conservation. These districts had 622 new cooperators apply for assistance this year, which brings their total to 8,656, 3,236 of whom applied one or more conservation practices this year. The Dearborn County District alone has assisted its 3,481 cooperators to install 432 ponds, 39 of which were done last year. These districts depend on the technical assistance furnished by Soil Conservation Service personnel to achieve the planning and application of the multiplicity of conservation measures.

Funds budgeted in 1969 furnished 600 man-years less technical assistance to districts nationally than was budgeted in 1959. This trend toward eventual emasculation of soil and water conservation districts, dedicated to planned develop-

ment and wise utilization of our natural resources, must be reversed.

Included in the appropriation for assistance to districts are the Federal funds needed to carry on the National Cooperative Soil Survey. This provides a sound basis for determining good land use, and is used extensively by local planning boards, highway departments, park and recreation boards, engineers, architects, as well as builders, developers, and other landowners and operators.

In Indiana districts have an immediate need for 72 man-years of technical service in addition to the budgeted positions to meet their scheduled workload. Eleven of these needed man-years are in the Ninth Congressional District, and the shortage is adversely affecting the conservation effort therein. Ohio County formed a district a year or so ago. To date no funds have been available to staff this new district. The part-time technical assistance that has been made available comes from the adjoining Dearborn County soil and water conservation district, which further dilutes the assistance to that district.

In the light of these needs and the impact of the soil and water conservation movement on the lives of my constituents, the national budget appropriation for technical assistance to soil and water conservation districts should be \$130 million.

Within the total program of the Soil Conservation Service are the Public Law 566 small watershed projects which have gained tremendous popularity. These projects are aimed at full development of the soil and water resources in an area, and serve to reduce costly flooding, reduce erosion and sedimentation, provide water for industry and rural and urban areas, create water-based recreation developments, and significantly improve the quality of the environment.

In the Ninth Congressional District there are 16 applications on file in various stages of completion. A breakdown of these projects is shown as follows:

Completed: Elk Creek.

Approved for construction: Stucker Fork, Muddy Fork of Silver Creek, Twin-Rush Creek, and Dewitt Creek.

Planning completed and awaiting authorization: Delaney Creek.

Planning completed and undergoing review: Lost River.

Planning authorized and underway: Upper Vernon Fork, Lower Vernon Fork, and East Fork of Whitewater River.

Preliminary investigation completed: Whitewater River (Fayette County), and Upper West Fork of Whitewater River.

Preliminary investigation studies underway: Silver Creek and Blue River.

Applications awaiting service: White Creek.

On most of these projects, local people have spent considerable time and money to organize conservancy districts, and secure land easements and rights-of-way. In some cases moneys were borrowed and interest is being paid to provide their portion of the costs for this watershed development. All this activity was predicated on the Federal Government providing their share of the agreed amounts of money for planning and construction on schedule. Preliminary investigations

are currently being delayed in Blue River and Silver Creek due to lack of watershed planning funds. This is holding up the local organization of conservancy districts, which are necessary before the Soil Conservation Service can proceed with work plan development.

Construction plans are either ready, or will be ready, to contract in fiscal year 1970, amounting to \$7,993,000 for the State of Indiana. If the present national budget appropriation is allowed to stand, only about 25 to 30 percent of this construction could be started.

Based on the State estimate, the three operational watersheds in the Ninth District—Twin-Rush, Stucker Fork, and Muddy Fork of Silver Creek—which have construction planned in the amount of \$1,713,000 during fiscal year 1970, would be forced to delay approximately 65 to 75 percent of their needed improvements.

It required much initiative, enthusiasm, hard work, and local money on the part of my constituents to advance their watershed projects to where they are now. I do not believe we should so lightly regard this local effort, in which we encouraged the action, and then say:

No, we cannot assist you now. You must live with your flood problems until some indefinite future time.

Instead, I strongly believe we should encourage this local initiative whenever and wherever they have the courage to move forward as my constituents have done.

A study completed in Indiana identified 44 additional potential watersheds in the Ninth District that have problems and needs that can be overcome by action under the Small Watershed Act. With these additional potential projects installed the Ninth District could receive annual benefits amounting to \$2,300,000 from flood prevention and drainage improvements, have 3,000 man-years of additional employment, create 200 new jobs and 69 new or expanded businesses, 15 additional water supply reservoirs, sufficient to supply 91,000 people, 18 new recreation developments, and the increase in the annual payroll would be at least \$1,480,000 per year. The reduced pollution from sediment would be very significant (1,600,000 tons per year) and the cost of antipollution efforts would be reduced by nearly \$300,000 per year. The total need for application of soil and water conservation practices would be accelerated, and when all projects were installed, would have a value to the land in the Ninth District that would exceed \$40 million.

For the benefit of these people, as well as many others in Indiana, the Soil Conservation Service national budget appropriation should be placed at no less than \$8 million for watershed planning, and \$80 million for watershed operations.

Last year I reported to this committee that there was not a resource conservation and development project in my district, but that careful evaluation was being made of the outstanding successes being achieved in the Indiana Lincoln Hills resource conservation and development project. The conservation action programs being achieved on the part of local people in the Lincoln Hills resource

conservation and development project was too much of a temptation to overlook. Today I am happy to report that the application for the Historic Hoosier Hills resource conservation and development project has been prepared and submitted for planning approval. However, I am most unhappy about the delay in getting this application approved. I sincerely urge this committee to support the \$10,252,000 in the budget for resource conservation and development and to add to this every dollar possible.

Mr. Speaker, I know that this is a time when every Federal dollar must be spent wisely. But, we must also move ahead with certain proven domestic programs for the well-being of our own people. In my opinion, the benefits attained through the work of the Soil Conservation Service is of tremendous value to our Nation. I sincerely hope the increase in budget appropriation outlined in this statement, will be favorably considered.

HOW ARAB PROPAGANDISTS AND THEIR FRIENDS WORK IN AMERICA

HON. JAMES H. SCHEUER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 15, 1969

Mr. SCHEUER. Mr. Speaker, the activities of several official Arab propaganda agencies operating in the United States have reached scandalous proportions.

The Arab Information Office, for example, maintains headquarters in five major American cities, through which it engages in a heavily financed program of propaganda activities. It is registered as an official spokesman for the 14 countries of the Arab League.

The general tenor of these propaganda activities is well indicated by the fact that the authorized maps of the Middle East, issued by the Arab Information Office, do not even indicate the existence of the State of Israel. As long as the Arab States do not admit the existence of Israel, the hope for peace in the Middle East, or even the possibility of opening direct negotiations there is obviously very small.

Of even greater concern, however, is the fact that another officially sponsored Arab organization, devoted to securing support for illegal guerrilla operations and schemes of terrorism against a peaceful neighbor, is actually maintaining an office in this country under the guise of providing information. I refer to the Palestine Liberation Organization, headed by a man named Yasir Arafat. It is the business of this group to organize guerrilla bands to invade Israel. It is shocking to learn that such an agency maintains an office on Second Avenue, in New York City.

Mr. Speaker, I believe that the activities of this Palestine Liberation Organization exceed the limits prescribed for the operation of friendly information services in this country, as defined by the

terms of the Foreign Agents Registration Act.

Moreover, I believe that the duties of the United States regarding our relations toward a country with which we are at peace, Israel, require us to put an end to the activities within our boundaries of any agency such as the Palestine Liberation Organization.

Mr. Speaker, the background of this entire matter is well discussed in an article appearing in the current issue of *Prevent World War III*, a magazine published by the Society for the Prevention of World War III, Inc., of 50 West 57th Street, New York, N.Y., which should be of great interest to my colleagues:

HOW ARAB PROPAGANDISTS AND THEIR FRIENDS WORK IN AMERICA

It is a commonly heard complaint from Arab quarters that their cause has "no voice" in America. In point of fact, the exact opposite is the case.

Each of the 14 Arab states has its own delegation—and usually its own information officer—at the United Nations. On top of that, the Arab Information Center, operating for all of the Arab League states, maintains headquarters in New York, Washington, Chicago, San Francisco and Dallas—plus a representative in Florida.

There is also the Palestine Arab Delegation—which purports to represent the indigenous Arab inhabitants of Palestine, but is actually the registered agency of the Arab Higher Committee of Palestine, headed by Haj Amin el-Husseini, better known as the former Grand Mufti of Jerusalem. (He was once Hitler's "special advisor" on the "final solution of the Jewish problem.")

Most reprehensible of all is the Palestine Liberation Organization (PLO)—an agency established and financed by the Arab League states for the express purpose of organizing guerrilla units to invade Israel, in order to bring an end to what it insists upon calling the "Zionist usurpation" there. This agency is openly dedicated to defiance of United Nations peacekeeping resolutions, and it publicly proclaims its goal of ending the existence of the State of Israel. Yet, it is permitted to operate with offices in the United States, although its bellicose purposes are clearly set forth in papers filed with the Foreign Agents Registration Section of the Department of Justice.

One might well ask whether the United States is not in fact acting contrary to its obligations to countries with which we are at peace in providing haven to such an agency as the PLO; and one must certainly say that in permitting it to operate within our borders, we are leaning over far backward to make things easy for Arab war-promoters.

ONE-SIDED VOICES

The mere presence of so many Arab state delegations at the United Nations provides a kind of built-in advantage for certain propaganda purposes. When Security Council debates are televised, for instance, the number of minutes given to Arab spokesmen and their supporters is invariably several times greater than that given to Israel and her usually less-verbose friends.

On these occasions, moreover, the Arabs have generally seen fit to play fast and loose with the ordinary rules of diplomatic courtesy, while objecting to any slight technical deviation from the rules by those on the other side.

For example, during the debate following the Six Day War, the Ambassador of Saudi Arabia delivered vituperative attacks against both Governor Nelson Rockefeller and the late Senator Robert F. Kennedy, on the ground that they had donned yarmulkes

when attending as guests at a Jewish High Holiday service! One may well imagine the reaction in Cairo if an American spokesman had made similar personal attacks upon members of the United Arab Republic government.

Even the American press was attacked—most especially, the *New York Times*, which Arab propagandists keep insisting is "Jewish owned." Yet, it is impossible to report U.N. debates on the Middle East without giving more space to the Arab spokesmen than their opponents, because of the mere factor of number. A line by line survey of the *Times* coverage of two months, including 30 days before the Six Day War and 30 days afterward, in fact shows 59.3% of the space given the Middle East during that period to be "pro-Arab" and only 40.7% to be "pro-Israel." Yet, it continues to be a constantly repeated—though untruthful—theme of Arab spokesmen that "the American press is against us"—because it is "Zionist controlled."

It is true, of course, that the Arab-Israeli war was more fully reported on television from the Israeli side than from the Egyptian side. But the explanation here was very simple: the Israelis welcomed any reporters, including cameramen, who could find transportation to follow their forces. On the other hand, the Egyptians locked up all American correspondents in a Cairo hotel, under guard, and kept them there during the hostilities. Under these circumstances, the Arabs are hardly justified in complaining that few pictures were taken of their armies: after all, a cameraman cannot cover a war from a hotel room.

THEIR MAP OMITTS ISRAEL

The well-financed Arab Information Center publishes a slick-paper monthly, a fortnightly news service and innumerable pamphlets; sends speakers to uncounted religious and civic groups; provides free films and maps to colleges; recruits participants for radio and television programs—and stands ready to supply any high school debater with a 10-pound assortment of literature. (Indeed, its supply of printed material is one of the largest available at any information agency of any government maintaining outlets in the United States.)

Unfortunately, not all of the material from this source is as accurate as might be hoped. For example, to this very hour of writing, the well-printed maps of "The Arab World" continue to show Israel only as a cross-hatched area marked "Israeli occupied territory of Palestine." Less partisan persons might be pardoned for asking whether, after 20 years of recognition by the United Nations and most of the countries of the world, an Arab map might not at least show the existence of the State of Israel—even if President Nasser might prefer to wish it out of being.

The expenditures of the Palestine Arab Delegation are much smaller than those of the Arab Information Center with its numerous branches, but its activities are a matter of special concern, because unlike most foreign propaganda agencies this "Delegation" concerns itself very directly with internal affairs of the United States.

For example, when President Johnson announced that negotiations would open for the possible sale of new aircraft to Israel, the "Delegation" sent him a scathing telegram and released it to the press. When Vice President Humphrey and President-Elect Nixon spoke in support of the same purpose, they were also favored with telegrams accusing them of courting "Zionist votes" and "harming" American interests. We know of no other purportedly official diplomatic group which conducts itself in such a manner—and it is unquestionable that an American information representative in Cairo, resorting to

the same methods, would be hustled out of the country at once, or put in jail.

NEO-NAZIS AIDED

Even more reprehensible, however, is the relationship which this agency has built up with some of the more extreme hate-groups in the United States, where the obvious effort is to set American citizens of different religions against each other. At one period, indeed, the "Delegation" actually permitted a self-avowed neo-Nazi group, the National Renaissance Party, to use the Arab postage meter for the purpose of mailing out the "Party's" own vicious anti-Jewish publication. On another occasion, "literature" written by the Palestine Arab Delegation was made available for printing in *Common Sense* (described in a staff report of the House Committee on Un-American Activities as "the source of some of the most vitriolic hate propaganda ever to come to this Committee's attention")—and the material actually appeared in two editions of *Common Sense* even before the Delegation got around to issuing its own pamphlet edition. Other hate-literature from the same source has been extensively used by Gerald L. K. Smith, and equally notorious American anti-Jewish agitators.

It is one thing to advocate a national cause; it is something quite different for a foreign agency to try to stir up dissension in a country with which peaceful relations presumably prevail.

We should emphasize here that the Palestine Arab Delegation is not a self-supported group of agitators. It has filed its official registration papers with the Department of Justice (Foreign Agent Registration No. 1459) as an agency of the Arab Higher Committee for Palestine, with headquarters at Almansurieh, Lebanon; and the Higher Committee's Chairman, the former Grand Mufti, is listed as residing in Egypt, near Cairo. Early publications of the "Delegation" list support from the four Arab states surrounding Israel, but more recently only the Higher Committee's sponsorship has appeared. The "Delegation" is recognized at the United Nations, to the extent of appearing before various official committees, where it claims to represent the Arab Palestinians. These facts make its uninvited intervention in America's domestic affairs all the more inexcusable.

STUDENTS USED AS AGITATORS

A survey of this subject would be incomplete without mention of the Organization of Arab Students in the United States and Canada, which has units on over a hundred American college campuses. The United States welcomes students from all parts of the world, and tries to help them secure an education—but in this particular case, the students who belong to the Organization are also told to consider themselves as political spokesmen for the views of their home governments. The Organization prints an elaborate magazine, which contains some of the most violent anti-Israel propaganda that we have seen—and its national convention it entertains speakers from the Palestine Liberation Organizations. Apart from other considerations, it seems hardly appropriate for an organization of foreign students, with obvious support from outside governments, to engage in such activities while its members are guests in our own country.

At its last-year's National Convention the Organization of Arab Students honored Dr. M. T. Mehdi as its "Man of Year." Dr. Mehdi, a former employee of the Arab Information Center (at its San Francisco branch), now heads The Action Committee on American-Arab Relations, an ostensibly domestic agency which describes itself as "an organization dedicated to better American-Arab understanding."

Dr. Mehdi's principal claim to fame, however, is the authorship of a book entitled

"Kennedy and Sirhan, Why?"—the outrageous theme of which is that the Jordanian assassin of the late Senator Robert Kennedy ought to be thought of as a political prisoner, instead of being tried for murder in the ordinary way in the courts of California.

"Sirhan's act is not an ordinary case of murder: it is a political act and political assassination. Hence traditional legal devices and legal remedies cannot adequately provide proper defense for the accused," we are told. Mehdi, in effect, tries to make Sirhan's terrible crime into a mere incident in the war between Arabs and Israelis (with the late senator classified as an Israeli protagonist). The idea is thus suggested that Sirhan should be treated as "a prisoner of war," with Kennedy classified as "a casualty in that war."

Must our government tolerate this? In short, Arab propaganda runs the entire gamut from slick-paper appeals intended to influence people with cultural and intellectual curiosity, to the stirring up of race hatreds, the organization of guerrillas, and even a quasi-exculpation of assassination.

Some aspects of this agitation are almost certainly contrary to American law, and are certainly in violation of good public policy. There is no excuse to permit the intentional stirring up of group hatreds in this country by people acting in the name of a foreign government, and our international obligations are clearly inconsistent with allowing the continued operation of militarist-terrorist groups like the Palestine Liberation Organization.

WARREN BLASTS REPRESENTATIVE GOVERNMENT

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 15, 1969

Mr. RARICK. Mr. Speaker, every law-abiding citizen agrees that "free people require a free judiciary." The communications breakdown results in the word "free."

This was a weak excuse for Chief Justice Earl Warren to berate the elected Members of the U.S. Congress, for their mandated duty to their constituents to act within the framework of the Constitution to correct power-grasping decisions of an arrogant Supreme Court, which has treated the Constitution as if it were some archaic scrap of paper. Or perhaps the Chief—quick to defend judicial revolution, dissent, and change—fears legislative process with the people having a voice in Government.

Strange and erratic behavior for an appointed official—even Warren—to openly profess his disapproval of the constitutional system by attacking reform measures proposed by the U.S. Congress.

A responsible, constitutional judiciary is essential and indispensable—the very essence of this Government—to maintain law and order. This is why governments are established among men. And it is only because of Mr. Warren's secessionist departure from his duty under the constitutional plan that many Members of the U.S. Congress have felt compelled to introduce bills and amendments to restore a constitutional judiciary, having integrity and the confidence of the people.

Few will be persuaded by Mr. Warren's

plaintive plea over what he called the litigation explosion. For he and his fellow usurpers are alone responsible for any "litigation explosion." Their many, many maverick decisions against the American people—their seeming dedication to rewrite our basic legal concepts and laws were his Court's own fault—not the Congress or the American people.

Most humorous of the Chief's retaliatory pouting against Congress was his claiming the High Court decisions added a "civilizing aspect to our society."

Only an individual oblivious to what is taking place in our country—the murders and rapes, criminals running rampant, anarchists carrying the flag of the enemy, millions of dollars in property damage, homes destroyed, little children denied prayer—would have the audacity to boast that his role in unleashing the criminal element on our people has any relationship to a better society.

Mr. Speaker, I include a report by Lyle Denniston, from the Evening Star for April 10, 1969, as follows:

WARREN HITS EFFORTS TO CURB COURT'S POWER (By Lyle Denniston)

Chief Justice Earl Warren has rebuked congressmen who tried to take away some of the Supreme Court's powers, telling them: "A free people require a free judiciary."

Warren's comments in a speech here yesterday, marked the second round of criticism he has aimed at Congress in the last month.

A few weeks ago he bluntly accused the lawmakers of depriving the high court and lower courts of the full amount of money they need to do their work.

Yesterday's speech, which was oblique and indirect compared with the earlier one, appeared to be an answer to the effort in Congress last year to deprive the justices of some of their authority to decide criminal law issues.

When Congress attempted to include these curbs in the new anticrime law, the effort was beaten but only by narrow margins.

Warren's response came indirectly as he used the historic figure of Daniel Webster to make his point. The chief justice was speaking at a ceremony marking the anniversary of an 1819 Supreme Court decision in a case in which Webster was the winning lawyer. The case upheld the royal charter of Dartmouth College and laid the basic foundation for much of American Business law.

Warren recalled that Webster, as a member of Congress, had been "stern and unswerving—in his opposition to legislative attempts at retaliation to unpopular Supreme Court decisions. The chief justice praised Webster for his "tireless effort to protect and sustain the independence and the integrity of the federal courts, and their authority to give meaning to the language of the Constitution."

After quoting Webster as saying that the judicial power was "essential and indispensable to the very being of this government," Warren said that those "underlying premises" remain valid today.

The chief justice also returned to his earlier theme that adequate facilities must be provided for the courts so they could handle what he called a "litigation explosion."

He commended lawyers who work without adequate pay in handling unpopular criminal cases and said these lawyers "can rightly insist that there be an allocation of public resources" to attain the "goal of equal justice under law."

Defending the advances the high court itself had made in the field of criminal law, Warren said the result has been to add a "civilized aspect to our society."

AN AMERICAN AFFRONT TO CHILE?

HON. JOEL T. BROYHILL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 15, 1969

Mr. BROYHILL of Virginia. Mr. Speaker, Mr. David John Gladstone, of Falls Church, Va., has called my attention to an article which appeared in the March 28, 1969, edition of the Chilean newspaper, *Politica Economica Cultura*. The article details the plans of the publisher of an anti-American, pro-Communist newspaper to obtain an \$800,000 loan through the AID program in Chile, to improve the facilities of his newspaper, now referred to in Chile as the "official bulletin of criminals."

Mr. Gladstone asked:

Would you please find out why my tax dollars are being used to support Communist newspapers in Chile?

In an effort to comply with his request, I have today written to the Secretary of State to obtain full details on this proposed loan. I urge my colleagues, who, I am sure, would share Mr. Gladstone's and my concern over such misuse of taxpayers' funds, to join me in urging the Department of State and the Agency for International Development, to look into this loan, and, if the facts are as stated in the *Politica Economica Cultura* article, to deny it without delay. The article reads as follows:

AN AMERICAN AFFRONT TO CHILE

The loans allocated to Chile by A.I.D. (Agency for International Development) during this year are close to 30 million dollars obtained from various sources which reach from the purchase by Chile of farm surpluses down to the fluctuations in the price of copper. These funds are intended to be used by manufacturers, farmers and businessmen working in Chile who need some of the almost 300 items classified as soft goods for consumption, or of the almost 70 items included under "capital goods." Item 84.34 corresponding to "Printing Machinery" has just fallen under the rapacious hands of Dario Sainte Marie, proprietor of "Clarín" the paper which has accumulated the greatest number of convictions in the Chilean courts of justice for violation of the laws, and which even makes the toughest of its readers blush with its headlines, obscenities, insults and derision at the human and spiritual values of the country.

Hiding behind the apparent impersonality of international accords Volpone (Dario Sainte Marie's nom de plume) ordered printing machinery from the United States, applying for a credit close to \$800,000. Using as his tool the terror developed by his paper, in the best Chicago racketeer style, he obtained the approval of his application by the Banco del Estado (the Chilean State Savings Bank.) This bank will endorse the bills drawn on and accepted by Volpone so that in turn the Banco Central de Chile will connect the operation with A.I.D.

Three years ago Dario Sainte Marie (Volpone) tried to fool the Export and Import Bank with a similar deal. But the authorities of that international credit establishment, better acquainted than A.I.D. with Volpone's moral stature and the consequences which such a credit would have on the prestige of the Eximbank refused the credit. Unworried Volpone turned then to his Communist pals and obtained in Leipzig the

machinery he wanted. At present the insults and attacks of "Clarín" against the United States, its armed forces and its rulers are printed with equipment imported from Communist Germany. This has increased the love of the Communist Party towards "Volpone" and it is thus that there is a permanent relationship between the "Clarín" of Volpone and "El Siglo" the Communist newspaper in their mentions of Vietnam, Cuba, racial conflicts in the United States, and the turns of internal American politics. What "El Siglo" says with dullness of the comrades, "Clarín" repeats making fun and deprecating the role of the United States in the preservation of world democracy.

Officials of A.I.D. in Chile have blushing disclaimed responsibility for this deal which will strengthen the anti-American repository of insults, explaining that the Agency grants the credit so the Chilean Government which in turn operates it through its own channels. According to these officials all A.I.D. does is to determine each year the total amount of the grants in aid, and to hand over the list of consumer goods or capital goods available to be used under the "A.I.D. Letters of Credit" which are granted at very low rates of interest.

The explanation, nevertheless, does not free the diplomatic agents of the U.S. from blame. Without their approval no credit operation can be materialized. And this is recognized by the very Banco Central de Chile which advises the commercial banks (by Circular letter No. 1052 of 30 Aug. 68) that it reserves the right to withdraw the dollar currency it has furnished "if, for any reason the [importation] cannot be completed."

And it could not be otherwise because if A.I.D. disclaimed all responsibility, passing it on to the officials of a government foreign to that which is granting the credits, it would be possible for "El Siglo" the property of the Communist Party of Chile to use A.I.D. credits to install a modern print shop and to attack with American machinery obtained with credits granted to underdeveloped countries "Yankee imperialism" and "Yankee murderers." And this has been the usual language of Volpone and of "Clarín" towards the United States on every occasion when its people have had to face a problem.

The politics and the national and international goings on of the United States are subjects of lively discussion and worry in Chile. The occupation of Santo Domingo, the conflict in Vietnam, the assassinations of John and Robert Kennedy, the Bay of Pigs, or the meddling of Ambassador Dungan to speed up the Agrarian Reform of Chonchol (head of the Agrarian Reform program until late 1968) have divided the opinion of Chileans into rabid pro and con groups. But it can be certain beforehand that the approval of the A.I.D. loan to Volpone to increase his anti-American and anti-Chilean artillery will be rejected by the majority of leaders and serious members of both the right and left areas, including those in power who are already alarmed by the jump in criminality, of corruption and immorality developed and stimulated by Volpone and "Clarín" deservedly considered the "Official Bulletin of Criminals" in Chile. There is no more refined pornographic or criminal press than that produced by Volpone and his cohorts.

American diplomats in Chile cannot evade public judgment if they do not alert their Government against the indignation which the granting of this credit to "Volpone" will arouse. Nor will they be able to justify themselves before the new president and the new regime which will be governing Chile after 1970. How will American diplomats face the new President of Chile when he shows them the dirt of "Clarín" luxuriously printed in American machinery delivered to Volpone through the unbelievable generosity of the American people?

And if the Senate and the House of Wash-

ington which are so jealous about the use of foreign aid question A.I.D. officials about this loan to Volpone what reasonable explanation will they give? Or do American diplomats in Chile ignore that Volpone's very wife forbids "Clarín" from entering her home fearful that her small daughters will be corrupted by reading the paper their father publishes? Or are there private plans by A.I.D. to impede the development of Chile by promoting crime, immorality, shamelessness, and public corruption?

This would be the only explanation for the inconceivable loan of \$800,000 granted for Volpone to bite even harder the gentle hand which helps him with unbelievable blindness.

Chileans may disagree among themselves on the American policies in Chile: for some the "Copper Agreements" may be ruinous, for others Ambassador Dungan's efforts to harden Agrarian Reform were fatal; but for the immense majority of the country, for all the decent people, the affront to Chile should the A.I.D. loan to Volpone be finalized, will be uneradicable.

WITHHOLDING OF CITY INCOME TAXES FROM THE COMPENSATION OF FEDERAL EMPLOYEES

HON. SEYMOUR HALPERN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 15, 1969

Mr. HALPERN. Mr. Speaker, on March 10 of this year, I introduced H.R. 8526 which authorizes the withholding of income taxes imposed by incorporated cities with a population of 60,000 or more from the compensation received by Federal employees.

Under present law, Federal agencies are already authorized to withhold State income taxes from the pay of Federal employees and to return such collections to the States when State officials have requested such withholding.

My bill would simply enable larger incorporated cities also to enter into agreements with the Secretary of the Treasury which would provide for the withholding of city income taxes owed by Federal employees by the Federal department or agency employing such individuals. Since this measure would apply only to our larger cities, it will not impose too heavy an administrative burden upon those Federal agencies which withhold such taxes.

The Treasury Department in the past has supported similar legislation which would give larger cities the same assistance the States now receive in collecting income taxes owed by Federal employees.

Cities, caught in a financial bind as they attempt to provide the growing requirements of their citizens for additional and improved schools, housing, health and welfare facilities and services, and transportation systems, are finding it increasingly necessary to add income taxes to those which they are already levying to finance these needs.

Further, those cities which do impose an income tax are experiencing some difficulty in collecting the amounts owed by Federal employees. Just last month the Finance Administrator of New York City complained that about 20 percent

of the Federal employees working in the city had escaped paying the city income tax. He indicated that "the root of the problem was that under Federal law the city could not require Washington to withhold local income taxes from the weekly or biweekly earnings of its employees."

Enactment of this measure will enable our cities to more efficiently and promptly collect the income taxes to which they are legally entitled. At the same time it will prove less painful to Federal employees if such amounts are withheld as they earn their income.

For these reasons I urge your support and early approval of this measure.

TIMELY SPEECH BY THE HONORABLE A. E. GIBSON, MARITIME ADMINISTRATOR, U.S. DEPARTMENT OF COMMERCE

HON. WILLIAM M. COLMER

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 15, 1969

Mr. COLMER. Mr. Speaker, on last Friday, April 11, the Ingalls Shipbuilding Corp., an affiliate of the Litton Industries, launched the *Mormacstar* at its yards in Pascagoula, Miss. The *Mormacstar* is the third of the class designation Seabridge for the Moore-McCormack Lines. The *Mormacstar* is the last word in cargo ships.

I had the privilege of being present at the launching of this majestic ship. I also had the privilege of hearing the Honorable A. E. Gibson, the new Maritime Administrator, deliver the principal address on the occasion of this launching. Because of the quality of Mr. Gibson's speech and the further fact that it was his first public appearance in his new capacity as Maritime Administrator, I should like to include the speech in the CONGRESSIONAL RECORD for the benefit of all who are interested in the necessity of maintaining an adequate merchant marine fleet. Mr. Gibson's speech was well received, and I am confident that he is going to discharge the duties of his office in an able and constructive manner. The speech follows:

I am honored to be present and to participate in the ceremonies attendant upon the launching of the *Mormacstar*. Since this is my first public appearance as Maritime Administrator, you might say that we are being launched together.

And if I may stay with that metaphor for a moment, I only hope that I penetrate the bureaucratic fogs, ride out the political storms and carry the workload tonnage with a degree of the ability and grace that I am sure will characterize the career of the *Mormacstar*.

It is a propitious time for all to join together to achieve an American Merchant Marine worthy of a great nation such as ours. I am sure there is no downgrading within this Administration or failure to recognize the importance to the nation of its merchant shipping. If I thought there were, I wouldn't be here today. On the contrary, at the highest level of this Administration—from President Nixon on down—there is full recogni-

tion of the importance of seapower as it relates to the nation's welfare.

The President has himself defined seapower as "the ability of a nation to project into the oceans, in times of peace, its economic strength; in times of emergency, its defense mobility." It is on this concept of seapower that future maritime policy will be based.

Speaking specifically to the merchant marine, the President has said that this Administration shall "adopt a policy that recognizes the role of government in the well-being of an industry so vital to our national defense and stimulate private enterprise to revitalize the industry." To which he has added: "We shall adopt a policy that will enable American-flag ships to carry much more American trade at competitive world prices . . ." setting as our goal "a sharp increase in the transport of U.S. trade aboard American-flag ships."

In commenting on the unsubsidized sectors of our merchant fleet, the President has said that they "must be given attention, so they, too, can replace their deteriorating fleets in the immediate future."

The President has appointed a team which is in full accord with these views. Secretary Stans told the Senate Commerce Committee that it was his avowed purpose and intent to implement the statements of the President for revitalizing the American Merchant Marine. To my personal knowledge, and I am sure that of many present here today, such similar purpose is shared by Undersecretary Rocco Siciliano, and soundly seconded I can assure you by the new Maritime Administrator.

But in addition to the determination of the new Administration, it is a propitious time for achievement for the American Merchant Marine within the Congress. Certainly at no time since the passage of the 1936 Merchant Marine Act has there been the degree of awareness that exists today in both the Senate and House of the vital importance to the Nation of its shipping and shipbuilding capacity.

With such evident awareness to the needs of the American Merchant Marine on the part of both branches of the government, there can be no question that every effort will be made to provide a merchant fleet of which this nation can be proud.

It is an opportunity to be grasped by the entire industry. It is a time for closing ranks in order to revitalize this industry upon which so many rely for a livelihood and a future. It is time to put aside the age-old feuds and divisions that have torn this industry asunder.

In speaking of the need for a revitalized merchant marine, the President has said: "In turn, I would expect initiative and co-operation from both industry and labor. Throughout the maritime industry, a new outlook must be encouraged to replace the current divisiveness and shortsightedness." In similar fashion, Senator Magnuson only a few months ago commented on the same need for eliminating this divisiveness.

There is probably no single union that could not or would not negotiate an equitable contract with the management of this industry at this time. It is only when the inter-union comparisons of benefits are made and inequities, real or fancied, are discovered that negotiations break down and the jungle takes over. There must be some plausible means developed to adjudicate these disputes between unions, or any new Maritime program will be frustrated from the outset.

The time, then, for uniting in a common endeavor in which the Congress, the Administration, together with management and labor can forge a new, a vital, a profitable merchant marine to serve the nation is now.

I have no delusions as to the difficulty of the undertaking—to unite a divided industry, to work out a merchant marine policy ac-

ceptable to many diverse elements, whose interests, at least in the short-term, often seem quite opposite from each other. Of one thing I am sure: we cannot succeed in such an undertaking without the good will and co-operation of everyone concerned.

What we need most at this time is the support of the industry in finding solutions in an atmosphere of peace and reason.

New labor contract negotiations have already begun. The recent expression of intent on the part of the maritime unions to continue negotiations beyond June 15th without a strike, if progress is being made, is most encouraging. Another maritime strike this year is unthinkable.

Together, we can all move forward to implement President Nixon's policy statements on the American Merchant Marine. In the Administration, we are doing so. We are hard at work to come up with implementing programs. We are not "studying" the merchant marine. It has almost been studied to death. We are not questioning its vital role as an instrument of national policy. We are not viewing our merchant ships solely from the defense aspect. On the contrary, we recognize their vast importance to our commerce and the national economy, their service in aiding our balance-of-payments deficit.

Since the Administration clearly recognizes this importance, I am confident that the resulting program will reflect it. However, no program can be truly effective unless it can attract private capital—for it will require large investments to match the shipbuilding subsidies, if a new fleet is to be built. In like manner, much of this fleet is totally dependent on the companies' ability to attract commercial cargoes to produce the necessary revenues to provide continued operation. Just as the private investor has alternate uses for his capital, the exporter or importer has alternate means for transporting his cargo—neither is forced to invest in or use American flag ships. There has to be a reasonable assurance of continued operation if they are to make the commitments so essential for the future of the U.S. merchant fleet, and no better way could be found to do this than the negotiation of a responsible maritime labor contract this year without resort to a work stoppage.

And now to the purpose for which we have gathered today, the launching of a magnificent addition to the American Merchant Marine, the Moore-McCormack ship, S.S. *Mormacstar*.

The building of a new ship is always a reassuring symbol of economic activity, progress, hope for the future. The *Mormacstar* and her sister ship awaiting delivery, the *Mormacstar*, are not just "replacement" ships. They are bigger, better, faster, more productive ships in every way than those whose place they will take in carrying on the commerce of our nation.

The choice of the class designation "Seabridge" for these ships is indeed appropriate. It complements the "land-bridge" concept which is being developed, as increasing availability of container carrying ships makes it possible to send a whole shipload of cargo in unit trains across an intervening continent.

The modern "sea-bridge" is now taking its place as an extension of the land-bridge, to provide totally new concepts in worldwide transportation systems.

And so, to Moore-McCormack Lines goes my sincere congratulations for their initiative, and my appreciation of this very concrete evidence of the company's belief in the future of the American Merchant Marine.

To the Ingalls Shipbuilding Division of Litton Industries, I offer similar congratulations on their building of this magnificent vessel. The capable and efficient management of the shipyard, and the skilled hands of Ingalls workers are evidenced in the *Mormacstar*.

To the gracious sponsor of the *Mormacstar*, allow me to wish your ship well. May the *Mormacstar* have a long, productive, profitable life in the service of our Nation's commerce—and may I wish her "God speed."

BROADENING THE TAX BASE

HON. JOHN P. SAYLOR

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 15, 1969

Mr. SAYLOR. Mr. Speaker, I can think of no better day than this one to bring to the attention of our colleagues a study dealing with the broadening of the Federal income tax base.

"Tax reform" is a subject mightily in the air this day as it has been most of this year. There is renewed hope on the part of the American taxpayer that "this" is finally the year when something will be done to right the wrongs, eliminate the inequities, close the loopholes, and reform the whole tax system. Whether or not all the changes that need to be made can be made this year is a subject of some conjecture. But I do not think there is any doubt in any Member's mind that we must strive extra hard to initiate substantial reforms this year. The taxpayer will accept no less.

The most unfortunate aspect of the present tax system is that it simply does not appear to be systematic. It is a "system" of loopholes, exemptions, dodges, and exclusions. We need to start at the base and work up if there is to be a real reform.

In this regard, I am pleased to bring to the attention of my colleagues a study which I have found to be stimulating to my own studies of potential tax reform. The American Bar Foundation has kindly granted me permission to include this study in my remarks. The paper by Attiat F. and David J. Ott of the Department of Economics of Southern Methodist University is entitled "Simulation of Revenue and Tax Structure Implications of Broadening the Federal Income Tax Base." I have also learned from the foundation that it will soon publish a more comprehensive book on the subject of tax reform. That book, edited by Arthur B. Willis, will be entitled "Studies in Substantive Tax Reform" and should be available in the next few weeks.

I ask that Members examine the paper below with the view to sharpening their own approaches to the tax reform proposals before the Congress. There are many approaches, but whichever one we choose, we must expand the tax base. The study follows:

SIMULATION OF REVENUE AND TAX STRUCTURE IMPLICATIONS OF BROADENING THE FEDERAL INCOME TAX BASE

(By Attiat F. and David J. Ott, Department of Economics, Southern Methodist University)

ACKNOWLEDGMENTS

The authors acknowledge the efforts of J. Scott Turner and Gary A. Robbins in organizing and processing the basic data for the study as well as doing the necessary programming. George Williams and Robert W. Tinney contributed in collecting data and

conceptualizing the imputation techniques for fringe benefits, interest on life insurance, and imputed rent on owner-occupied homes. The assistance of Larry Howard in converting tapes for use on the Southern Methodist University computer and the patience and perseverance of the Southern Methodist University Computer Laboratory staff are also gratefully acknowledged.

Finally, the authors appreciated the continuous support and encouragement of Dean Charles O. Galvin of the School of Law of Southern Methodist University and Project Director Arthur Willis.

We grant the usual absolution from blame for errors to all the persons named above.

I. INTRODUCTION

This paper is a preliminary report on the results of a study on substantive tax reform conducted at Southern Methodist University during 1967-68 under the sponsorship of the American Bar Foundation and the Tax Section of the American Bar Association.

The objectives of substantive tax reform broadly stated are as follows:¹

1. Broaden the tax base
2. Reduce income tax rates
3. Simplify the technical provisions
4. Eliminate inequity in tax treatment of individuals with similar income
5. Remove taxation as a major factor in business, investment, and family estate planning

We limit our discussion here to the simulation of a substantial broadening of the Federal income tax base, applying existing (1965) tax rates to the new tax bases, and calculating the implied proportional tax rate and progressive structure needed, with the new bases, to raise 1964 individual and corporate income tax revenue.² The sample of tax returns used is the 1964 Brookings Tax File, and the data for making the income imputations were obtained from a number of different sources, but heavy use was made of the 1963 Federal Reserve Board Study of the Financial Characteristics of Consumers.

Two alternative broadened tax bases were used; the first, which we call *BTB₁*, essentially follows the plan set out in the project proposal, and the second, *BTB₂*, is an extension of the originally proposed base to incorporate a substantial portion of unrealized capital gains and imputed rent on owner-occupied homes.

Section II summarizes the major findings of the study. Sections III and IV discuss *BTB₁* and *BTB₂*, respectively, in somewhat more detail—the effects on the tax base and revenues are considered by Adjusted Gross Income (AGI) classes, and the significance for the base and tax revenues of each component of the *BTB*'s is also considered.

It should be emphasized that the changes in the tax laws explored in this study do not, by their inclusion or by the exclusion of other possible changes, imply any advocacy on the part of the investigators. Other possible changes should also be investigated before any major revision of the law is undertaken.

II. SUMMARY OF MAJOR FINDINGS

The major findings of the study are summarized in Table 1. Broadening the base under *BTB₁* would add \$252 billion to the tax base; under *BTB₂*, some \$271 billion would be added.³ In both instances the bulk of the gain in the tax base comes from the elimination of all personal exemptions and deductions (\$179.5 billion). However, considerable amounts are added to the base by the income imputations, particularly in the cases of partnership treatment of corporate profits (in *BTB₂*), the dividends plus total capital gains on corporate stock treatment of corporate income (in *BTB₂*), treating capital gains as ordinary income, and fringe bene-

fits. Not surprisingly, the other imputations (excluding imputed rent) together account for only a small portion of the change in the base (\$9.4 billion).⁴

While the treatment of personal exemptions and deductions and corporate income would be a large portion of any major base broadening, it must be remembered that only selected income items have been added to the base in this study. If we were to be truly comprehensive, for example, by integrating gift and estate taxation with the personal tax, the relative importance of these three items would diminish (though it would still be a large part of the base broadening).

Table 1 shows the dramatic effect that taxation of the much larger bases would have had on 1964 revenues:⁵ the low 14.4-13.9 percent flat tax rate on all income needed to raise the same revenues as was obtained in 1964, and the effect on average tax rates in a progressive rate schedule yielding actual 1964 revenue.⁶

TABLE 1.—SUMMARY OF EFFECTS OF BASE BROADENING ON THE TAX BASE, TAX REVENUES, AND TAX RATES UNDER ALTERNATIVE BTB CONCEPTS

Item	BTB ₁	BTB ₂
	Billions of dollars	
1. Old tax base.....	230.4	230.4
2. New tax base.....	481.6	501.3
3. Change in tax base.....	251.2	270.9
(a) State and local bonds interest.....	1.1	1.1
(b) Interest on life insurance.....	1.7	1.7
(c) Employer's contributions to and interest on profit sharing and pension plans.....	7.0	7.0
(d)(1) Partnership treatment of corporate profits.....	44.1	-----
(d)(2) Dividends plus capital gains (realized and unrealized) on corporate stock.....	-----	58.6
(e) Deductions and exemptions.....	179.5	179.5
(f) Realized capital gains as ordinary income.....	11.2	-----
(g) OAI.....	3.6	3.6
(h) SI.....	.2	.2
(i) Imputed rent.....	-----	28.7
(j) Unemployment compensation.....	2.2	2.2
(k) Sick pay.....	.6	.6
4. 1964 tax revenues ²	69.7	69.7
5. Tax revenue from BTB at 1965 tax rates.....	113.3	126.4
	Percent	
6. Flat tax rate needed to raise 1965 actual revenue.....	14.4	13.9
7. Progressive rate schedule (0 to 40 percent) required to raise 1965 revenue, selected levels of taxable income (average tax rate): ³		
(a) \$1,000.....	.02	.02
(b) \$3,000.....	.06	.04
(c) \$5,000.....	.10	.08
(d) \$10,000.....	.20	.17
(e) \$50,000.....	.35	.35
(f) \$100,000.....	.38	.38

Note: Details may not add to totals because of rounding.

¹ The change in the tax base for imputations is \$283,200,000,000. But the addition to the base is only \$270,900,000,000 since \$12,800,000,000 were excluded from old base in making the (i) imputation.

² Includes personal and corporate income tax revenues. Corporate income tax revenue is on a cash basis, from Joseph A. Pechman, Federal Tax Policy (Washington, D.C.: Brookings Institution, 1966), p. 276.

³ For *BTB₁*, the revenue raised would actually be \$71,900,000,000; the schedule for *BTB₂* would raise \$71,100,000,000. The computer program used to calculate these schedules yielded these totals as the closest approximation to the \$69,700,000,000 of revenue needed. A description of the tax function used is appended to Studies in Substantive Tax Reform (see text note 1 supra).

III. A CLOSER LOOK AT BTB₁

We now consider *BTB₁* in more detail. Each addition to the base will be presented separately to show, by AGI class:⁷ (1) the amount imputed; (2) the change in tax revenue (1965 rates) from making the imputation alone; and (3) the change in tax revenues (1965 rates) from "dropping" the imputation alone from *BTB₁*. Steps (2) and (3) bracket the "first-order" (assuming no changes in before-tax incomes) revenue ef-

Footnotes at end of article.

fects of each imputation. Table 2 shows the effect of the imputation of each item in *BTB₁* on tax revenues.

Interest on State and local bonds

As Table 2 shows, \$1,116 million of state and local bond interest was imputed. As expected, most of the addition to the tax base falls in the upper AGI classes; \$671 million,

or 60 percent, of the \$1,116 million is estimated to have been received by tax units with \$50,000 or more of AGI. ΔR_1 is the "add-on" revenue; ΔR_2 denotes the "back-off" revenue change. The marginal tax rate (the change in tax revenue from the "add-on" (ΔR_1) divided by the amount imputed is 54 percent. This is slightly lower than most previous estimates.⁸

TABLE 2.—SUMMARY OF REVENUE EFFECTS OF IMPUTING ITEMS TO TAX BASE—*BTB₁*

[Amounts in millions of dollars]

Item	AGI class					Total
	\$0 to \$3,000	\$3,000 to \$10,000	\$10,000 to \$25,000	\$25,000 to \$100,000	\$100,000 and over	
State-local bond interest:						
Amount imputed.....	0	127	161	458	369	1,116
ΔR_1	0	25	45	221	237	527
ΔR_2	0	31	55	262	256	606
Interest on saving element in life insurance:						
Amount imputed.....	127	773	505	255	28	1,687
ΔR_1	19	138	113	105	18	393
ΔR_2	23	163	140	131	19	476
Employer's contributions and interest on profit-sharing and pension plans:						
Amount imputed.....	209	2,095	3,536	711	93	6,984
ΔR_1	32	388	844	308	58	1,692
ΔR_2	41	455	1,040	375	64	2,044
OASI benefits received by filing units:						
Amount imputed.....	2,497	1,024	217	57	5	3,802
ΔR_1	362	186	57	26	3	635
ΔR_2	460	255	89	33	3	840
Unemployment compensation:						
Amount imputed.....	720	1,399	117	3	0	2,240
ΔR_1	112	250	25	1	0	388
ΔR_2	128	289	30	2	0	450
Partnership treatment of corporate income:						
Amount imputed.....	2,315	8,220	11,271	14,002	8,326	44,134
ΔR_1	416	2,080	4,114	7,896	5,760	20,265
ΔR_2	497	2,429	4,682	8,404	5,817	21,830
Exemptions, deductions, and sick pay:						
Amount imputed.....	32,154	103,306	36,171	6,837	1,585	180,053
ΔR_1	4,818	18,495	8,179	2,880	1,052	35,433
ΔR_2	5,321	20,259	9,425	3,464	1,102	39,579
Treatment of realized capital gains at ordinary income:						
Amount imputed.....	545	1,596	1,889	2,863	4,292	11,184
ΔR_1	100	319	552	1,241	2,033	4,213
ΔR_2	122	420	725	1,458	2,039	4,765

Interest on savings element of life insurance

The result of imputing interest on the savings component of life insurance is also shown in Table 2. This form of income is apparently heavily concentrated in the \$5,000-\$15,000 AGI class; our estimate shows some 66 percent of the \$1,687 million is received by tax units in this range. The tax yield varies from a low of \$393 million to a high of \$476 million—again there is a substantial difference in the revenue gain depending on where the income is "put on."

Employer's contributions to private pension plans and interest on pension plans

Table 2 shows the effect of imputing to the tax file a substantial portion of "fringe benefits"—employer contributions to private pension plans—and the interest on the vested interest of employees in such plans.⁹

This income is concentrated in middle-income classes; 74 percent (\$5,199 million) fell in the \$5,000-\$20,000 AGI classes. Again, the high and low revenue gain estimates differed considerably, from \$1,692 million to \$2,044 million.

Social security—old age and survivors benefits

Separate imputations were made for benefits accruing to the aged and to survivors under OASI. It is estimated that \$3,604 million of OASI benefits received by aged units was received by the aged units filing in 1964—the rest was received by non-filing aged units.

As one would expect, a very large proportion of this income was received by units in the lower-income classes. Those with AGI's of less than \$5,000 received \$2,787 million of the total, over three-fourths of the total received by filing units. As a result, the tax yield, taking either the high or low esti-

mate, is not as large relative to the added income as with the previous items; the average marginal tax rate is about 17-22 percent.

Imputing survivors' benefits to filing survivors' beneficiaries has contributed very little to the base and revenues. Only \$198 million of income was imputed and \$30 million to \$38 million of revenue gained. Our calculations indicated only about 107,000 of the 470,000 families receiving survivors' benefits in 1964 would be represented in the tax file, and thus about \$800 million of survivors' benefits accrued to non-filing units.

Unemployment compensation

The imputation of unemployment compensation benefits shown in Table 2 was \$2,240 million concentrated in the AGI classes below \$10,000 (95 percent). The revenue gain at 1965 rates ranged from \$388 million to \$450 million.

Partnership treatment of corporate profits

The partnership treatment of corporate profits was approximated under the assumption that every dividend recipient received a constant proportion of total corporate profits in proportion to his holdings. That is, a dollar in dividends received represents a constant multiple of dollars in profits before taxes at the corporate level.¹⁰ This was assumed to be true regardless of AGI class. This constant multiple was assumed to be equal to the ratio of gross corporate profits to dividends (net of intercorporate dividends), which was approximately 4.0¹¹ in 1964. Due to underreporting of dividends in 1964 this number was blown up to 4.5. Thus the imputation was made by adding the dividend exclusion and 3.5 times dividends to taxable income. Because of underreporting in the tax file some bias may exist. Another bias may exist because profits/dividend ratios are likely to vary for dividend recipients directly

with AGI class. Thus the revenue change from taxing profits to stockholders shown here is probably an underestimate.

Table 2 shows total profits imputed to stockholders above the amount paid out in dividends as \$44,134¹² concentrated largely in the AGI classes \$25,000 and above. This addition to the base results in substantial revenue gains measured either "from the bottom" (\$20,265 million) or "from the top" (\$21,830 million). The average marginal rate is clearly high, that is, from 46 to 49 percent.

Exemptions, deductions and sick pay, and realized capital gains

Three elements in the base broadening did not involve any income imputations but consisted of eliminating certain "preferences" in treatment of income, namely, personal exemptions and deductions, the sick pay exclusions, and realized capital gains. The effects these changes have on closing the gap between AGI and taxable income are summarized in Table 2.

Treating realized capital gains as ordinary income adds \$11,184 million to the tax base, 68 percent of which falls in the AGI classes \$25,000 and above. This change would yield \$4,213 million to \$4,765 million in additional revenue.

Elimination of all personal exemptions would add \$112,594 million to the tax base, concentrated in the \$10,000-\$15,000 AGI classes (84 percent falls in this range). The revenue gain at 1965 rates would, of course, be substantial, ranging from \$20,788 million to \$22,712 million.

Elimination of personal deductions also adds substantially to the tax base—\$66,897 million. Over half of this is concentrated in the \$5,000-\$15,000 AGI classes (57 percent), and the revenue gain would be \$14,542 million to \$16,741 million. The sick pay exclusion adds only \$562 million to the base and some \$120 million to \$143 million of revenue.

IV. A COMPARISON OF THE RESULTS OF *BTB₁* AND *BTB₂*

Since the second version of the broad tax base (*BTB₂*) differs from *BTB₁* only with regard to two items—imputed rent and the treatment of corporate income—we need only discuss here the impact the addition of these two items has on the tax base and tax revenue changes discussed in the previous section. We shall therefore discuss, in turn, the results of (1) adding imputed rent on owner-occupied dwellings; (2) substitution of the taxation of dividends plus total (realized and unrealized) capital gains on corporate stock for the partnership treatment of corporate income; and (3) the differences in the distribution of the tax base by AGI classes in *BTB₁* and *BTB₂*.

Imputed rent on owner-occupied homes

Adding net rent on owner-occupied homes to *BTB₁* increased the base \$28,739 million, which was concentrated in the \$3,000-\$20,000 AGI classes. The addition to tax revenues is estimated as between \$4,076 million and \$6,062 million.¹³

Taxing corporate income by taxing dividends paid and total capital gains on corporate stock at ordinary rates

One alternative to taxing corporations as partnerships was suggested by Bittker,¹⁴ namely, taxing the dividends paid plus total capital gains (or losses) which accrue to stockholders. We have attempted here to make a rough estimate of the effects of such a procedure.

In order to avoid violating our assumptions about not allowing for "second-order" effects, dividends (including the amounts excluded) are "grossed up" by 92.3 percent, on the assumption that corporate taxes previously paid on dividends are now passed on to stockholders. In short, we assume the ratio of retained earnings to profits is unchanged by the new treatment.

The results are shown in Table 3. Whereas the partnership method added \$44,134 million to the base, this treatment adds considerably more, \$58,643 million. The result

is large revenue gains of \$34,418 million to \$35,649 million, an increase of \$14,153 million to \$13,819 million on the partnership approach.

TABLE 3.—SUMMARY OF REVENUE EFFECTS OF ITEMS ADDED TO TAX BASE—BTB₂

Item	AGI class					Total
	\$0 to \$3,000	\$3,000 to \$10,000	\$10,000 to \$25,000	\$25,000 to \$100,000	\$100,000 and over	
Imputed rent on owner-occupied home:						
Amount imputed.....	2,667	14,711	9,133	2,011	214	28,739
ΔR ₁	391	2,639	2,047	810	136	6,024
ΔR ₂	413	1,739	1,238	595	90	4,076
Taxation of dividends plus gains from changes in value of corporate stock:						
Amount imputed.....	454	1,772	5,310	16,723	35,223	58,643
ΔR ₁	112	483	1,342	8,914	23,539	34,418
ΔR ₂	98	496	1,584	9,790	23,669	35,649

Distribution of BTB₁ and BTB₂ by AGI classes

Although BTB₂ is some \$20 billion larger than BTB₁, it is not larger in every AGI class—BTB₁ is greater in the \$1,500–\$5,000 AGI classes and the \$11,000–\$50,000 AGI classes. BTB₂ is larger for all other AGI classes and particularly so for the \$50,000–\$500,000 classes and the “over \$1,000,000” class.

This reflects the fact that BTB₂ does not differ from BTB₁ simply by the addition of income items. If this were the case, then BTB₂ would be larger than BTB₁ (or at least no smaller) for every AGI class. BTB₂ reflects the addition to BTB₁ of imputed rent and a change in the treatment of corporate income. The latter change causes the tax base to rise in some AGI classes and fall in others. Total capital gains in BTB₂, which account for a large portion of corporate income in this base, were distributed by AGI class on the basis of the Federal Reserve Sample Survey of corporate stock ownership. On the other hand, the distribution of corporate income by AGI class under the partnership treatment in BTB₁ was based on the distribution of dividends by AGI class (via the “gross-up” technique used). It is not surprising that more of corporate income goes to the higher AGI brackets under BTB₁, since persons in higher brackets are likely to prefer capital gains over dividend income and thus hold stocks with low dividend/price ratios. Thus in the highest brackets, BTB₂ considerably exceeds BTB₁.

The reason for the excess of BTB₂ over BTB₁ in the \$1,500–\$5,000 and \$11,000–\$50,000 AGI classes is a reflection also of the switch in the treatment of corporate income. In imputing total capital gains of corporate stock in BTB₂, realized capital gains were deleted. In these classes the amount imputed was less than the amount deleted, in part because realized capital gains on all assets (rather than just corporate stock) were deleted.

It is probable that, had an attempt been made to distribute corporate profits by ownership of shares rather than dividends in BTB₁, the difference in the distribution of the two tax bases by AGI classes would not have been very significant.

TABLE 4.—DISTRIBUTION OF BTB₁ AND BTB₂ BY AGI CLASSES

AGI class	BTB ₁	BTB ₂	Difference: BTB ₂ less BTB ₁
0 to \$600.....	6,083.4	6,120.5	37.1
\$600 to \$1,000.....	4,408.2	4,497.2	89.0
\$1,000 to \$1,500.....	7,920.9	8,039.1	118.0
\$1,500 to \$2,000.....	8,265.2	8,120.5	-144.7
\$2,000 to \$2,500.....	9,088.8	8,913.3	-175.5
\$2,500 to \$3,000.....	10,184.7	10,164.3	-20.4
\$3,000 to \$3,500.....	11,291.7	11,063.7	-228.0
\$3,500 to \$4,000.....	13,146.6	12,866.2	-280.4
\$4,000 to \$4,500.....	14,237.2	13,949.9	-287.3
\$4,500 to \$5,000.....	14,638.6	14,339.9	-298.7
\$5,000 to \$6,000.....	34,523.0	34,812.2	289.2

TABLE 4.—DISTRIBUTION OF BTB₁ AND BTB₂ BY AGI CLASSES—Continued

AGI class	BTB ₁	BTB ₂	Difference: BTB ₂ less BTB ₁
\$6,000 to \$7,000.....	36,707.4	37,036.2	328.8
\$7,000 to \$8,000.....	38,982.2	39,438.2	456.0
\$8,000 to \$9,000.....	35,252.4	35,387.4	134.9
\$9,000 to \$10,000.....	31,426.6	31,459.4	32.8
\$10,000 to \$11,000.....	25,701.2	25,934.9	233.7
\$11,000 to \$12,000.....	20,634.0	20,560.6	-73.3
\$12,000 to \$13,000.....	17,191.1	16,787.2	-403.9
\$13,000 to \$14,000.....	13,282.0	12,947.3	-334.7
\$14,000 to \$15,000.....	10,407.6	9,921.6	-486.1
\$15,000 to \$20,000.....	30,850.7	29,257.2	-1,593.5
\$20,000 to \$25,000.....	14,996.9	13,558.4	-1,438.5
\$25,000 to \$50,000.....	33,296.7	29,628.9	-3,667.8
\$50,000 to \$100,000.....	18,574.2	23,283.0	4,708.8
\$100,000 to \$150,000.....	5,938.8	12,948.4	7,009.6
\$150,000 to \$200,000.....	2,952.6	7,379.6	4,427.0
\$200,000 to \$500,000.....	5,923.1	14,632.0	8,708.9
\$500,000 to \$1,000,000.....	2,277.5	2,345.8	68.3
\$1,000,000 and over.....	3,411.3	5,928.6	2,517.3
Total.....	481,593.9	501,320.7	19,726.8

FOOTNOTES

¹ Arthur B. Willis, “Comments and Observations by the Project Director,” in *Studies in Substantive Tax Reform*, ed. Arthur B. Willis (Chicago: American Bar Foundation; Dallas, Texas: Southern Methodist University [forthcoming]).

² The complete results of the project as well as the detailed methodology used will be presented in early 1969 in *Studies in Substantive Tax Reform* (ibid.). The book will contain, besides an expanded version of this paper, comments and a history of the project by Arthur B. Willis and Charles O. Galvin. Other papers included discuss the legal aspects of tax-base broadening (by Robert A. Bernstein) and special economic studies (by Gary A. Robbins, J. Scott Turner, and Robert W. Tinney).

³ The major differences in BTB₁ and BTB₂ are indicated in Table 1. BTB₁ excludes imputed rent and taxes corporate profits as partnership income, while BTB₂ includes imputed rent and taxes corporate income by taxing dividends (grossed up to “pass through” the corporate tax, which is eliminated) and all capital gains (realized and unrealized) on corporate stock at ordinary rates.

⁴ Recall, however, that no account here is taken of the non-filers. This would increase the increase in the base from adding OASI and unemployment insurance and also add virtually all of public assistance (most of the recipients being non-filers) to the base.

⁵ Corporate plus personal income taxes. The increase in personal taxes is after deduction of the lost revenue from discontinuance of the corporate tax implied by both BTB's.

⁶ The progressive rate schedule used is explained in *Studies in Substantive Tax Reform* (see note 1 supra). Essentially it is a formula meeting the following constraints:

(1) the tax begins with the first unit of income; (2) the rate of increase in the average tax is constant; and (3) the maximum marginal tax rate is 40 percent.

⁷ To save space, the summary tables for this and the following section use 5 AGI classes; a more detailed breakdown by 13 and 29 AGI classes will be given in *Studies in Substantive Tax Reform* (see note 1 supra).

⁸ Benjamin A. Okner, *Income Distribution and the Federal Income Tax* (Ann Arbor: Institute of Public Administration, University of Michigan, 1966), p. 86, estimated a 59 percent average marginal rate; Ott and Meltzer and Robinson came up with similar estimates. See D. Ott and A. Meltzer, *Federal Tax Treatment of State and Local Securities* (Washington, D.C.: Brookings Institution, 1963), p. 60; and R. I. Robinson, *Postwar Market for State and Local Government Securities* (Princeton, N.J.: National Bureau of Economic Research, 1960), pp. 191–92.

⁹ Total “fringe benefits” in 1964 were estimated at \$16.6 billion by the U.S. Department of Commerce, *Survey of Current Business* (July 1967), p. 16. The amounts excluded here (because data were not available on the employer's share of contributions or on the distribution of this amount by AGI class) are largely contributions to health and accident insurance, life insurance, and fringe benefits of government (federal and state-local) employees.

¹⁰ Alternative treatments of dividends and corporate profits are discussed by Gary A. Robbins in “Alternative Tax Treatments of Corporate Income and Capital Gains,” *Studies in Substantive Tax Reform* (see note 1 supra).

¹¹ *Economic Report of the President* (February 1968), p. 290.

¹² Dividends received in 1964 were \$12,477 million (from *Statistics of Income* [1964], p. 33). Thus the amount of total corporate profits implied by this computation is about \$56.6 billion. This is less than actual total corporate profits in 1964 of \$66.8 billion (*Economic Report of the President* [February 1968], p. 290) because of under-reporting and intercorporate and foreign dividends.

¹³ A detailed explanation of the methodology will be presented in *Studies in Substantive Tax Reform* (see note 1 supra). Note that in this one case the “back-off” revenue gain is less than the “add-to” gain. This is because net rent was imputed, and where returns had mortgage interest or real estate tax deductions, this had to be added to the imputation to avoid double counting. When imputed rent was deleted from BTB₁, only the net rent was deleted, not the double-counted deductions. See Robert W. Tinney, “Taxing Imputed Rents on Owner-occupied Housing,” *Studies in Substantive Tax Reform* (see note 1 supra) for further details and alternative estimates.

¹⁴ B. Bittker, “A ‘Comprehensive Tax Base’ as a Goal of Income Tax Reform,” *Harvard Law Review*, Vol. 80 (March 1967), p. 978. See also his further discussion of the ideal of “Comprehensive Income Taxation: A Response,” *ibid.*, Vol. 81 (March 1968), p. 25 n., pp. 1041–42.

AMERICAN DEFENDERS OF BATAAN AND CORREGIDOR TO HOLD NATIONAL CONVENTION

HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 15, 1969

Mr. FASCELL. Mr. Speaker, during April 30 to May 4, the American Defenders of Bataan and Corregidor, Inc.,

will convene in Miami Beach, Fla. This unique organization is composed of surviving members of the defense of these Pacific islands and the infamous Death March during World War II.

When this organization was formed, members recognized that it would be unusual among veterans organizations in that its ranks would never increase—only diminish. Yet it was necessary that they band together, for they had an experience in life that this country must never forget. We are grateful for this reminder of a part of the history of our country that required American fighting men to summon up amazing courage and endurance.

For the survivors, their very existence serves as testimony to bravery and devotion to their country's ideals far beyond the capacity of most people to even imagine. I congratulate all of the members of this outstanding organization for what they have accomplished.

One survivor of the Bataan Death March is Louis Cusano, who as a private first class survived 40 months in Japanese prison camps. On his return, he told a grisly story of the inhuman torture and slaughter of American military men during this terrible period. Now, Mr. Cusano is a resident of Miami, Fla., and is still serving his country as an employee of the U.S. Post Office.

I take this opportunity to offer congratulations to Mr. Cusano and other members of the American Defenders of Bataan and Corregidor. May they continue to gather for these meetings for many, many years. They deserve the high honor and tribute of a grateful nation.

A. PHILIP RANDOLPH CELEBRATES HIS 80TH BIRTHDAY TODAY

HON. HUGH L. CAREY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 15, 1969

Mr. CAREY. Mr. Speaker, on the occasion of the 80th birthday of the noted A. Philip Randolph it is my privilege to offer this distinguished gentleman my best wishes for a future which yet promises further service in a life devoted to the advancement of the Negro people and to the cause of justice for all men.

Mr. Randolph retired last year as president of the Brotherhood of Sleeping Car Porters of which he was the chief founder in 1925. From that time until the present Mr. Randolph has devoted himself unsparingly toward uniting all segments of the working class. He maintained:

My philosophy was the result of our concept of effective liberation of the Negro through the liberation of the working people. We never separated the liberation of the white working man from the liberation of the black working man—rather, we believe the unity of these forces would bring about the power to really achieve basic social change.

And, indeed, A. Philip Randolph has been instrumental in the evolution of positive social change. He organized the march on Washington movement which

led President Roosevelt to initiate the commission on fair employment practices in 1941 which became the predecessor of State and Federal antidiscrimination laws. He also served as a member of Mayor LaGuardia's commission on race in 1935 and later as honorary Chairman of the White House Conference on Civil Rights. Last year he retired as the AFL-CIO's only Negro vice president.

It is therefore an honor for me to join so many other Americans in paying tribute to a man who has done so much toward realizing the goal of equal opportunity for all Americans.

THE VULNERABLE RUSSIANS

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 15, 1969

Mr. DERWINSKI. Mr. Speaker, in reference to our relations with the Soviet Union, the present period has been defined as "an era of negotiation rather than confrontation." Whether this definition is accurate and valid or ill-founded and misleading is a subject for much debate. Psychopolitically, we are being confronted by the Russians on every front, even within our own domestic environment. Nonetheless, if we believe this is an era of negotiation, then obviously, even in this case, we should approach it with knowledgeability, background, and insight.

The book, "The Vulnerable Russians," furnishes these necessary requisites for negotiating with the Russians. The numerous favorable reviews given this work point this out in a variety of ways. For example, as the review below shows:

This is a much-needed book that should serve to startle Americans out of their cold war complacency.

Authored by Dr. Lev E. Dobriansky of Georgetown University, the book enables us to understand why diplomacy and negotiations are themselves mere instruments utilized by the highly vulnerable Russians to advance their cold war objectives. Copies can be obtained at the Georgetown University Bookstore, White Gravenor Building, Georgetown University, Washington, D.C. The following review, written by Geraldine Finch in the October issue of Free China Review, explains in part the significance of the work:

THE VULNERABLE RUSSIANS

(By Lev E. Dobriansky, reviewed by Geraldine Finch)

In the dedication of his book, the author bares its essence: "To all freedom fighters, particularly the unsung heroes of the Ukrainian Insurgent Army which in World War II . . . fought both the Nazis and the Russian imperio-colonialists. Their supreme sacrifice . . . renders historically inseparable the far-flung events of our American Revolution, Ukraine's independence and the freedom of every non-Russian nation, as well as the Russian people, now held captive in the Red Empire . . ."

In the light of Russia's steady determination to reach world domination through the exploitation of captive nations, the often in-

consistent, unplanned and wavering policies of the United States have resulted in Russian diplomatic victories and encroachments in the Middle East and North Vietnam. The United States has done well twice: (1) in getting the missiles out of Cuba and (2) in the annual Captive Nations' Week proclamation. Unfortunately the U.S. president's proclamation remains only that instead of a program of action. Khrushchev's bitter railing against the resolution during Richard Nixon's visit in 1959, and the harsh comments in the Russian press and in broadcasts indicates that a new nerve was struck.

Professor Dobriansky exposes the Bolshevik revolution as the incubator of Soviet Russian imperio-colonialism, the fraud of Lenin's promise of "land, bread and peace" and the sham of such Moscow slogans as "peaceful coexistence". Communism, he explains, is used as a technique by the Russian leaders. They are guilty of the same imperialism and colonialism, the empire-building that was started by Ivan the Terrible and characterized Russia after the 16th century.

Methods have included divide and conquer, networks of conspiracy, genocide, Russification, two steps forward and one back, broken treaties, messiahship, ideological smoke-screens, political partition, the police state, distortions of history, anti-Semitic pogroms and Potemkin Village tactics. Russia's policy is one of internal totalitarian rule and external imperialism and colonialism.

There always have been Russian freedom fighters and resistance movements—Poland's Pulaski, the Ukraine's Shevchenko, White Ruthenian and Byelorussians, North Caucasians and the Muslims of the U.S.S.R. and of Central Asia. The author stresses the need to study the history of Tsarist empire-building in order to understand Soviet Russia. He reveals their tactics in promising self-determination and the right to secede from the U.S.S.R. while really dominating and exploiting. In 1920, eight countries came under Communist domination; from 1922 to 1946 eight more lost their freedom; since then eleven more have become part of the Communist bloc.

The author tells how Russia's propaganda deceives Americans, who are largely unaware of how other countries have been subverted and brought under Communist domination. Appeasement-minded groups and individuals in the United States do Moscow's propaganda work at no cost to Russia. Americans fall for campaigns supporting "peace" and "coexistence," for nuclear test bans and for more trade. All will be discarded like so many treaties whenever it suits the Party leaders.

Dobriansky makes these main points: (1) Whether Americans like it or not, they are involved in a continuing cold war, (2) the final outcome must be either victory or defeat and (3) political defeat of the enemy is possible and necessary to preclude nuclear holocaust. Some Americans talk of the cold war "moderating," of a "detente" between Moscow and Washington, of "building bridges" to Russia, of the influence of more trade and of moral and political compromises. Meanwhile, Moscow goes right on supporting the U.S. enemy in Vietnam, develops space missiles and carries out subversion in the Middle East and Latin America.

Hitler blundered in World War II by not realizing what the readiness of the Ukrainians and Byelorussians (and other people of captive nations) to help Germany against Russia could have meant. Instead, he attempted to foist his system on them and they therefore fought Germans as well as Russians. U.S. blunders have included appeasement at Yalta, failure to aid the Hungarians in 1956 and the desertion of Chiang Kai-shek when Russia was giving vast stores of Japanese arms to the Chinese Communists.

Dobriansky says that Russia's economic status and rank as the world's second industrial power are largely due to colonial ex-

plotation of the non-Russian nations of the U.S.S.R. The Ukraine has a population of 45 million and huge resources, especially of coal and pig iron. Georgia has manganese and Azerbaijan has oil.

The book is not without flaw. The author uses too many obscure or self-coined words. Examples include "actionism," "concretist," "entitative" (for entity), "hardwarists," "pendulomic," "potemkinize," "nomer," "venomia" and "guestimations." However, this is a much-needed book that should serve to startle Americans out of their cold war complacency. One may hope for issuance as a paperback together with tighter editing.

STILL RESISTING MOSCOW'S WAY

HON. WILLIAM L. SPRINGER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 15, 1969

Mr. SPRINGER. Mr. Speaker, under the leave to extend my remarks in the RECORD, I attach herewith an article by Tad Szulc, who is a New York Times correspondent who has just completed a visit to Rumania. This article is very revealing. It indicates that Rumania is trying to maintain herself in diplomatic relations with all nations. This has given the country some flexibility in trade negotiations and other aspects of foreign economic policy. Independence such as Rumania has shown will do more to keep us out of World War III than any other thing possible. Ability to retain one's independence and thinking about world matters in the end results in the best thing being done for the individual country concerned—and it would appear that Rumania has that in mind.

This article from the New York Times of Sunday, April 13, is herewith attached, and I believe my colleagues will be interested in reading it today:

STILL RESISTING MOSCOW'S WAY

The expression "unity and cohesion" as applied to the Communist movement had different meanings to Rumanian Foreign Minister Corneliu Manescu and to the top Soviet leaders when they conferred in the Kremlin last week.

To the Rumanians, unity and cohesion meant full cooperation on the clear understanding that there is no interference of any type by a Communist country in the affairs of another Communist state.

To the Soviet Union the phrase represented a complete acceptance of the leading role of Moscow within what the Soviets have taken to calling the "socialist commonwealth." This theory since last autumn has also been known as the "Brezhnev Doctrine," because the Soviet Communist party's General Secretary, Leonid I. Brezhnev, invoked it to justify the invasion of Czechoslovakia.

In a lengthy article last week marking Mr. Manescu's visit, Pravda, newspaper of the Russian Communist party, explained the doctrine. "Marxist-Leninists," said Pravda, "believe that whenever there is a threat to the revolutionary gains of the people in any country, and hence a threat to its sovereignty as a socialist country and a threat to the fraternal community, it is the internationalist duty of socialist states to do everything in their power to remove that threat and insure the progress of socialism and strengthen the sovereignty of all socialist countries."

This fundamental difference of opinion is at the root of the ideological schism between Moscow and Bucharest. In the opinion of

many experts on Communism, this schism, gradually widening in the last seven or eight years, may in the long run be more embarrassing and even dangerous to the Kremlin than the Czechoslovak acts of defiance in 1968 and again this spring.

On many aspects of foreign, military and economic policy, Rumania has rejected Soviet guidance. She has successfully opposed Soviet plans for Warsaw Pact forces' maneuvers on her soil, even going so far as to protest against all war games by everybody, everywhere. This month, in a small concession, she sent staff officers to a brief exercise involving Soviet and Bulgarian units in Bulgaria.

Rumania has been as reluctant to follow the Soviet inspiration in the Comecom (Council for Mutual Economic Assistance) as she has been in the field of the Warsaw Pact, although she continues to belong to both Communist organizations as a reluctant partner.

At the Warsaw Pact "summit" in Budapest last month, the Rumanians virtually torpedoed Soviet plans for a unified stand against Communist China. Their argument was that there must be no taking of sides in the Communist disputes. At the Moscow conference this month, the Rumania Minister of Justice refused to sign resolutions against the United States' presence in Vietnam and against West Germany because, he said, he had no authority to do so.

The Rumanians not only deny Moscow the right to tell them what to do, they insist on maintaining relations ranging from warm in the case of Yugoslavia to cordial or reasonably correct in the case of China, Albania and Cuba—all countries considered hostile by the Soviets.

In the black-and-white terms of what Moscow regards as proper Communist allegiance to its authority, the Rumanians, therefore, have been acting as stubborn and confirmed heretics.

The question thus arises what, if anything, the Kremlin leaders proposed to do about the Rumanian recalcitrants.

A military invasion of the Czechoslovak type might still appear as a solution to the "hard-liners" propounding the Brezhnev theory of "limited sovereignty." But the long months of political upset in Czechoslovakia after the invasion, and the violently adverse reactions from much of the world Communist movement to the August intervention, may well have forced a rethinking of the Soviet options in Rumania.

Among the factors Moscow must consider in Rumania is that, in the first place, the Rumanians may well fight back. Carnage in a fellow Communist state may not be precisely what the Soviets need as they strive to rebuild the international movement, push for a European security conference, and seek serious negotiations with the United States.

The Rumanian Communist party—and the rest of the nation—is totally united around the party chief, Nicolae Ceausescu. Contrary to the case in Czechoslovakia, a pro-Soviet wing does not exist in the Rumanian party, because in the last four years Mr. Ceausescu saw to its extinction.

Rumania's centuries-old experience in playing Turk against Russian and Transylvanian against Austrian has taught her how to maneuver flexibly in the predatory world around her.

While hoping to maintain normal relations with Moscow, Mr. Ceausescu remains friendly with Yugoslavia's Marshal Tito, sends warm greetings to the Chinese Communists, signs new economic agreements with Cuba, visits Turkey, which is a NATO member, and deals extensively with the West in trade and technology.

Under the circumstances, it is unlikely that Mr. Manescu and the Soviet leaders have agreed on more than how to disagree with a minimum of Communist scandal.

But Moscow's basic problem in Rumania is far from being solved as it ever was since Bucharest decided to follow its own private path to Socialism.

OIL COSTS NOT REAL CULPRIT

HON. O. C. FISHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 15, 1969

Mr. FISHER. Mr. Speaker, a small increase in crude oil prices has been viewed with alarm by a few who seem to support inflationary increases as applied to other enterprises but do not like to see any such price adjustments as applied to the petroleum industry.

An excellent discussion of this overall subject is contained in an editorial which appeared in the April 6, 1969, issue of the San Angelo, Tex., Standard-Times. The editorial follows:

OIL COSTS NOT REAL CULPRIT

Surely pure gall must have a limit. And surely the 14 senators who have urged the Nixon administration for a full-scale investigation of recent oil and gasoline price hikes have their share of pure gall that must approach the limit.

After voting to hike their own pay, approving increased salaries for Civil Service employees and otherwise spending money like it is going out of style while giving lip service to curbing inflation, these senators have the gall to ask for a probe of an industry where inflation trends rank among the lowest in the nation.

Granted the price of a gallon of gasoline is up 9 per cent from 1960. But even at that, gasoline prices have risen less than the general cost of living during that period.

The senators should turn their attention to a wide variety of other items that inflation has taken toll on to a far greater extent. Among those prices that have risen more than the general cost of living during the 1960s are:

Semi-private hospital rooms, up from an average of \$20.95 per day in 1960 to \$41.04 per day in 1968 for an increase of 96 per cent.

Adult movie tickets nationwide are up from the 1960 average of 90 cents to \$1.61 in 1968 for a hike of 79 per cent.

A man's wool suit cost an average of \$41 in 1960. In 1968 the average cost had risen by 51 per cent to \$74.

There are numerous other prices that have risen by far greater percentages during the eight-year span—too numerous to name them all. But some include the cost of a house call by a doctor, up 46 per cent; maid service for a day is up 45 per cent; cigarettes have risen 42 per cent in cost per package; men's shoes, up 39 per cent; hair cuts are up 34 per cent; even oranges are up 30 per cent from 84 cents per dozen to \$1.09.

More directly, petroleum prices have been forced up by rising costs of labor and steel, a necessary item in the form of pipe and machinery to the drilling of any oil well.

The senators made their request for a probe of rising oil prices in a letter to Atty Gen. John N. Mitchell, asking him "to ascertain whether these price rises have been coincidental or collusive and predatory practices." The letter was made public by signers Sens. Edward M. Kennedy (D-Mass.), William Proxmire (D-Wis.), and Edward W. Brooke (R-Mass.).

They noted that the price rise, costing consumers an estimated \$800 million annually, "comes at a time when the greatest single

economic problem facing our nation is inflation, and at a time when virtually all of the major oil companies have record high profits."

They commented that "this is certainly no time to fatten profits still more by an irresponsible price hike Almost none of the price increase comes back to the federal government in taxes . . . because of the privileged tax treatment received by oil companies."

It would seem to us, after examining the inflationary trends that have stricken the economy with fever, that a 9 per cent price rise in eight years is not even sufficient to offset the rising costs of production. Certainly oil prices have risen and certainly no motorist enjoys paying more for a gallon of gasoline than he has in the past. But it seems remarkable that petroleum prices have not risen even higher than they have during the 1960s, and we feel the oil industry is to be congratulated for holding down its contribution to spiraling inflation.

After 14 senators have examined their own personal situations, including a wage hike of \$12,500 per year and a vast array of other price hikes that are the real culprits in an overheated economy, then a request for scrutiny of the oil industry would not seem so apparently full of gall.

Sen. Everett Dirksen said when Congressional pay raises were being considered, "Even senators have to eat." We contend that oil industry people also have that right and to no lesser degree than congressmen afford themselves—and you can eat pretty good on \$42,500 per year.

The real victims of price hikes, whether it be in salaries or congressmen, in hospital room fees or at the grocery shelf are the nation's poor—the unemployed whose assistance is not boosted in accordance with rising costs, the nation's elderly who find Social Security checks no larger when living costs continue to rise. Most other Americans have realized increases in take-home pay in excess of the 9 per cent in eight years that oil prices have risen—but still below the 30 per cent congressional pay hike and numerous other cost increases.

In the battle of rising costs, reality dictates that when wage costs rise, so does the cost of production. That increase is passed on in increased costs to the consumer, who, in turn, demands more wages. The people who are hurt by this process are those whose paychecks do not rise in proportion to living costs, but if congressmen aren't responsible enough to hold the line against the spiral we find it hard to understand why they want any industry—oil or otherwise—to absorb the blow without raising the prices of its products.

CAPABILITIES, JUDGMENTS, AND THE ABM

HON. JONATHAN B. BINGHAM
OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES
Tuesday, April 15, 1969

Mr. BINGHAM. Mr. Speaker, Secretary of Defense Laird has based a large part of his case for the Safeguard ABM system on his judgment that the Soviet Union, by resuming deployment of the SS-9 missile system, is seeking to achieve a first-strike capability against our offensive missile forces. As William Beecher noted in a perceptive article in yesterday's New York Times, the evidence to support Mr. Laird's contention is not nearly so clear as the Secretary would have us believe. Indeed, Frank Mankiewicz and Tom Braden have gone

one step further, and argue in this morning's Washington Post that the evidence is better fitted to a conclusion exactly opposite to that reached by Mr. Laird.

These two articles warrant careful study by all of us in Congress, since we will soon be asked to vote funds for a system which is being justified on grounds which are tenuous indeed. In order that they may be readily available to all Members, I am inserting their texts at this point in the RECORD:

[From the New York Times, Apr. 14, 1969]
SOVIET MISSILE DEPLOYMENT PUZZLES TOP U.S. ANALYSTS

(By William Beecher)

WASHINGTON, April 13.—The scope and nature of Soviet strategic weapons deployment has puzzled senior Government analysts to the point where it may play an important role in the Administration's fight for an antiballistic missile system.

The issue came to light recently when Defense Secretary Melvin R. Laird asserted there was "no question" that Russia was seeking "a first strike capability" against the United States. He credited new intelligence information with bringing him to this view.

Qualified sources say that the new evidence gathered by high-flying satellites shows the following:

The Soviet Union has a total of about 1,200 intercontinental ballistic missiles, in place or rapidly going into place, roughly 150 more land-based ICBM's than in America's arsenal.

After deploying about 225 giant SS-9 missiles the Russians abruptly stopped the program early last year, but then, in December, surprisingly started it up again.

The Russians are believed to have deployed a fractional orbiting bombardment system, a weapon that could only be used effectively in a first strike against so-called "soft" targets, such as bomber bases.

They are also testing new multiple warheads for the SS-9.

As of last fall, the American intelligence community was convinced the Russians were merely following the American lead in building a secure "second strike" force that would enable them to ride out a surprise attack and then retaliate overwhelmingly.

The new information, centering on the SS-9, has raised a serious question in many officials' minds. However, Mr. Laird has apparently resolved that question to his own satisfaction in favor of assuming that the Russians are bent on upsetting the balance of power dramatically in their favor. Others in the Government are far from sure.

Secretary Laird's statement was made before a recent session of a Senate Foreign Relations subcommittee that was strongly skeptical about the need for the \$6-billion to \$7-billion Safeguard antimissile system, designed in part to defend America's ICBM's against Soviet attack.

Without squarely disagreeing with Mr. Laird's assessment, Secretary of State William P. Rogers nonetheless told a news conference he doubted that the Russians had the "intention" of launching a first strike. But he said one of the first questions the United States would raise with the Russians when arms limitation talks got underway was: "Why would you have a 25-megaton missile?"

A megaton is equivalent to one million tons of TNT.

Since the Administration has apparently chosen to pitch much of its case for the missile defense system on the rising Soviet threat, the differing assessments within the Administration on the nature of that threat could well undermine its case.

PAGE OF DEPLOYMENT

Back in 1965, when the Russians moved to a large-scale deployment of ICBM's, they concentrated on two second-generation liquid-

fuel missiles: the SS-9, with a warhead of from 9 to 25 megatons, and the SS-11, with a warhead of slightly more than 25 megatons.

The pace of deployment was approximately 250 a year about 200 SS-11's for each 40 to 50 SS-9's. At the time, American analysts figured the Russians had simply put their development and production money on two different systems made by two separate design teams, just as the United States had done originally.

About 200 early model SS-7 and SS-8 missiles were retained in the Russian force as the new weapons went in.

Then, early last year, the Russians stopped deploying the SS-9 and slowed installation of the SS-11. At the same time it started putting in about 25 SS-13's, a new solid-fuel ICBM with a warhead of about one-megaton.

The feeling was the Russians thought they had almost as many ICBM's as they needed or wanted and would soon taper off.

But in December came evidence of a sudden resumption of SS-9 construction. Only a few missiles were involved but this raised concern because of the large payload of this system.

NONE BELIEVED ACCURATE

The question was whether the Russians had decided to resume the earlier construction pace that would result in a total of about 500 SS-9's in five years.

None of the Soviet ICBM's is considered very accurate. The one-megaton missiles, however, are considered quite adequate for destroying cities. They are five times more powerful than the atomic bombs that destroyed Hiroshima and Nagasaki.

But the SS-9 makes up in warhead size what it lacks in accuracy and thus could be used to try to destroy Minuteman missiles in their steel-and-concrete silos.

More chilling yet is the possibility that the Russians would put accurately guided multiple warheads on the SS-9. The experts say it has enough thrust to carry three 4-to-5-megaton multiple warheads, or six 1-to-2-megaton warheads, or conceivably 18 200-kiloton warheads.

The Russians have been actively testing a three-part multiple warhead on the SS-9, sources say. But, as yet, these are not believed capable to separate guidance against different targets. Instead it is said, they land "like a string of beads" in a straight line.

There were three main theories on what the Russians are up to:

One school holds that they have powerful internal pressures to continue construction of at least some more missiles, a sort of Soviet "military-industrial complex."

Another group believes they have decided they ought to build a first-strike force, more to exploit as an implicit threat in future confrontations than to use suddenly one morning in a surprise attack.

A third group holds that the Russians are interested in limiting damage in the Soviet Union in case deterrence fails and nuclear war breaks out. ICBM's that can destroy enemy missiles in their silos would limit damage on Russia fully as much as anti-missile missiles.

MOST EXPERTS UNDECIDED

Most analysts say the evidence is not at all clear enough to choose among these alternative strategies with confidence.

Mr. Laird, some officials point out, has the responsibility to make conservative judgments where the country's survival may be at stake and thus understandably wants to move ahead now to start the slow deployment of a defense for the Minuteman force.

(The Administration argued for the Safeguard system, additionally, as a full protection against ICBM's Communist China is expected to have in the mid-1970's and as a defense against a small number of missiles launched accidentally or without authorization from China, Russia or anywhere else.)

Those who lean to the Soviet first-strike

school point to the Russian deployment of the fractional bomb system. It uses the same booster as the SS-9 ICBM, but carries a smaller warhead and is believed less accurate. Its main feature is its ability to come in low, under the view of long-range radar, thus being potentially capable of destroying bombers before they can be warned and get airborne.

Such a weapon would be of little use unless employed in a first strike. After war had begun, the bombers would not be sitting around on their bases waiting to be hit.

Additionally, the Russians have long expressed interest in building a large missile defense system. So far they have deployed only 67 long-range defensive missiles around Moscow but are testing a more advanced model.

If the Russians installed a heavy defensive all around the country, this too could cut two ways. On the one hand it could limit damage if someone else started nuclear war. But it also could be used to knock down retaliatory American missiles that survived a Soviet first strike on the United States.

Administration officials hope a freeze on offensive and defensive missiles can foreclose these horrors. But they question whether the United States can safely start a unilateral freeze even before those long and difficult talks get under way.

[From the Washington (D.C.) Post, Apr. 15, 1969]

LAIRD SCARE STORY ON SOVIET MISSILE WON'T WASH

(By Frank Mankiewicz and Tom Braden)

Even so reasonable a man as Secretary of State William Rogers has apparently been taken in by the Pentagon's hard-working propagandists on the subject of the SS-9, or Soviet "supermissile," as it is now being called.

The belief of too many Americans that "bigger is better" is helpful to Secretary of Defense Melvin Laird and the generals in the campaign to make the SS-9 into a new and frightening reason why we should spend \$6 billion to \$7 billion—for openers—on an ABM system.

There is no doubt the SS-9 is big. Secretary Rogers, at his recent press conference, referred to it as a "25-megaton missile." This is a far higher estimate than that made by the CIA, which estimates it to have a warhead capacity of 5 megatons. But there is no need to argue the point of size. Probably, the SS-9 has a bigger warhead than anything the United States now deploys—and it is still far too small to knock out more than one ICBM site, of which we have 1054.

The fact is that the SS-9 is not a first-strike weapon, no matter how many grisly (and already public) details the Pentagon "declassifies." It is not designed to destroy the U.S. ICBM system and cannot do so. It is, instead, a large warhead designed to destroy large "soft" targets, such as cities. It is—in other words—a second-strike weapon, and that's all it is.

Thus, it does not change the balance of terror in any way or give the Russians some huge and mysterious advantage which should cause us to escalate the arms race.

Secretary Laird and the generals in the Pentagon have chosen to ignore this fact—for a very good reason. The reason is that the Safeguard ABM as proposed by President Nixon is not intended to protect large targets, such as cities. It is intended to protect our ICBM silos. And it is a tenable proposal only if Congress and the American people can be persuaded that the Soviets have a missile capable of destroying these silos. The SS-9, being large, meets the needs of the argument so long as the argument ignores the facts.

The facts are these: In order to threaten only the U.S. land-based second-strike capability, the Russians would have to build 2000

SS-9s, at a cost of \$25 million each. Such a program would give them a minimal chance of destroying 1000 of our Minutemen, built at a cost of \$5 million to \$6 million each. There is no evidence that they are embarking on any such ridiculous course.

And if they did it would still threaten neither our substantial fleet of submarine-borne missiles nor those carried by U.S. strategic bombers.

Ever since mid-1968, when details of the SS-9 were first made public in the commercially published "Jane's All the World's Aircraft," it has been known to be inferior to the U.S. Minuteman in both reliability and launching time. Indeed, it is most comparable to our Titan I missile which we are now in the process of discarding as obsolete. To resurrect SS-9 now, as a reason for starting an ABM program, seems very close to down right deceit.

For far less money—say about \$2 billion—the United States could "superharden" all of its Minuteman sites. Roughly speaking, a superhardened site is five times as strong as a hardened site. Thus, in order to maintain the same counterforce ability, the Russians would have to do one of the following: (1) increase the warhead size of the SS-9 by a factor of 11; or (2) double its accuracy.

Either of these is a far bigger order than penetrating the "thickest" ABM system.

In short, the much trumpeted SS-9 is not a breakthrough in the balance of terror. It is a weapon of great horror—but of no greater horror and somewhat less efficiency than many of our own. It justifies neither panic nor the ABM.

DEFINING LIMITS OF FREE SPEECH

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 15, 1969

Mr. ASHBROOK. Mr. Speaker, yesterday the 13 Democratic National Convention delegates and campaign staff workers who were arrested on August 29 of last year during the convention fracas were convicted yesterday of disorderly conduct. The case was heard by Magistrate Arthur L. Dunne whose statement on the limits of free speech and assembly put this complex issue in its proper context. Stated Magistrate Dunne:

The right of free speech and assembly, while fundamental in our democratic society, does not mean that everyone with opinions or beliefs to express may do so at any public place at any time.

Conveniently forgotten by some of our free speech advocates these days is the principle of the common good which implies the maintenance of public order in the community. Perhaps the future will see more realistic definitions of the individual freedom versus individual responsibility issue, with the community receiving its rightful protection from deliberate violations of the law.

Here is the text of Magistrate Arthur L. Dunne's statement as it appeared in the Chicago Tribune of April 15, 1969:

The right of free speech and assembly, while fundamental in our democratic society, does not mean that everyone with opinions or beliefs to express may do so at any public place at any time. The constitutional guarantee of liberty implies the existence of an organized society maintaining

public order without which liberty itself would be lost in the excesses of anarchy.

CITES DANGERS TO SOCIETY

The authority of government is not so trifling as to permit anyone with a complaint to have the vast power to do anything he pleases, whenever he pleases, and wherever he pleases. If this were true, our customs and our habits of conduct—social, political, economic, ethical and religious—would all be destroyed and become no more than relics of a gone, but-not-forgotten past.

I firmly believe that our cities, and the residents of these cities, can be and must be protected by their government from noisy, chanting, shouting, marching, threatening picketers who, under the guise of free speech, hurl pieces of brick, stones and fireworks, bent on filling the minds of men and women and children who reside in our city, with fear and hysteria.

THREAT TO ORDER

In the case at bar, there is ample evidence that the totality of the circumstances in the city of Chicago and particularly in the vicinity of 18th and Michigan on the night of Aug. 29, 1968, did present a clear, imminent and present threat of violence to our community. Under these circumstances the authorities have the right, as well as the duty, to take action under ordinances enacted by the municipal authorities for the welfare and protection of the citizenry.

The ordinance which the defendants are charged with violating is narrowly drawn in such a way as to avoid abridging the right of speech, assembly and petition. It is in no sense a "meat and potatoes ordinance." It is also clear in this record that the Illinois national guard, as well as the Chicago police department, did make a determined and successful effort to permit the marchers to peacefully demonstrate and acted only in the interest of maintaining public order.

ORDER NOT MAINTAINED

I do not believe that this group and its leaders did all in their power to maintain order. On the contrary, it appears that such efforts that were made were nothing more than a shallow pretense—no more than an empty gesture. It is noteworthy that one of the defendants in this cause stated that he was a parade marshal with the responsibility of maintaining order, abandoning his duties, did remove his identifying armband, pressing to the forefront of the marchers, refusing to obey the lawful order given to him by a peace officer, ultimately being taken into custody.

It is readily apparent that this group, bent on airing emotional grievances, either imaginary or real, on the streets of our city, acted in such a fashion that the joint efforts of the Illinois national guard and of the Chicago police department were of no avail, resulting in the issuance both by personal contact and by means of amplifying devices, of an order to disperse—which was lawful in every sense.

The defendants in this cause knowingly disobeyed this order and sought arrest, rather than obey the duly constituted and lawful authority of the community.

HON. ALVIN M. BENTLEY

HON. CHARLES E. CHAMBERLAIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, April 14, 1969

Mr. CHAMBERLAIN. Mr. Speaker, I was indeed saddened to learn of the passing of our former colleague, the Honorable Alvin M. Bentley, of Owosso, Mich.

Courageously denied once before, death nevertheless came unkindly long before its time on April 10, at the age of 50. Not before, however, Al Bentley had already completed two distinguished careers in service to the Nation. The misfortune of ill health, which he gallantly struggled against in recent years, recalls the fateful day of March 1, 1954, when a group of terrorists sprayed this Chamber with gunfire, inflicting upon Al wounds so serious he only narrowly escaped death.

Following graduation from the University of Michigan in 1940, Al was one of a group of 30 appointed to the U.S. Foreign Service from among 600 applicants, and for a period of some 8 years he served most ably at various posts, including Mexico City, Bogota, Budapest, and Rome.

In 1950, the year the Korean war broke out, Al resigned from the Foreign Service to speak out publicly about his concern over the growing threat of Communist aggression and subversion throughout the world.

In 1952 he ran successfully for the House of Representatives from Michigan's Eighth Congressional District, which at that time was composed of Clinton, Gratiot, Ionia, Montcalm, Saginaw, and Shiawassee Counties. He served in the 83d, 84th, 85th, and 86th Congresses, always being returned by the citizens of the Eighth District with a generous vote of confidence.

To the House Committee on Foreign Affairs, Al brought the wealth of his experience and knowledge of international relations.

A man devoted to the principles of his party, he was the choice of Michigan Republicans in 1960 for the office of U.S. Senator, and in 1962 for the office of Congressman-at-large.

Nor was his a narrow partisanship. Returning to the House Chamber on April 27, 1954, some 8 weeks after being wounded, among Al Bentley's first thoughts were these in speaking of the attack of March 1:

Both sides of the aisle suffered casualties and both sides of the aisle reacted in the same way. Political campaigns are good and proper in their place but we here in Washington have national and international problems whose importance far surpass the exigencies of any political contest. When we in Congress faced a terrible problem 8 weeks ago yesterday it was met with no thought of party lines. Perhaps the good Lord wanted to see if we could still meet problems on a nonpartisan basis. Perhaps it would be well if we met some of our bigger problems in the same way.

And he concluded:

With the help of Almighty God, let us then with remembrance of the past, look to the future and so conduct ourselves in the present that we may be worthy representatives of the American people, the greatest people the history of the world has ever known.

I cannot help but think that these thoughts would be among those he would, if given the opportunity, wish to leave with us.

Al Bentley served his country, his State, his constituency, his community untiringly in the finest tradition of representative government. To paraphrase

the famous words of the great 18th-century English statesman, Edmund Burke, Al Bentley's happiness and glory was to live in the strictest union, the closest correspondence, and the most unreserved communication with his constituents. Their wishes had great weight with him; their opinion high respect; their business unremitting attention. But his unbiased opinion, his mature judgment, his enlightened conscience, he sacrificed to no man or any set of men living.

At this point, I insert a copy of the warm editorial tribute appearing in the Owosso Argus-Press of Friday, April 10, 1969, and the perceptive memorial by Judd Arnett in the Detroit Free Press of Monday, April 14, 1969:

[From the Owosso (Mich.) Argus-Press, Apr. 11, 1969]

I LIKED THAT GUY

It seemed fitting that our front page of yesterday, which carried the somber news of the death of Alvin Morell Bentley also carried another story which proclaimed, "There Are Many People Who Care."

Fitting because Al Bentley did care. He cared about his family and friends, of course. But Al also had a deep concern for his fellow man.

Awareness of the depth of Alvin Morell Bentley's concern for his fellow man is denied those who would seek it in an edition of a newspaper or even between the covers of a book.

It was understood by those who loved him . . . and their ranks extended far beyond the ties of family.

It had somehow been communicated to people like the Owosso housewife who, when she learned that Al lay near death this week, remarked, "I liked that guy."

Al Bentley deserved to be liked. He wasn't flashy or pretentious. He was a hard worker. He was a rich man who considered himself a trustee of wealth put into his hands for the purpose of helping his fellow man.

As has been said, Al Bentley could have chosen to sit on a yacht off the Florida Keys for the rest of his life.

But selflessness, not selfishness, was a mark of the man. That and his capacity for hard work led him into the diplomatic corps, into Congress for four terms and so deeply into the field of education that he became a Regent of the University of Michigan.

To all appearances, Al Bentley had it "made" as a Congressman. But the same fellow wouldn't sit in that yacht off the Keys also declined to "sit it out" on the House floor. So he took aim at a seat in the U.S. Senate. It didn't come off. But Al was never one to set his sights low.

If you resented Al Bentley falling heir to many millions of dollars, this was a resentment that had nothing to do with the "real" Al Bentley. That was your own hangup, and Al would gladly have helped you with that problem if given half a chance.

One measure of the man was evidenced when he showed sympathy instead of malice toward the Puerto Ricans who shot him down on the floor of the House of Representatives. Many friendships were cemented when the Bentleys later visited Puerto Rico.

Being on one of Al Bentley's committees here in Shiawassee County or elsewhere was quite an experience. As that housewife said, you got to like the guy. And you liked the way things got done, because Al Bentley always did his homework. He was a leader and his leadership was based on doing more than his share of the work and listening with patience and interest to all sensible points of view.

While he was patient and understanding, Al Bentley was also a fighter. When your

motivations and station in life reach as high a plateau as did Al's, there is nothing to do but fight for that in which you believe.

In politics, of course, infighting was one of the rules of the game. However, if you lost to Al Bentley in one of those fights, you never had the justification to claim "foul."

How many of us would have carried out our trusteeship for the public good nearly as well as did Alvin Morell Bentley? Too few, we fear.

The list of Al Bentley admirers who will come from the state and nation to Owosso to pay their last tribute to the man will be impressive and lengthy.

No one will ever know the numbers of those who are left to say, in eloquent simplicity, "I liked that guy."

[From the Detroit (Mich.) Free Press, Apr. 14, 1969]

MR. ALVIN BENTLEY, TRUE MIDWESTERNER
(By Judd Arnett)

There is sadness in this corner at the news of the passing of Alvin M. Bentley of Owosso. He was a good man in the true sense of the phrase and those who had more than a surface knowledge of what he stood for and what he wanted to do for others will long regret his demise at the still-tender age of 50.

Generally speaking, Alvin Bentley was best known as a four-term Republican Congressman who survived an assassin's wounds in the 1954 attempt on the life of Harry Truman and other public figures. Later, he gave up his safe seat in the House to run for the United States Senate; and subsequently he sought to be elected Congressman-at-Large when our state was in the throes of mal-districting. On both occasions the majority said "no," quite decisively. He never complained of this rejection.

Had Alvin Bentley, with his advantage of great wealth, been Eastern-born and Eastern-indoctrinated, his political career might well have matched that of those from the area still in the limelight. But he was small-town-Midwestern to the core, and shy, sensitive and reserved to boot; no better equipped, really, to repel the slings and rebuffs of public life than you, dear reader, would have been.

There were times when his money—he never seemed to grasp the extent of it—was more of a handicap than a help. Not that he feared losing it. Rather, one seemed to sense in him the fear that it might lead him into false circumstances, into advantages, person-to-person, he had not otherwise earned. He was one of the least ostentatious of the very rich, and one of the most considerate in small and polite ways. He had good manners; he was what we once called "well raised."

Again in the general sense, here was a man few people knew or understood. Yet in many ways he contributed to the betterment of his fellow man, Michigan, which he loved, is poorer now that he is gone.

PROJECT CONCERN DEDICATION
OF MEMORIAL HOSPITAL—AD-
DRESS BY GEN. W. C. WESTMORE-
LAND

HON. OLIN E. TEAGUE
OF TEXAS

IN THE HOUSE OF REPRESENTATIVES
Tuesday, April 15, 1969

MR. TEAGUE of Texas. Mr. Speaker, I had the unique experience of attending the dedication ceremonies of a clinic and refugee center under the auspices of the major veteran organizations of Worcester County, Worcester, Mass., to be located in the central highlands of Vietnam.

Some 3 years ago, the people of Worcester, Mass., decided that what was needed most in Vietnam was a living memorial to the war dead of Worcester. They approached Dr. James W. Turpin of Project Concern. Today, as a result of the concentrated efforts of the people of Worcester, Mass., there stands a living memorial in the form of a 60-bed hospital and refugee center, serving over 200,000 citizens of the area of Da Lat, Vietnam.

Making the main address of the ceremony was Chief of Staff of the U.S. Army Gen. W. C. Westmoreland whom I had the pleasure of accompanying. Under leave to extend my remarks in the RECORD I wish to include the text of General Westmoreland's address:

REMARKS BY GEN. W. C. WESTMORELAND, CHIEF OF STAFF, U.S. ARMY, AT THE MEMORIAL HOSPITAL DEDICATION DINNER, WORCESTER MEMORIAL AUDITORIUM, WORCESTER, MASS., APRIL 13, 1969

As many of you know, President Nixon was also invited to be here tonight to join with us in dedicating this splendid living memorial to the gallant men of Worcester County. However, in view of the heavy commitments on his schedule during the time of the Ministerial Meetings of the North Atlantic Treaty Organization, the President was not able to leave Washington. President Nixon is extremely interested in the type of selfless dedication shown by your community effort, and he asked me to convey to you again his personal regrets in being unable to be present tonight.

I am grateful for the privilege of being associated with Project Concern—even in such a small way. And, I appreciate the opportunity to join you tonight . . . because I can think of no group more deserving than the men you honor . . . or of no finer tribute to their heroic deeds and unselfish acts than what you are doing here tonight in their name.

It is a refreshing experience for me—and I believe for a majority of people—to witness a community effort such as yours. Too many people waste their energies in pointing out what is needed to improve our world. All too few are willing to do more than just identify what is wrong. Yet, here you have both seen a need and done something to fill that need—and in the name of men who also have seen a need and acted to fill that need.

Both they and you have acted to share the responsibility of providing for the needs of your fellow men. The fighting men of Worcester County are helping to share the responsibility for defending the life of a young nation. You are helping to share the responsibility for caring for the sick and homeless people of that young nation.

The beloved American Poet, James Russell Lowell—a man from Massachusetts—expressed this thought far better than I when he wrote:

"Not what we give, but what we share—
For the gift without the giver is bare."

Yes, you and the men of Worcester County are sharing. Also, our Nation is sharing; and our youth are sharing.

And—not unlike Project Concern—our Nation, our youth, and each of us are deeply concerned with the ills and needs of our world.

For a few moments I should like to speak about how our Nation and our youth are sharing their gifts with other nations and people in the world who need them.

I believe that we Americans could do well to take time from our daily routine to think of what our Nation has done for mankind. Now, I say this in all sincerity, even though I am fully aware that it sounds boastful and

that it smacks more than a little of patting ourselves on the back. I am proud both of what our Nation has done and why. I see no reason why we should not accept credit for doing good. We certainly have enough critics willing to take us to task for all of our failings. Let us be proud of ourselves.

In my opinion, we Americans can be proud of what we see. America has chosen not to flaunt her great strength among the less fortunate nations. Quite the opposite. America has shown her deep sense of responsibility. She has willingly assumed the burden of a great nation. She has shared her wealth and her energies with other nations and peoples who hope to live without fear of their neighbors' greed.

Throughout her relatively short history, our Nation has championed the concept of free society, and she has stood ready to defend that concept for herself and for others.

In 1954, South Vietnam in distress called for American help. In answer to this plea, President Eisenhower enunciated a policy of assistance to South Vietnam—a policy that was endorsed by President Kennedy, reiterated by President Johnson, and recently reconfirmed by President Nixon.

Our assistance took several forms. In an effort to stem the tide of rising communist insurgency, we began economic and military assistance. Our aim was to bolster a small and literally helpless nation until it could achieve the strength needed to resist aggression and—at the same time—take care of its own people. Our Nation sought nothing in return—only the satisfaction of helping a people to remain free.

However, North Vietnamese Army units invaded the south to finish the job the insurgent had started earlier. South Vietnam was faced with certain defeat at the hands of the aggressor from the north. America was called upon to make good her moral commitment. And America responded, as a responsible nation.

America's response was in the form of the necessary military forces to do the job. She chose not to unleash her vast power. Rather, she chose to exert only the means required to save a small nation. By design, America chose to undertake a limited war, with limited objectives and to use limited means.

As instruments of that national policy, our Armed Forces undertook their missions. And they accomplished a great deal in Vietnam:

They prevented South Vietnam from being militarily overrun by Hanoi.

They provided a shield behind which the South Vietnamese people began to build a democratic nation in accordance with their own desires.

They gained time for South Vietnam to build its armed forces to a point where, now, it gradually assumes a greater portion of the fighting burden.

Moreover, this union of military force and political policy enabled the South Vietnamese to: Mobilize their manpower . . . Galvanize their collective will . . . and, Help stabilize their economy.

In my judgment, there are many aspects of these accomplishments that were not brought fully to the attention of the world. Perhaps it is reasonable to expect that the nature of military operations and the drama associated with battle overshadow the less spectacular events of nation building. Yet, from the outset, our aim has been to build a nation capable of standing on its own. And nation building—publicized or not—has been very much in evidence. Our military operations, of course, provided the needed shield.

Project Concern is a part of that nation building. Worcester County's living memorial to its Vietnam War Heroes is nation building in its finest form.

I was struck by the deep significance of a remark made by Commander Carroll in his recent letter to me in which he discussed this

dedication ceremony. He wrote, in part, that: "We believe Worcester County typifies a segment of our population who feel a humanitarian contribution to the Vietnam cause will better serve the wishes of our people."

No one can disagree with the logic of this statement—nor would anyone hope or want it to be any other way. However, I cannot help but wonder how long any humanitarian contribution could exist without the shield of our past—and present—military operations. The Viet Cong have clearly and repeatedly demonstrated their total disregard for humanitarian efforts.

However, I hasten to add that I fully agree with Commander Carroll's thought. And, I would even go one step further. I am sure that all Americans would hope to join the people of Worcester County in this wish. But we cannot forget that it is our youth who are making such a wish even a remote possibility—the same youth whom we honor tonight.

During my career as a soldier, I have served with many of the youth of our Nation. None have been finer or more representative of American ideals than those whom it was my privilege to lead in carrying out our national policies in Vietnam.

They have matched wits and skills with a determined foe, and they have shown themselves to be winners.

Yet, at the same time, these young men are demonstrating their compassion for . . . and deep understanding of . . . the Vietnamese people.

They have played important roles at the "grass roots"—or "rice roots"—level of South Vietnam, particularly as advisers. Extraordinary demands have been placed on them. Nevertheless, they have ably advised and assisted their Vietnamese counterparts in carrying out programs dealing with administration, education, sanitation, and medical aid—as well as military programs.

Our young men and women have earned the respect of the South Vietnamese people by their courage, their deeds, and their humanitarian acts. They have given voluntarily of their pay to build hospitals, churches, and orphanages. Unfortunate civilians have been cared for by the contributions of our fighting men—people who have been caught and impoverished in the path of war. They have built . . . they have repaired . . . and they have brought comfort. They—like all of us—would much rather devote their energies to building than to destroying.

Our young people in Vietnam have demonstrated by their attitude and conduct that they are for the Vietnamese people. By teaching the Vietnamese to help themselves and by giving them the opportunity to shoulder their own responsibilities, they have raised the dignity of the Vietnamese people. At the same time, they have helped overcome the apathy and indifference which followed in the wake of 90 years of colonial domination.

If you detect an unbounded pride in my accounting for the efforts of these splendid young people, you are correct. No one who has known them—or who has seen them perform—could hold them in other than the highest esteem.

In my judgment, every American can be proud of what these young men and women have done and are doing. They have willingly stepped forward when their country called; they have shouldered responsibility while a few others of their age have sat by idly and dreamed. Unlike these few contemporaries who have chosen to demonstrate their apparent disrespect for authority, these young people have demonstrated their great sense of responsibility under the most difficult conditions.

They have given much of themselves. In time of their country's need, they turned to—not against those lofty principles on

which our Nation was founded—those same principles that have sustained our Nation throughout the years. I welcome them as our future leaders. I thank The Almighty for them.

One thing is certain. They can return to civilian life and be proud. They can stand tall; they can hold their heads high; they can look any man in the eye. They can proudly take their place with the veterans before them with the same sense of satisfaction. Like their predecessors, they have echoed the firm conviction that freedom is not free.

Yes, the youth of our Nation are sharing their gifts with others in need—gifts made up of their talents, and, if need be, their lives. Like the Nation they represent so ably, their gifts are far from being bare; their gifts are unselfishly given from the heart.

Earlier, I said that our Nation, our youth, and each of us are deeply concerned over the ills and needs of the world. This is as it should be. We are a working partner in the affairs of the world. We have demonstrated repeatedly our intense concern in the well-being of others who share our planet. Our concern is manifested everywhere a member of our Armed Forces stands prepared to thwart aggression.

Nowhere is that concern more evident than in South Vietnam today . . . and in Paris where we seek peace.

We earnestly pray that peace can come to this war torn land.

We earnestly pray for the day when your fine hospital at Lien Hiep can give your gifts of love and care without any need for a protective shield of soldiers.

We earnestly pray for the day when there will be no need for a refugee center at Lien Hiep or any other place.

But until that day comes, America, her youth, and each of us will continue to demonstrate our concern . . . will continue to share our gifts with these unfortunate people.

Like each of you, I am proud to be among the concerned. And, like each of you, I am proud of the gallant men and women of our Nation who have exercised that concern and shared their gifts with others.

Thank you for permitting me to share this occasion with you. You can be very proud of both the men whom you honor and of your humanitarian effort.

IKE TRIBUTES RENEW FLOOD OF LOYALTIES

HON. RICHARD L. ROUDEBUSH

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 15, 1969

Mr. ROUDEBUSH. Mr. Speaker, many fine eulogies to President Eisenhower have appeared, but one of the best I have read appeared in the Indianapolis News, the largest afternoon daily newspaper in Indiana.

Mr. Fremont Power is the author of the eulogy which emphasizes the human qualities that President Eisenhower possessed to such a great degree.

Fremont Power has long been recognized as a writer and columnist of exceptional talent, and his column about President Eisenhower is typical of his ability to get to the heart of a situation and interpret the importance of an event.

The article from the April 7, 1969, edition of the Indianapolis News follows:

IKE TRIBUTES RENEW FLOOD OF LOYALTIES (By Fremont Power)

Dwight D. Eisenhower is dead and properly eulogized and, with simple dignity, interred in Abilene, Kan., whence he sprang.

The Eisenhower era in American history is thus closed.

But some thoughts of last week remain and they don't go away.

The man, even in death, seemed still to be speaking to America, for whom he gave so much. And the essence of the message was that the old verities remain and that more millions of Americans adhere to them than may ever be counted.

It is easy, particularly in this business that deals with the unusual rather than the ordinary, to acquire, unconsciously, an impression that this whole country is caught up in quarreling, bitterness, legal pornography, defiance of authority and a predilection for anarchy.

NOT SO SELF-SUFFICIENT AFTER ALL

It just isn't so. The way the nation responded to the old soldier's passing made this very plain once again.

Godless as we may seem to be, how many millions of breaths must have been caught as the old hymns came pouring forth from the organ of the Washington National Cathedral, played, incidentally, by Indianapolis-born John R. Fenstermaker Jr. These simple expressions of faith stir old memories, old loyalties, old ideas of rightness.

Not all feel as self-sufficient as they might pretend.

As pictures of these solemn ceremonies came flooding over the news wires and the television screens, there was one recurring, refreshing feature: The young faces, looking on in seeming awe.

NO OCCASION FOR NEW OUTBURST

When Eisenhower died, a grisly thought crossed the mind: What if the rebellious misanthropes took even this sad opportunity to insult and shock those who feel there are still some things worth saving in this country?

Considering some of the other outbursts, it didn't seem beyond possibility. But it didn't happen. Instead, there were these young faces, looking on as respects were paid one whom they could only have known as an old man long passed from the stage of public affairs.

Even they seemed to reflect some of the love that America held out to this man.

As the funeral train went west, there was this picture of a girl at Washington, Ind., holding up a penny flattened by the wheels that carried Eisenhower home. More memories came springing up, of small towns in another day where, if there was nothing else to do, there was always the putting of things on the railroad tracks to be flattened: Nails, pennies, a washer.

SOLDIERING NOT WHOLLY DAMNED

Now this girl has a proper souvenir which surely she will want to show her children some day and tell them how it was when the train went through bearing a man they could know only from their schoolbooks.

Perhaps if she conveys to those children that he meant something to her, he will mean something to them.

Eisenhower showed us in death that we are still capable of gratefulness to one who gave so much, that soldiering is not universally damned, that there are principles worthy of cruel sacrifices, that simple religious faith has not been completely computerized from the American psyche.

These old verities are still cherished by the masses of Americans.

As in any other death, we must return now to today's battles and not dwell overlong on yesterday's sorrow. But it has been good to have this pause, to see that decadence has not become a way of life for so many.

IMPROVEMENT OF THE ELECTORAL COLLEGE SYSTEM IS URGENT

HON. HAROLD D. DONOHUE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 15, 1969

Mr. DONOHUE. Mr. Speaker, in a news interview last January, preceding the opening of Congress, I expressed the prediction and conviction that the House would and should take early action on the challenging problem of electoral college reform.

Accordingly, I have been very pleased that the esteemed chairman of the House Judiciary Committee, of which I am a member, saw fit to initiate public hearings on February 5, 1969.

There is no question but that the problem of electoral college reform is an extremely difficult and complex one. However, it is clear that the great majority of American citizens very earnestly desire the Congress to effectively deal with the problem, and I most earnestly hope the House and Senate will complete legislative action on this issue before the end of this session.

At this point, I am including the statement I presented to the House Judiciary Committee on the first day of the committee's public hearings, last February 5, urging appropriate committee action at the earliest possible date. The statement follows:

Mr. Chairman, may I first be permitted to extend my own very deep gratitude, together with that of untold numbers of my constituents, to you and the esteemed members of this committee for promptly initiating in this new Congress, these hearings on the great number of bills before you, including two proposals of which I am co-author, H.R. 4867 and H.J. Res. 317, concerned with the very important subject of electoral college reform.

At the outset, let me make it very clear that I well recognize as all of you do, that the accomplishment of such reform is a far more complex and challenging problem than may appear on the surface. I would not, then, be so presumptuous as to contend that the corrections advocated and the reforms suggested in the bills in which I have joined contain the complete and errorless answer.

My primary purpose, here, is simply to urge your concentrated attention upon and your earliest recommendation for the achievement of the basic objective of all these measures pending before you, namely, to enable the people of the United States to select their President without hindrance, in the freest democratic manner that will truly reflect the popular will, and avoid any necessity to resort to any other agency including the House of Representatives.

I believe that is the desire of the great majority of American voters and I think it is the duty of this committee and the Congress to carry out that desire to the highest degree of our legislative wisdom.

It is my own conviction as set forth in the resolution I have co-authored, H.J. Res. 317, that this desired electoral college reform can best be accomplished by adoption of a constitutional amendment providing for the election of the President and Vice President by direct vote of the people.

Our proposed amendment would further require that a presidential candidate receive at least forty per cent of the total vote cast in order to be elected and that a national runoff election be held in the event that no

candidate obtained forty per cent of the vote.

I believe, also, that the direct popular vote would serve to strengthen the two party system by making each State a voting prize well worth a concentrated campaign effort by both sides. It ought, also, to strengthen the democratic ideal by stimulating and spreading voter interest and participation everywhere throughout the country. In effect, it would extend the one-man, one-vote principle to presidential elections.

Beyond these fundamental advantages to the proposed direct popular vote system, there are several others that deserve mention. This proposed reform would make it impossible for the candidate with the greatest number of popular votes to be defeated by a candidate with fewer popular votes. This system would give every vote, regardless of where it was cast, equal weight. Voters other than those from the so-called "pivotal" states would receive the concentrated attention of the candidates, and the votes from the large "doubtful" states would not be as overwhelmingly important as they are now. The weight placed upon selecting a candidate from a large "key" state would be greatly diminished, since there would not be a disproportionate chance of the candidate completely carrying his home state. The possibility of a candidate coming from the smaller states would be increased. No less than eighteen major party candidates since 1900 have come from New York and Ohio. It is believed that the results of any nationwide direct election would not be so close that small scale frauds or minor accidents would have a significant effect on the outcome of the election. Also direct election would permit the establishment of equitable nationwide standards for the privilege of voting.

Surely, the time is appropriate to focus legislative attention and exert legislative action to improve the method by which we elect the president and the vice president of the United States. The present system appears rightly described as undemocratic, complex, and dangerously frustrating to the popular will. History shows that three times it has resulted in the choice of presidents who received less votes than their opponents. Some historians insist that on one occasion it unjustly deprived a candidate of the presidency to which he had been rightfully elected. But whatever these contentions, there can be no doubt that on many presidential election occasions in the past the thwarting of the popular will has scarcely been avoided.

No later than last November, the American public had to wait many anxious hours to find out whether or not the United States House of Representatives would be called upon to select a President, with all its inevitably attendant partisan temptations and disruptive potential.

Mr. Chairman, the evidence clearly shows there is an urgent need for congressional legislative action to reform our current presidential election procedure for the simple reason that the electoral college system as now projected can and has defeated the majority will.

Of course, many people may be rightfully hesitant about proposals to amend our most cherished document, the Constitution. This is a justifiable attitude and it is one of the reasons our founders very properly made the process of amending the Constitution both difficult and time consuming.

Nevertheless, the fact is that the Constitution has been amended twenty-five times and when such amendment is clearly designed to eliminate an anachronism in our modern democracy, as it obviously does in this instance, I believe, the Constitution should be amended again. Therefore, Mr. Chairman, I respectfully urge you and your distinguished committee members to carefully and thor-

oughly examine, as I know you will, all the various legislative proposals before you and assemble from them a legislative recommendation that will enable, as fully as is humanly possible, the true popular will of the American electorate to be a reality in all future elections of the President and the Vice President of the United States.

May I thank you for your kind attention and courtesy.

RETAIN PORTSMOUTH NAVY YARD

HON. PHILIP J. PHILBIN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 15, 1969

Mr. PHILBIN. Mr. Speaker, I am gratified to note following my most recent intercessions to retain the indispensable naval shipyard at Portsmouth, N.H., that the Navy and the Department of Defense propose to take another careful look at the decision of the former Defense Secretary to close this invaluable yard by phasing out procedures over a period of time.

Naturally, I am very anxious to cooperate with my colleagues of the Massachusetts, New Hampshire, and New England delegations in urging our former, esteemed colleague and present able and distinguished Secretary of Defense Laird, not only to take a close look, but to cancel out, the incredible decision to close this invaluable, naval facility with its unique nuclear potential.

The defense of the United States must have our top priority attention at all times. The fantastic plans to dispense with this historic Portsmouth yard that is rendering such vital services to the Navy and our defense, one of the few installations in the Nation, and the only one on the northeast coast with nuclear potential, is something that demands immediate consideration and action of the Defense Department, our Armed Services Committees and the Congress in order to reverse as soon as possible, the previous, unwise decision to close this yard, and order its retention on a permanent basis until world peace is assured.

I propose to continue my efforts and join with those of my interested colleagues in pressing this matter in the Armed Services Committee and the House, and in every other possible way, with the hope and expectation that we will secure favorable results before long, guaranteeing the retention of this great, naval installation.

I urge our great President, and our esteemed former colleague, the Secretary of Defense, to scrap the plan to close this great, inexplicable yard, and establish it as a permanent installation. It would be merely compounding a very serious error of judgment not to cancel out this proposed closing as soon as it can be done.

I earnestly solicit the help and support of the House to retain the Portsmouth Navy Yard on a permanent basis and move ahead toward early implementation of this great facility as a modern base.

THE TIME FOR CORRECTING TAX INEQUITIES HAS COME

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 15, 1969

Mr. BINGHAM. Mr. Speaker, on April 1 I testified before the House Ways and Means Committee on H.R. 3655, the Tax Equity Act which I have sponsored, and other tax reform legislation. This legislation if enacted, would close a number of the most glaring loopholes in our Federal tax system, bringing in additional revenue without adding to the burdens on moderate-income taxpayers, and hopefully permitting some reductions in taxes on moderate-income families.

This legislation would also bring to the tax structure a measure of equity which is currently lacking, and which the American people need and deserve, but do not now enjoy.

In order to make my statement to the committee more readily available, I am including it in the RECORD at this time.

TESTIMONY OF THE HONORABLE JONATHAN B. BINGHAM BEFORE THE COMMITTEE ON WAYS AND MEANS, HOUSE OF REPRESENTATIVES, WASHINGTON, D.C., APRIL 1, 1969

I want first to compliment you, Mr. Chairman, and the members of your Committee, for scheduling these very crucial hearings. I am grateful to be accorded this opportunity to appear before you and to register my strong support, and the support of my constituents, for prompt and sweeping changes in the tax system.

I am the sponsor of H.R. 3655, and a co-sponsor of the Congressman Reuss' bill, H.R. 5250, both omnibus bills containing a number of suggested tax reforms. I have been urging for some time that legislation of the kind I have sponsored be considered actively by this Committee and the members of the House, and I was gratified earlier this year when the Committee announced its intention to convene these hearings and when the new Administration announced its intention to support tax reform legislation. The hearings that this Committee has been conducting for several weeks now have contributed immensely to a better understanding of the inequities in our tax system, and the need for remedial action by the Congress. I am quite disappointed, however, by the recent announcement by Treasury Secretary Kennedy that the Nixon Administration does not intend to submit a major tax reform proposal to the Congress in the near future.

Before discussing the specific tax reforms which I feel are most needed, Mr. Chairman, I would like to talk briefly about some aspects of the general need for this kind of legislation which I feel have not been adequately emphasized to date.

This nation is currently experiencing a crisis of confidence not only with regard to some of its policies, but with regard to its basic political structure. We cannot afford to underestimate the importance of taxation and tax equity as a factor in the despair and disenchantment which increasing numbers of citizens are feeling and expressing toward our system of government.

The income tax system of this nation touches more citizens, more directly, more consistently than perhaps any other single aspect of government. More than 74 million Americans file an income tax statement every year. For many of them—perhaps too many—it is the most intimate contact they have with the Federal government. As a re-

sult, it plays a major role in determining their attitudes about the American political system. The extent to which the Federal tax system appears to the average taxpayer to "live up" to the ideals of this society—particularly our national dedication to fairness and equality—must be regarded as a crucial factor in determining the confidence, the satisfaction, and the commitment with which the average citizen regards the Federal government.

Former Treasury Secretary Joseph W. Barr, writing in the March 22, 1969 issue of the *Saturday Review*, expresses amazement at the public response to his remark before the Joint Economic Committee of the Congress on January 17 that "we face now the possibility of a taxpayer revolt if we do not soon make major reforms in our income tax system." He describes the response to that statement as follows:

"The idea of a middle-class taxpayers' revolt caught the attention of the press, and the story was played up heavily around the country for a few days. Then the letters began to pour into the Treasury and Congress. Clearly this was an idea 'whose time had come.'"

Secretary Barr need not have been surprised. His statement elicited such an overwhelming response simply because it accurately described the full extent and intensity of public frustration with the operation of the tax system.

Briefly, what are the reasons for this frustration? I believe they can be summarized under three general headings. First, many individual taxpayers feel that the tax burden they have to bear is simply too great in relation to the tax burdens borne by non-individual taxpayers, such as corporations and other group enterprises. They cite, for example, facts like the following:

During the past year (1968), according to a recent Internal Revenue Service report, taxes on corporate profits dropped \$5 billion. But the tax burden on individual citizens through personal income taxes increased by 13 percent during the same period.

"Real" net per capita income over the past eight years is up by 31 percent. But corporate profits after taxes have gone from \$26.7 billion to \$51 billion—a gain of 91 percent—in the same period.

The 1969 financial report of the First National City Bank of New York reports that "Corporations in the United States managed to improve their net earnings by 10 percent during 1968" and the rate of return on investment has remained steady. But "real" per capita income increased by only about 3 percent in 1968 over 1967, according to the Economic Report of the President transmitted to the Congress last January.

The question whether individual taxpayers as a group have come to shoulder an undue proportion of the growing tax burden—more than they need to bear and more than they should be required to bear—is being overlooked and ignored.

On this point, I am disappointed to notice, for example, that the extensive study of tax reform measures undertaken by the Treasury Department and printed jointly by this Committee and the Senate Committee on Finance, contains an extensive analysis and evaluation of tax reforms and inequities within the individual income tax structure, and within the corporate tax structure. But it does not get at the question of what many regard as an inequitable sharing of the tax burden by individual taxpayers in relation to corporate taxpayers.

In my view, we cannot afford to concentrate solely on inequities within the individual and corporate tax sectors, and fail to examine whether equity and rationality prevail with regard to comparative taxation levels between these two major taxpaying sectors. I realize this is a very complex ques-

tion—one that is not nearly as easily answered as asked. To even begin to answer it and draw the proper policy implications from it will require much sophisticated analysis. But it is a critical question, and given the basic trends and figures I have cited, I feel there is more than adequate cause to begin immediately to elicit the views and data of our very best economic brains to determine whether it would be feasible to readjust the tax burden borne by individual taxpayers in relation to corporate taxpayers without frustrating efforts to achieve our basic economic and social goals.

When that question has been answered—and I emphasize that I do not feel it has yet even been adequately posed—then it will be appropriate to decide, as a matter of policy, whether it would be desirable to establish alteration of the ratio between total corporate and total individual taxation as a major goal of tax reform. Any tax reforms instituted before a careful decision is made one way or the other on this question of purpose will be putting the cart before the horse, and will risk achieving little in the way of increased public satisfaction. If, after careful consideration, it can be demonstrated that the total burden of individual taxation cannot be shifted, the public deserves to know why not. If that burden can be lightened, then tax reforms must be instituted with that goal in mind. This Committee certainly possesses the authority and facilities to take the lead role in such a determination, and I hope it will not fail to do so as part of its current tax reform deliberations.

I do not intend to suggest by all this that inequities in taxes paid by some individuals as compared to those paid by other individuals are insignificant, or do not constitute a significant and legitimate area of concern. In fact, there is much evidence that such inequities exist and must be alleviated, and I believe these inequities constitute a second major source of frustration for taxpayers.

The fact is that individuals similarly situated often pay strikingly dissimilar rates of tax, and equal rates of tax are often paid by taxpayers with marked differences in income. This picture has been imprinted in the public mind by recent revelations that, on the one hand, some 2.2 million families with incomes below the "poverty line" pay taxes each year, while, on the other hand, there are numerous examples of individuals with annual incomes above half-a-million dollars who have paid little or no taxes. But the inequities are not confined to these extremes. The fact is, for example, that the comparability of effective tax rates in income classes erodes noticeably for income groups above twenty thousand dollars a year. Particularly at these higher income levels, the range of effective tax rates paid by individuals is broad, indicating that a substantial number of individuals are paying less tax than others with roughly equal ability to pay.

Furthermore, a large majority of individuals with adjusted gross incomes in the 3-5 thousand dollar range are taxed at an effective rate of 15-20 percent—the same rate at which an almost equal majority of individuals in the 10-20 thousand dollar range are taxed. Considering the substantial difference in buying power between \$5,000 of amended gross income and \$20,000 of amended gross income, is there really any wonder at the disenchantment of the "moderate income" taxpayer?

Third and finally, I feel that taxpayer discontent is a product of the increasing complexity of the tax structure. As the Treasury study to which I referred earlier clearly points out, the standard deduction, which is a device intended to simplify the tax form for most taxpayers, was once used by over 80 percent of those who filed returns. Due to

failures to increase the standard deduction to keep pace with increased earning levels and living costs, only an estimated 57 percent of the taxpayers who file returns in 1969 will employ the standard deduction option. Another example of unnecessary and frustrating complexity in the tax system is the extra 15% tax credit accorded senior citizens on incomes from private and government pensions other than Social Security and Railroad Retirement benefits. The computation required is so complex that many elderly people do not understand it, and thereby lose badly needed benefits to which they are entitled.

Even sweeping tax reform will not, of course, provide a total solution to the economic problems of the nation. But that is not to say that tax reform would not provide a significant increase in tax revenues. Although estimates vary on exactly how much increased revenue could be realized with a major tax reform program, a number of tax experts believe the amount would be enough, for example, to replace the "tax surcharge" now in effect.

Similarly, sweeping tax reform cannot be expected to solve the problems of social unrest and the apparent crisis of confidence toward government that appears to exist and to be growing in this country. But neither would it be appropriate to underestimate the importance of tax inequities as a contributing factor in the erosion of respect and confidence in government. The contention of those in our society who are, in Secretary Barr's terms, on the verge of revolt is that the institutions of government are unresponsive to changing conditions—that these institutions and their policies are hopelessly frozen, insulated from legitimate pressures for revision and change. That, it seems to me, is a reasonably accurate description of what has happened in the case of our tax system.

To a great extent, what constitutes the best combination of tax reforms hinges on the particular goals the Congress wishes to achieve. Those goals, in turn, depend upon the answers obtained to some of the kinds of questions I have tried to raise in this testimony.

But regardless of the answers that eventually emerge to these overriding policy questions, I believe it is possible to designate some areas of reform which are likely to require highest priority in any tax reform program. Without going into great detail on the provisions in my own bill, or even necessarily confining myself to them, I would like to suggest some of the areas of reform that I feel should receive top priority in the process of developing the best possible program of tax reforms.

In general, Mr. Chairman, I feel top priority must be given to tax treatment of the fabulously large fortunes that are continuing to be made each year in this country, both by individuals and corporations. Many of these huge fortunes are made possible by the fact that gaping loopholes in the tax laws abound particularly at the highest income levels.

These loopholes are well known. Unrealized capital gains are not taxed at the time of an individual's death, except as part of his estate. Accelerated tax depreciation is permitted on speculative investments. Large percentages of corporate gross incomes in the oil and mineral industries are deducted as depletion allowances. Corporations can treat all kinds of questionable expenses as deductible "business expenses"—a category which too often includes the costs of lobbying, lavish entertainment and travel, and even airing of political views. Seven percent of the amount corporations and individuals invest in capital expansion is written off as a tax credit.

Unfortunately, the undesirable effects of these loopholes do not end with the tax

avoidance they permit. Many economic experts feel capital investment credits and methods of accelerated depreciation accentuate cycles of deflation and inflation, acting particularly as stimuli to added investment and production in periods of inflation when the economy is already overheated.

Through misuses of the "business expense" deduction, the public and the government are put in a position of encouraging and helping to finance excessive advertising and consumption, particularly of products like cigarettes which can be harmful to health. The lobbying efforts of corporations, and the political propaganda of individuals like Mr. H. L. Hunt and corporations such as Ever-sharp-Shick which make a practice of mixing political views with product advertising are also subsidized by the public through the "business expense" deduction. While the Congress in 1962 wisely attempted to cut down the list of travel and entertainment activities that can be included in the "business expense" deduction, the government and the public still subsidize too much high living by businessmen, and more needs to be done to close the door on this situation.

In addition to these lines of approach, I would like to urge the Committee to give serious consideration to establishing progressive tax rates for capital gains. The effective flat rate of 25% on long term capital gains is probably the most useful tool of all for those who are intent on building fortunes without paying commensurate income taxes. While there may be considerable technical difficulties involved in applying a higher rate to net capital gains as the amount of such gains increases, I believe the effort ought to be made. If it is done, however, it would be more than ever important to change the present provision which permits capital gains to go untaxed as such at death, so that there will no longer be the incentive for people of advancing years to avoid selling holdings which show substantial long term profit.

Finally, I strongly support proposals to institute a minimum income tax, and such a proposal is contained in the tax reform legislation I have sponsored. But it would be a mistake to fall back solely on this approach as a solution to tax problems. The tax loopholes I have cited, as well as others, are the ultimate cause of inadequate taxation on many large incomes, especially when several tax loopholes are claimed in tandem by a single taxpayer. A minimum income tax should be looked upon only as a final safeguard to insure that if all other tax provisions fail, every taxpayer will pay some taxes. This should, however, be a supplement to action to close the tax loopholes that are the source of the problem, not a substitute for such action.

Neither should a minimum income tax be looked upon as major source of added revenues. Its major positive effect is likely to be psychological, not financial. Nevertheless, as I have pointed out, we face a national crisis of confidence to which tax inequities contribute substantially, and changes which alone promise to strengthen public confidence deserve no less serious and prompt consideration than those which promise added revenues.

Tax reform is indeed an idea whose time has come. Moderate income families particularly are chafing under the real economic hardships the current tax system is imposing upon them, and the psychological hardships they also bear as a product of the blatant inequities in the system. If we fail now to meet their needs and expectations, and if we fail to live up to their ideals of rationality and equality, let us not marvel in the future at the wave of repudiation, already gathering in the land, that will assuredly crash with determination not only against the policies of the Federal government but against the very system itself.

STOP THE FLOOD OF MAIL SMUT

HON. GLENARD P. LIPSCOMB

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 15, 1969

Mr. LIPSCOMB. Mr. Speaker, the Alhambra, Calif., Post-Advocate, which serves an area of the congressional district it is my privilege to represent, recently carried a forceful and timely editorial entitled "Stop the Flood of Mail Smut."

The Post-Advocate is to be commended for speaking out vigorously against the flood of pornographic literature that is flowing through the mails. This problem has reached a point where it is a national disgrace.

Under leave to extend my remarks, I submit the editorial for inclusion in the RECORD:

[From the Post-Advocate (Calif.), Mar. 20, 1969]

STOP THE FLOOD OF MAIL SMUT

Ugh! We are terrified!
Let's stop smut and fast!

In recent weeks panderers have literally solicited thousands of decent families around the United States of America right in their homes in a new high level of permissive immorality.

The families have received in the mails a plainly-addressed envelope that contains nauseating, repulsive filth illustrating all kinds of sexual activity and depravity. Purpose of the mailing is to sell pornographic material that is even worse.

The pornography is mailed from California and East Coast cities. It seeks legitimacy by comparing its "literature" to the volumes in the Vatican Library and the British Museum. It could be opened by the youngest, most innocent child in the house.

The new floodtide of obscenity that is mailed, whether requested or not, is the last straw in the boldness of the pornographic seducers. The permissiveness that has made it possible rests squarely with the Supreme Court, which opened the gates to filth with a landmark 1957 decision.

Some blame also rests on the shoulders of the Congress, which has failed to define standards of obscenity or regulate the flow of filth in interstate commerce. If necessary, Congress could even limit the ability of the Supreme Court to review state pornography decisions.

A bill introduced by Rep. Bob Wilson, Republican of California, which would control the mailing of smut across state lines, is an essential minimum in the fight against interstate smut. Mr. Wilson should be applauded for his leadership and supported by the people his measure would help. The post office also should crack down harder on interstate smut peddling, just as it does against lotteries and racing results.

Some of the blame for the new boldness of the smut merchants rests with the state legislatures. To this day police departments in many areas do not have definitive legal guidelines to evaluate smut, particularly its sale to minors.

And not the least of the blame for the smut pollution lies at doorsteps of decent persons who fail to speak up. Apathy and silence in the fight against obscenity is tantamount to support for the seducers.

The breakdown of morality that undermines our nation is a major crisis. Youths can buy the filthiest of publications with ease, or see smutty movies at will in most states. Now entire families are exposed to the immoral filth through the mails.

The floodtide of pornography could reach legitimate motion picture places next. A Swedish film depicting a sexual act already has reached New York City. It was rejected just two years ago.

It is not a coincidence that forcible rape increased 14 percent in the United States last year—and much of this crime is unreported because of embarrassment.

The time has come to act decisively in stamping out the menace of filth in our nation. If the three branches of government will not assume the responsibility, the people must.

The danger of this is that the public reaction could be so violent that censorship will be the result instead of the smut control that is possible without it.

EEOC SUCCESSFUL IN EMPLOYMENT CONCILIATION WITH LOCKHEED

HON. JAMES C. CORMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 15, 1969

Mr. CORMAN. Mr. Speaker, I am concerned about recent charges that Chairman Clifford L. Alexander, Jr., and the Equal Employment Opportunity Commission as been "harassing" the business community.

EEOC's efforts to persuade the business community to comply with the law of the land which prohibits employment discrimination can hardly be considered harassment.

EEOC has no enforcement powers but must rely on persuasion through the conciliation process after charges of discrimination have been filed. Or, it can hold public hearings to discuss discriminatory job patterns in industry and unions as it did in Los Angeles in March, and urge their respective leadership to develop and implement an effective affirmative action program.

I would like to call to the attention of my colleagues on both sides of the aisle a recent and notable example of business-government cooperation where the company involved worked with EEOC to increase and upgrade its minority work force.

Only recently, the industrial relations director of the Lockheed-Georgia Co., Mr. C. A. Jenkins, had this to say following a conciliation agreement negotiated by EEOC with his company:

Lockheed is pleased but not content with its equal employment opportunity accomplishments. We are excited about our most recent developments in the field of human relations—

Mr. Jenkins said—

particularly those developed in 1968 with the assistance of EEOC.

The innovations developed through the assistance of EEOC to the Marietta, Georgia division of Lockheed, include:

A new individual development program was designed to provide formal, individually tailored programs for specific development of an employee's potential for advancement. Revisions in testing procedures brought about more effective selection of employees for training and promotion.

Important advancements were made in the company's established management selection procedures.

A financial planning and counseling service was designed to deal with the "root causes" of financial difficulties, and to ameliorate garnishment action against employees—the first known service of its kind in private industry.

New promotional profiles and career paths posters opened communications for all segments of the work force.

Other unique accomplishments included formal career counseling for hourly and salaried employees and the pre-hiring training and employment of more than 500 persons previously considered underemployed or unemployable.

A Federal contract was negotiated to establish an industrial plant—the Ventura Manufacturing Co. in San Antonio, Tex.—for employment of disadvantaged and hard-core unemployed. Lockheed supplied key staff members for guidance and assistance. By the end of 1968, a total of 113 Mexican Americans and Negroes were trained and employed.

Progress was reflected in specific advancement of job opportunities for Negroes within the Lockheed-Georgia work force.

During the 12-month period ending December 31, 1968, 1,614 Negroes were hired, raising the total Negro work force to 2,636. The number of Negroes holding exempt salaried jobs increased from 95 to 163. Negro supervisors increased from 31 to 54.

More than 1,450 Negroes were promoted to higher rated jobs, substantially aided by the new career counseling services.

As part of the internal promotion programs, minority employees completed more than 2,200 prehire, skills, technical, and career development training programs.

In announcing the successful agreement, Chairman Alexander stated:

By working closely together Lockheed and EEOC made significant steps forward. This was the result of mutual respect on the part of industry and Government.

Chairman Alexander is to be commended for the progress the Commission made under his chairmanship in assisting the business and labor community to carry forward our national purpose as defined in title VII of the 1964 Civil Rights Act.

It will indeed be regrettable if vacillation and confusion replace solid accomplishment in the elimination of racial discrimination in employment.

DECADE OF ARMS BLUNDERS NOW AN ISSUE IN ABM DEBATE

HON. H. R. GROSS

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 15, 1969

Mr. GROSS. Mr. Speaker, the following article in the April 13, 1969, issue of the Des Moines Register, by Mr. Clark Mollenhoff, one of the best informed journalists in Washington on matters dealing with the Department of Defense, is well worth reading by all Members of

Congress in view of the debate involving the anti-ballistic-missile system.

In order to make it available I am inserting it in the RECORD at this point:

NOW THERE IS AN ISSUE IN ABM DEBATE—
FOES EMPHASIZE PAST FAILURES

(By Clark Mollenhoff)

WASHINGTON, D.C.—A decade of documented cases of waste, mismanagement and corruption at the Pentagon is plaguing the Nixon administration as it faces the first major political test on the Safeguard anti-ballistic missile (ABM) program.

While the United States has constructed and maintained what many call "the most formidable military machine in history," the reports of Congress have documented a decade of multi-billion-dollar blunders that have suddenly become the targets of dozens of major political figures.

The new focus of attention on the "military-industrial complex" is creating alarm in the highest circles in the Nixon administration.

At the White House, at the Pentagon, and in Congress there is real concern that a flaming reaction against instances of Pentagon blunderings and mismanagement under the last two administrations could create serious problems in obtaining public and congressional support for funds the administration feels are necessary to meet American military commitments.

That concern became alarm in the last week, with the highest level White House and Pentagon personnel giving much of their time to the job of smothering the blaze of concern that could seriously harm President Nixon's political future.

Republicans fear that the new President could be the political fall guy for past Pentagon blunders.

Reaction against the military-industrial complex has included speeches by such political figures as Senator Edward M. Kennedy (Dem., Mass.), Senator Edmund S. Muskie (Dem., Maine), Senator George McGovern (Dem., S.D.) and former Vice President Hubert Humphrey.

The reaction is growing in an inflammable atmosphere of frustration resulting from the high costs and casualties of the long and inconclusive Vietnam war and from new instances of scandalous military buying practices.

A \$1 BILLION BOO-BOO

Within the last few months there have been new hearings and reports that have revealed that the Army made what Representative Samuel Stratton (Dem., N.Y.) called a "billion-dollar boo-boo" in construction of the Sheridan tank and its Shillelagh missile and 152-mm. gun-launcher.

The blunder continued for nearly ten years, with high ranking army officers using a secrecy stamp to hide their fumbling from Congress. Correspondence established that even when the lack of reliability of the tank and missile system were obvious to a command using them, the officers put the tank into a production schedule to avoid the possibility of having the budget cut.

The waste in this case has been estimated at \$1.5 billion as a minimum, with some saying it could reach \$5 billion. The blame in this case is almost all with high Army officers who continued to pour funds into a pet project in the face of plentiful evidence that it was a failure.

Likewise, there were high ranking Army officers at fault along with political appointees in the waste of more than \$40 million on contracts for the M-16 rifle.

Under former Defense Secretary Robert McNamara, the Pentagon awarded a contract for 240,000 M-16 high-velocity rifles to the Hydra-Matic Division of General Motors for \$56 million—a full \$20 million more than the \$36 million bid of the Maremont Corp. of Saco, Maine.

Other bungling on the M-16 contract in-

cluded the initial single-source award to the Colt Manufacturing Co. that permitted that firm to make profits of from 13.4 per cent to 19.6 per cent on a negotiated contract.

CONFLICT OF INTEREST

A Senate armed services subcommittee saw a "conflict of interest" problem for former Navy Secretary Fred Korth in the purchase of the X-22 vertical take-off and landing plane from the Bell Corp. Korth, a former director of Bell, couldn't get his own subordinates to award the contract so he turned it over to his superior, Deputy Defense Secretary Roswell Gilpatric.

Gilpatric then consulted with Korth, and made the decision to overrule recommendations for Douglas Aircraft, according to the committee report.

The result was that Bell got the contract despite the views of highest ranking Navy officers that Douglas had the best plane, and at a price that was at least \$350,000 to \$1 million lower than Bell's.

It took a threat of public hearings by Senator John McClellan (Dem., Ark.) permanent investigating subcommittee to stop Air Force Secretary Harold Brown, one of the so-called McNamara Whiz Kids, from awarding a \$60 million computer contract to the high bidder, IBM. All three other competing firms, RCA, Honeywell and Burroughs—were well qualified and had bid about half of IBM's bid on this \$120 million contract.

The Joint Committee on Atomic Energy in several unanimous reports criticized McNamara for pouring more than \$200 million into a conventional aircraft carrier, the John F. Kennedy, rather than into a nuclear-powered carrier. The committee charged that the John F. Kennedy was obsolete in a nuclear age.

TFX CONTROVERSY

Senator McClellan has dubbed the TFX warplane "a multi-billion-dollar disaster." After waste of \$1 billion or more, the Navy version, the F-111B, was canceled as too heavy, too costly and inadequate to meet Navy mission requirements.

The bomber version is reported nearly as inadequate for its mission, and it has been sharply cut back. The plane has only 70 per cent of the range of present B-52s and B-58s, and failed to meet the bomb-load performance and speed criteria.

The Air Force is going ahead with purchase of F-111A planes because there is no alternative, despite the fact that the cost of the plane has jumped from \$2.8 million to about \$10 million each and does not meet original performance specifications.

Also, it was noted by such critics as Senator John J. Williams (Rep., Del.) and Representative H. R. Gross (Rept., Ia.) that there were serious "conflicts of interests" by two of McNamara's top subordinates—Deputy Secretary of Defense Gilpatric and Navy Secretary Korth.

Gilpatric, a former lawyer for General Dynamics, took a full role in making the TFX decision for General Dynamics.

LOAN TO FIRM

Korth, former president of Continental National Bank of Fort Worth, Tex., counted General Dynamics among his bank's best customers. Only a few months before he became Navy secretary, Korth personally had approved a \$400,000 loan to General Dynamics.

Senator Stuart Symington (Dem., Mo.), originally a defender of the TFX contract, now calls it a blunder and declares that all versions of the contract should be canceled to let the Air Force move into a long-sought Advanced Manned Weapons System—a long-range, high-speed, manned bomber.

Symington, a former secretary of the Air Force, has become a strong critic of a whole range of past decisions. He told the Senate that the U.S. has spent over \$23 billion on missile systems deployed and then abandoned.

Senator William Proxmire (Dem., Wis.) has

been critical of the cost overruns of about \$2 billion on the C-5A, the world's largest aircraft. That contract was a McNamara decision.

It has been pointed out by Senator Edward Kennedy that there have been studies of 13 major aircraft and missile programs that show "only four programs, totaling \$5 billion, could be relied upon to perform at more than 75 per cent of their specifications."

"Five, costing \$13 billion, failed 25 per cent more often than promised," Kennedy told the Detroit Economic Club last week. "Two, costing \$10 billion, were dropped within three years because of low reliability; and two, after an outlay of \$2 billion, were dropped outright because they performed so ineffectively."

"This same study revealed that complex electronic systems generally cost 200 to 300 per cent more than the Pentagon predicts, and are generally delivered to the military two years later than promised," Kennedy said.

CITIES NEED AID

Kennedy contrasted the waste at the Pentagon with the need for more billions for the poverty areas in American cities, and he pictured the "Safeguard" ABM as likely to be more of the same waste.

President Nixon and Defense Secretary Melvin Laird are concerned that they may appear to be defenders of the military-industrial complex with all of its worst implications of favoritism and impropriety.

The critics of Mr. Nixon's ABM decision lean heavily upon quotations from the late General Dwight D. Eisenhower warning that "We must guard against the acquisition of unwarranted influence, whether sought or unsought, by the military-industrial complex."

White House officials say that those pushing for sharp cuts in the military budget seldom note that, in the same speech, General Eisenhower also said: "Our arms must be mighty, ready for instant action so that no potential aggressor may be tempted to risk his own destruction."

One high ranking military officer said last week that "The critics from the scientific and academic field seldom note that the Eisenhower warning on the military-industrial complex was coupled with a warning against becoming 'the captive of a scientific-technological elite.'"

These will be points that President Nixon and Defense Secretary Laird will stress as they campaign actively in the next few weeks for the \$800 million in ABM funds they will need for next fiscal year as a part of the \$7-billion ABM program planned.

NO SCHEDULE

White House Press Secretary Ronald Ziegler would give no schedule on President Nixon's campaign for the ABM nor for the \$77 billion defense budget.

Laird also plans a major presentation before the American Society of Newspaper Editors (A.S.N.E.) late this week.

From the administration as well as from the Republicans in Congress there is expected to be a strong effort to point up that the series of scandals involving waste and corruption flow from the Kennedy and Johnson administrations.

Also, some special attention is expected to be given to Gilpatric, whose activities for General Dynamics and whose role in the TFX contract represent one of the documented problems of the "military-industrial complex."

He has turned up as a member of Kennedy's Ad Hoc Committee of New Yorkers Against ABM. This is regarded by the Nixon administration as a fortunate occurrence since it presents the possibility for dramatically planting the "military-industrial complex" label on one of those closest to a man they regard as the most likely Democratic candidate in 1972.

In the fight over the ABM and the defense budget, the Nixon administration will be

supported by such influential Senate Democrats as Richard Russell (Dem., Ga.), chairman of the Senate Appropriations Committee, McClellan, and Henry M. Jackson (Dem., Wash.), a high-ranking member of the Senate Armed Services Committee as well as the Joint Committee on Atomic Energy.

The Nixon administration is seeking to keep the ABM and defense appropriations fights away from the past problems of waste, mismanagement and corruption in the last decade, and place the blame for those scandals on McNamara or the military or civilian subordinates who made the decisions.

"If the ABM fight is settled on its merits, I am sure the President can convince the people that this is only an advanced research and development project and it is the minimum we can do in the light of the Soviet's SS-9," a White House aide said last week.

MILLER'S VIEW

Senator Jack Miller (Rep., Ia.) said he is hopeful that the discussions of defense spending and the military-industrial complex "will be kept in perspective."

Miller declared that we need a great industrial complex to build today's weapons, and we need a well trained military corps to use them.

"The real point of concern is that this power be managed in such a way as to meet our security requirements without allowing it to lead to excesses and abuses—well-intentioned or otherwise—which jeopardize our society," he said.

He declared that much of the problem arises because "those with little or no experience with the military are often so overwhelmed by the immensity of our requirements as to feel helpless."

Miller said the U.S. cannot expect all right decisions by the military or civilian leaders in the Pentagon in dealing with highly sophisticated weapons systems. But he noted that Congress has provided a continuing review, has focused attention on the major blunders of the past, and has forced the Defense Department to correct some wrong decisions.

Representative Gross declared that "there are dangers inherent in having high ranking military officers being recruited for defense industry, and in having executives of defense industries working at the Pentagon."

"Congressional committees and the General Accounting Office must be constantly alert to the possible conflicts of interest. A few prosecutions by the Justice Department would straighten out much of the outright dishonesty in this area," Gross said.

CONGRESSMAN GILBERT ANNOUNCES RESULT OF 1969 CONGRESSIONAL QUESTIONNAIRE

HON. JACOB H. GILBERT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 15, 1969

Mr. GILBERT. Mr. Speaker, I recently sent to my constituents in New York's 22d Congressional District, Bronx, my annual congressional questionnaire. The response was immediate and enthusiastic, and I want to thank the many thousands who were sufficiently concerned to take the time and trouble to complete and return this poll. Particularly gratifying was the high degree of respondents who further elaborated their views with notes and letters. I regret that space limitations make it impossible for me to share these comments with my colleagues, but I can testify to their worthwhile nature.

My questionnaire was written to re-

flect issues of particular concern to my district, as well as the current major national and international issues. In the multiple-choice questions, many respondents chose several alternatives. Mr. Speaker, I wish to include here in the RECORD, the tabulated results of this poll:

RESULTS OF CONGRESSMAN GILBERT'S 1969 CONGRESSIONAL QUESTIONNAIRE

[In percent]

FOREIGN POLICY

1. What kind of settlement would you favor for ending the war in Vietnam?
 - a. A coalition government in Saigon, to include the National Liberation Front ----- 25
 - b. An agreement between our government and Hanoi to withdraw all outside troops, so the South Vietnamese can fight it out among themselves ----- 25
 - c. Withdrawal on our part, whether or not we reach agreement with the other interested parties ----- 15
 - d. No negotiation until we have won military victory ----- 15
 - Undecided ----- 20
2. What policy should the United States adopt for assuring stability in the Middle East?
 - a. A formal alliance with Israel, possibly including its admission to NATO, that would assure our intervention in the event of an Arab attack ----- 14
 - b. A public declaration that we would intervene on Israel's side in the event that the Soviet Union openly intervened for the Arabs ----- 13
 - c. Press for a negotiated settlement through the United Nations ----- 29
 - d. Join with the Soviet Union to guarantee formally the terms of a peace settlement ----- 17
 - Undecided ----- 27

DOMESTIC POLICY

3. What should the Federal Government do about inflation?
 - a. Legally control prices and wages ----- 35
 - b. Maintain high interest rates and taxes, including the Surtax, in an effort to reduce consumption and slow business expansion ----- 8
 - c. Tie Federal salaries, Social Security benefits, welfare payments, Medicare and other outlays to the cost-of-living index ----- 26
 - d. Nothing, on the grounds that inflation is better than unemployment and business recession ----- 7
 - Undecided ----- 24
4. What should the Federal Government do about crime?
 - a. Increase anti-poverty expenditures ----- 9
 - b. Increase assistance to local police forces, for higher salaries, improved training and better equipment ----- 25

[In percent]

- c. Revoke the constitutional guarantees recently affirmed by the Supreme Court to assure representation by counsel, avoid coercion in the extraction of confessions and end illegal wiretaps, searches and seizures ----- 8
- d. Enact more stringent laws to reduce the careless trafficking in firearms ----- 19
- Undecided ----- 39

SPECIAL ISSUE

Would you approve of a Constitutional amendment which would substitute Popular Election of the Presidency for the present Electoral College?

- Yes ----- 77
 No ----- 11
 Undecided ----- 12

NATIONAL PRIORITIES

[In percent]

What is the order of importance that you ascribe to the following budgetary items? Replies in Priority Order:

1. Aid to public schools and higher education.
2. The elimination of slums and low-income housing.
3. Health care and health programs.
4. Anti-poverty program, including job training.
5. The Vietnam war.
6. Increased Social Security benefits.
7. National defense (apart from Vietnam).
8. Mass transit, including inter-city rail transit.
9. Space exploration.
10. Highway construction.

Mr. Speaker, if I were to make some observations on these results, they would be the following:

First. Three-fourths of those answering the question indicate clearly their opposition to continuing the war in Vietnam to win a military victory. They share my view that we should act with dispatch to get out of Vietnam.

Second. A plurality of respondents favors our pursuing an effort to achieve peace in the Middle East through the auspices of the United Nations. A clear majority, however, appears to accept the view that the United States has a responsibility to assure Israel's integrity and safety. That is also my position.

Third. A substantial plurality of respondents is sufficiently concerned about inflation to favor price and wage controls. Combined with the number which favors tying various Federal benefits to a cost-of-living index, I think there is ample indication that inflation is on people's minds. In my opinion, the most sensible approach to check inflation is to cut back in military expenditures and to channel more Federal funds into domestic programs.

Fourth. More than three-fourths of respondents answering questions on crime took the sensible view that we should improve our police forces and reduce careless trafficking in firearms. An overwhelming majority of respondents left no doubt in my mind that we urgently need more foot patrolmen on our streets and in our apartment buildings to protect lives and property. We must provide more adequate salaries for policemen. While police protection is primarily a matter for local authorities; nevertheless, as U.S. Congressman, I have supported Federal funds, training and equipment to local police departments, and I shall continue these efforts.

Fifth. In a question on national priorities, the overwhelming number of respondents conveyed their preference for domestic rather than military expenditures. They ranked aid to education first, followed by the elimination of slums, health care and research, and anti-poverty programs. I heartily endorse their sense of national priorities.

Finally, I think it is important to note that 85 percent of those answering the question favor the popular election of the Presidency over the present electoral college system. I have often spoken out in support of such a change and I commend this expression of opinion not only to my colleagues, but to the President,

who I hope will see fit to recommend this kind of amendment to the Constitution.

WHAT WILL HAPPEN TO SILVER DOLLARS?

HON. HENRY C. SCHADEBERG

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 15, 1969

Mr. SCHADEBERG. Mr. Speaker, the toughest kid in my neighborhood when I was a boy has taken time to inform me of a program which he is vitally interested in. I would like to share these thoughts with you:

KENOSHA, WIS.,
March 24, 1969.

Congressman SCHADEBERG,
Washington, D.C.

DEAR HENRY: I don't recall ever writing to you, but today is a must. I was very happy to see you at the State convention for the Disabled American Veterans last June. We were all happy that you took time out of your busy schedule to spend a few moments with us. During the campaign I had the privilege of telling my friends that I knew you when you were a kid with a running nose. Also that you were born in the house on the next street back of ours. I also told them that if they returned you to Congress, they could rest assured that there was one honest politician in Congress. Yes when I think of the good old days back home in Manitowoc it pulls on the heart strings a little. Just to give you some of the old food for thought. Barney the horse, riding down the hill next door on the sled you kids had that we called rooster. The old Garfield School, the Soo Line swimming hole, and the wreck of the Midnight Limited. Oh yes the day that Tuffy Zinkel had a new sling shot and tried it out on the weather vane on your barn. Remember I missed and the stone went through your window, hit your Dad while he was shaving and he cut himself. Well the Blacksmith put his kid over his knee heated up his butt and took out the window and repaired it. This is what parents should do today. The days of the nickel for the show and a nickel for popcorn are gone but not forgotten. Today Hank I am writing about Three Million Dollars. Enclosed is clipping from local paper. As you know, I am blind and travel about like our friend Ed Broxmeyer used to only not as well. All the rehabilitation I received for my new life I received at Hines V.A. Hospital. I learned how to type, such as it is, but I never typed before in my life. I learned Braille, and how to travel with a cane alone. In general we were taught to be as normal as other people. On my last visit to Hines Hospital they were training 30 blind Veterans from Viet Nam and they had a waiting list. While I was there there was a young man there, blind and minus both hands, he had to be fed, and helped in the bathroom. Yet at this school he was in high spirits thank God. All the teachers, instructors, and personnel were just wonderful to all of us and they never tired of helping anybody, regardless of the problem. Along with training us they had a bountiful program of recreation lined up to keep all the patients in the best of spirits. I suggest that the Three Million Dollars be put on sale by the Mint at a Premium, and the proceeds be used to create more Blind Centers in the Veteran Administration Hospitals throughout this great country. I was at Wood Hospital last week for my annual examination, and they were just wonderful to me. I am sure they could use a few dollars there to further their program. Hank, not for my sake but for the sake of the young Boys that gave their eyes so others can see

and read what is going on. Please, Hank with all the power that God has vested in you think about it and then act.

Sincerely, Your Old Neighbor,
ROLAND TUFFY ZINKEL.

WHAT WILL HAPPEN TO SILVER DOLLARS?

United States government vaults hold approximately 3,000,000 silver dollars, a majority of which were struck in Carson City, Nev. Coins from this mint are desirable to collectors, and some of them sell at fairly high prices.

Government officials have not decided what method will be used to dispose of them. Among the thousands of suggestions, the most sensible are those which would enable the country's leading national health agencies, such as mental health, heart, cancer, and others, to profit from the sale of these dollars.

Spokesmen for these groups and representatives of the coin-collecting fraternity have testified at Senate hearings on the disposition of these coins.

The government is fearful that abuses might take place in the disposition, but there must be a way it can be done under supervision and still help these groups.

Another suggestion is that the coins be sold as collector items to numismatists and curiosity seekers at three or four times their face value. This would easily give the government an approximate profit of \$10,000,000.

Your suggestions should be sent to your congressman and senators so that they will know your feelings regarding the silver dollars.

OUR MODERN DUTCH BOYS

HON. ANCHER NELSEN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 15, 1969

Mr. NELSEN. Mr. Speaker, those inclined to take a pessimistic view about the goodness of young people today just have not met our kids. The people of the Second District will be everlastingly grateful for the tremendous help being provided by our young people in fighting devastating floods. As a case in point, I include for the RECORD an editorial by Bill Macklin, which appeared in the April 9 issue of the New Ulm Journal, New Ulm, Minn.:

OUR MODERN DUTCH BOYS

Everyone knows the story of the Dutch Boy who put his finger in a hole in the dike and saved Holland, or part of it. This week Southern Minnesota has a lot of Dutch boys, who are winning praises for their work in preventing greater damage than the flood is doing.

Delby Ames, the Springfield postmaster, sang the praises of the students who have responded to pleas for help in manning the dikes in the town, which has stood up to the relentless pounding of the Cottonwood River since the week end.

"We asked for 50 from Southwest State College at Marshall and 60 came," said Ames. "They had to cut off the volunteers."

One young man came in a wheel chair, yet filled 300 sandbags with soil Monday night. A former Springfield boy, Douglas Bloemke, who is still crippled by polio, came back to help his hometown in its hours of peril.

"That lad walked the dikes on his aluminum arm crutch from 9 p.m. until 7 a.m. right up there with the rest of them," said Ames.

Dr. Don Tostenrud, in charge of filling sandbags, said he had never seen boys work

so hard. It wasn't just college students, either. The Springfield schools took a day off Tuesday to let students work, and they did.

One student worked 36 hours without going home to sleep. Twenty-four hours of steady duty was not uncommon.

It's a well-known story that people are at their best in a crisis. It certainly is true in the flood.—WEM

NAVAJO PATRIOTISM PRAISED

HON. ED FOREMAN

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 15, 1969

Mr. FOREMAN. Mr. Speaker, today when college campuses across the Nation are being subjected to demonstrations on various subjects and especially against the action of our boys in Vietnam, I am proud to note that a group of Navajo Indians ejected a group from their campus seeking to promote their anti-Vietnam theme.

As it is pointed out in an editorial of the Farmington, N. Mex., Daily Times on April 10, the Navajo students did not fall for the line a group of San Francisco students, calling themselves entertainers, attempted to voice and disrupt the college. This group of Navajo students displayed their belief and support in America by opposing the demonstrators.

Mr. Speaker, under unanimous consent, I include the editorial of the Farmington Daily Times, April 10, 1969, in the CONGRESSIONAL RECORD:

HURRAH FOR NAVAJO STUDENTS

Patriotism on American college campuses is not dead!

Students at Navajo Community College in Many Farms, Ariz., provided a reassuring and refreshing news story Monday night when they evicted the San Francisco Mime Troupe from the campus after two skits of a scheduled performance.

The Navajo Indians didn't fall for the anti-Vietnam war theme of the so-called performers who one college official said used "obscene gestures and language" and "ridiculed the government and the national anthem."

Individual Americans have a right to be opposed to the Vietnam war. Most Americans are opposed to war in any place. But a governmental system which gives individuals a right to protest certainly deserves a degree of respect not generally associated with campus protest groups.

It might be pointed out to the more demonstrative anti-war protestors that the Indians of this country perhaps have the most to gain by the cessation of hostilities in Vietnam.

When it comes to who should be first in anti-poverty programs which might result at the conclusion of the Vietnam war, few will deny that the Indian population of this country in all fairness should be given top priority.

We can think of no element of our population which has undergone the degradations and poverty to which the Indian has been subjected.

And yet in times of crisis when the nation calls for the support of its citizens, the Indian has been among the first to answer that call. All of us should be proud of the heroism shown by the Navajos and other Indians who have served in the armed forces of this country.

Despite their generally stoic mannerisms, the students of Navajo Community College

have displayed a brand of citizenship which should put many of their fellow-Americans to shame.

PRESIDENT DWIGHT D. EISENHOWER: A TRIBUTE

HON. CHARLES W. WHALEN, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 15, 1969

Mr. WHALEN. Mr. Speaker, I would like to take this occasion to pay tribute to the memory of our 34th President.

Dwight David Eisenhower was a great public servant who had the respect and admiration of the American people perhaps more consistently than any other American Chief Executive.

He first captured these feelings as the planner and leader of the invasion of Europe and held them for the rest of his life.

His personal popularity was immense after D-day and, once established, never really declined. It remained strong enough for him to run for President successfully some 8 years later.

Ike was an honest and uncomplicated man. And these qualities enabled him to achieve his many successes both in war and in peace.

His direction of the European invasion is cited as the best example of his uncanny ability to influence people to follow his leadership. That war effort involved men of many nationalities, including some with major reputations.

They were placed under the command of a junior American general who was not even well known in his own Army.

Despite this, the enormously dangerous and complicated operation of retaking Europe from the Nazis came off and exceedingly well.

As President, Ike did not accomplish everything he advocated. No President ever does.

But his 8 years in office were a reflection of the man himself. His tenure was characterized by a general tranquillity, a period of consolidation.

The 1950's, it turns out, really represented a period of transition. We were still recovering from the aftereffects of World War II when we were plunged into the Korean war. Thus, the stability we desired right after the Second World War was delayed until the Korean conflict could be resolved.

Ike presided over that transition. Toward the end of his term of office, the first signs of the turbulence that was to mark the sixties appeared.

Although a general and a war hero, Ike was a man devoted to peace. It was he who issued the warning about the military-industrial complex just before leaving office, words that have equal validity today.

It also was Ike who cut back military expenditures to the bone after ending the Korean war.

As many were moved to comment during the 5 days of mourning for this great man, his death may mark the passing of another era in our history.

Ike was the storybook hero come true. The product of small-town America, he became part and parcel of the interna-

tional America. And he did it all on his own, the very model of the traditional American virtues of hard work and self-reliance.

So now he is gone after a hard year-long fight against a weakening heart. He confounded the medical profession by surviving as long as he did. Of course, he had excellent medical care. But it would have meant little without Ike's tremendous will to live.

He was a great American who spent virtually his entire adult life in the service of the Nation.

It is a monument—

The Cincinnati Enquirer editorialized—

that when death came to him, it found his stature undiminished in the eyes of his countrymen.

NATIONAL STUDENTS COMMITTEE ON COLD WAR EDUCATION

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 15, 1969

Mr. ASHBROOK. Mr. Speaker, a number of years ago several national organizations proposed and supported responsible courses dealing with education about communism in the schools. Contrasting the oppressive nature of communism with our democratic way of life, organizations such as the American Bar Association, the American Legion, the Veterans of Foreign Wars, and the National Education Association, among others, sought to alert the young people of the danger to the free world of this alien and totalitarian philosophy.

To further increase knowledge in this all-important area, the Young Americans for Freedom, an alert and active organization of young Americans who seek to protect and preserve our constitutional form of government, established its national students committee on cold war education. The goal of the committee is to help initiate activities in State legislatures to enact a statute requiring the successful completion of a secondary level course on freedom versus communism as requirement for graduation. As an aid toward this end the committee compiled and composed an action kit complete with the texts of several State statutes, the text of a suggested bill, sample news releases, suggested texts of resolutions for organizations of various types, a selected bibliography of materials of communism, and other pertinent information.

Also included in the kit is a copy of the report of the Committee on Cold War Education of the National Governors' Conference of 1963. This report was presented to the National Governors' Conference and adopted as presented by the unanimous vote of the 51 State and territorial Governors participating. The report was the product of an interim study committee which surveyed the views and activities of more than 200 individuals, institutions and organizations active in cold war education. Included in the survey were major educational institutions of the Nation engaged in some

facet of cold war education; those engaged in official stimulation of cold war education, including Governors, Members of Congress, officials of the executive branch agencies having concern in this area, and local-level educational and governmental leaders, along with other individuals and organizations from the educational, labor, and business fields.

The report of the National Governors' Conference in 1963 by its committee on cold war education was but another responsible effort to emphasize the urgent importance of learning the foundations of American freedom while at the same time studying the philosophy, strategy and tactics of the international Communist movement.

The effort by the Young Americans for Freedom to encourage education in this area is certainly to be commended. They should be aided by all those who would approach the grave danger of international communism by first of all learning the very nature, strategy, and tactics of the enemy we face.

SWEDISH HAVEN FOR DESERTERS

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 15, 1969

Mr. RARICK. Mr. Speaker, Sweden, by admitted count, has volunteered "privileged sanctuary" to several hundred U.S. military deserters and draft dodgers from service to their country.

An inquiry directed to the State Department as to the existence of an extradition treaty with Sweden brought a guarded reply from State, professing the existence of a treaty but that military absenteeism was not grounds for extradition.

Interestingly enough, a report from the Senate Armed Services Subcommittee indicates that the Swedish Government, following World War II, disregarded all humanitarian consideration to the military absentees from Germany, Estonia, Latvia, and Lithuania and in the infamous "Baltic Affair" extradited 3,000 military refugees from these European countries to Russia where they were executed.

If our State Department really wanted the return of these deserters, I am sure the Swedes could oblige by following the earlier precedent with the Soviets.

I include State's correspondence, Paul Scott's column of April 5 from Human Events, a clipping from the Miami Herald, and the Convention on Extradition Between the United States and Sweden:

DEPARTMENT OF STATE,

Washington, D.C., January 24, 1969.

HON. JOHN R. RARICK,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN RARICK: Secretary Rusk asked that I reply to your letter of January 13 asking whether there is a reciprocal extradition treaty with Sweden and, if there is, what steps have been taken to extradite the military deserters and draft-dodgers who have gone to Sweden.

There is a treaty on extradition with Sweden. This convention entered into force

on December 3, 1963. As is usually the case with such treaties, military offenses are excluded. There are thus no grounds for requesting the extradition from Sweden of military absentees from the United States armed forces.

According to our information, Sweden does not grant permanent residence to Americans who are in violation of the United States Selective Service Act. In any event, this offense also is not covered by the extradition treaty.

Our Embassy in Stockholm has had considerable success in convincing military absentees they should return to United States military control and face the consequences of their acts. The absentees return voluntarily and must take the initiative in contacting an Embassy officer for advice and assistance, if needed. American deserters in Sweden know that they can arrange to return to military control with the help of the Embassy and about 40 have done so to date.

If I can be of further assistance, please do not hesitate to let me know.

Sincerely yours,

WILLIAM B. MACOMBER, Jr.,

Assistant Secretary for
Congressional Relations.

[From Human Events, Apr. 5, 1969]

ON MILITARY DESERTERS: SWEDEN'S DOUBLE STANDARD

(By Paul Scott)

In handling military deserters and refugees from foreign countries, Sweden has operated under a double standard.

While asylum is granted American military deserters, the Swedish government has gone out of its way to turn over to Russia military refugees that it requests.

A study made by the Senate Armed Services subcommittee on Sweden's handling of military refugees and deserters highlights this double standard, stating:

"Not only is the policy of accepting and helping support U.S. military deserters one of choice on the part of the Swedish government, but it is a policy which has not been consistently followed in the past.

"The subcommittee has noted that the Swedish government disregarded humanitarian consideration regarding military refugees in the immediate post-World War II period. This involved the famous 'Baltic affair.'

"According to accounts available to the subcommittee, approximately 3,000 German, Estonian, Latvian, and Lithuanian soldiers risked their lives in crossing the Baltic in rowboats. They went to Sweden seeking asylum from the almost certain fate of Siberia or slaughter which awaited them if captured by the Russians.

"In callous disregard of the fate of these military refugees, Sweden, in compliance with Russian demands, turned over these refugee soldiers to the Russian government.

"In other words, the Swedish government chose, in the Baltic affair, not to give sanctuary to the German, Estonian, Latvian and Lithuanian troops who were actually in Sweden at the time and chose, instead, to consign them to Russian authorities.

"In contrast, the Swedish government today chooses to grant sanctuary to deserters and defectors from the Armed Forces of the U.S."

In discussing the motives of the Swedish government in establishing this double standard, the subcommittee report concludes:

"One can only speculate as to the motives of the Swedish government in sending thousands of World War II refugee soldiers to Russia and the fate awaiting them, while today the Swedish government gives aid and comfort to deserters and defectors who have fled to Sweden to escape U.S. military jurisdiction and punishment for their crime."

[From the Miami (Fla.) Herald, Apr. 13, 1969]

DESERTERS ASK DEAD GI'S DAD FOR AID

NEW PORT RICHEY.—Before dying in Vietnam, Arthur Moody's son told him the war was just. But the American Deserters' Committee in Sweden is asking Moody to help end "the senselessness and the futility."

And, according to a letter Moody received from the deserters, he may be one of hundreds of grieving parents who will be asked to put pressure on the President and Congress to end the war.

Arthur "Butch" Moody III, 22, died in Vietnam in 1965. This week his father got a letter addressed to "the Gold Star Mothers of America, surviving widows, as well as other relatives."

The deserters said they were appealing to this group "since you have directly suffered a tragic loss, a loss which is made even more tragic since it resulted from a futile and senseless war."

The letter—signed by the American Deserters' Committee, Stockholm, Sweden—asks the survivors "to force our government to cease and desist in the blood war in Vietnam, an aggression against the Vietnamese people."

The letter urges: "Write your representatives and senators in Congress and demand that they decisively act to put an end to the Vietnamese conflict. Similarly, turn to President Nixon with the request that he stop the war in Vietnam, thereby showing the same resoluteness of decision as did President Eisenhower during the Korean conflict."

The committee asks relatives of dead soldiers to "convince your friends and acquaintances of the senselessness and the futility of the war in Vietnam." It suggests this is the way to "fulfill the legacy of your dear departed ones, and also that of other young Americans who have perished on the battlefields of far off Vietnam."

"It is your moral responsibility," the committee says, "to preclude additional thousands of American families from suffering the tragic loss of fathers, husbands, sons and brothers similarly as you have. Only your decisiveness and civic courage can help put an end to the unjust war" which is robbing America of "the cream of her manhood."

The deserters say they "found in ourselves sufficient courage and determination to refuse to obey the commands of our government." They add: "Although compelled to seek asylum, support and work here in Sweden, we would prefer to live in our homeland provided we could live and work there peacefully, as here."

They can stay in exile, says Moody, and they need not have wasted the postage.

"Anybody who can't serve their country to the best of their ability belongs in Sweden or Russia or some place like that," Moody said.

"Butch was a professional soldier. I know how he felt. In his letters he said this was a just war and if we didn't fight it there we would some day be fighting in our own backyard."

Moody—himself a disabled veteran—said: "I'm sick and tired of protesters. I protest the protesters."

SWEDEN EXTRADITION

Convention and protocol signed at Washington October 24, 1961;

Ratification advised by the Senate of the United States of America October 22, 1963;

Ratified by the President of the United States of America October 29, 1963;

Ratified by Sweden April 27, 1969;

Ratifications exchanged at Stockholm December 3, 1963;

Proclaimed by the President of the United States of America December 20, 1963;

Entered into force December 3, 1963.

A PROCLAMATION BY THE PRESIDENT OF THE
UNITED STATES OF AMERICA

Whereas a convention on extradition between the United States of America and Sweden, together with a related protocol, was signed at Washington on October 24, 1961, the originals of which convention and protocol, being in the English and Swedish languages, are word for word as follows:

"CONVENTION ON EXTRADITION BETWEEN THE
UNITED STATES OF AMERICA AND SWEDEN

"The United States of America and the Kingdom of Sweden desiring to make more effective the cooperation of the two countries in the repression of crime, have resolved to conclude a Convention on Extradition and for this purpose have appointed the following Plenipotentiaries:

"The President of the United States of America: Dean Rusk, Secretary of State of the United States of America, and

"His Majesty the King of Sweden: Gunnar Jarring, Ambassador Extraordinary and Plenipotentiary of Sweden to the United States of America,

who, having communicated to each other their respective full powers, found to be in good and due form, agree as follows:

"Article I

"Each Contracting State undertakes to surrender to the other, subject to the provisions and conditions laid down in this Convention, those persons found in its territory who have been charged with or convicted of any of the offenses specified in Article II of this Convention committed within the territorial jurisdiction of the other, or outside thereof under the conditions specified in Article IV of this Convention; provided that such surrender shall take place only upon such evidence of criminality as, according to the laws of the place where the person sought shall be found, would justify his commitment for trial if the offense had been there committed.

"Article II

"Extradition shall be granted, subject to the provisions of this Convention, for the following offenses:

"1. Murder, including infanticide; the killing of a human being, when such act is punishable in the United States as voluntary manslaughter, and in Sweden as manslaughter.

"2. Malicious wounding; mayhem; willful assault resulting in grievous bodily harm.

"3. Kidnapping; abduction.

"4. Rape; abortion, carnal knowledge of a girl under the age specified by law in such cases in both the requesting and requested State.

"5. Procurement, defined as the procuring or transporting of a woman or girl under age, even with her consent, for immoral purposes, or of a woman or girl over age, by fraud, threats, or compulsion, for such purposes with a view in either case to gratifying the passions of another person; profiting from the prostitution of another.

"6. Bigamy.

"7. Robbery; burglary, defined to be the breaking into or entering either in day or night time, a house, office, or other building of a government, corporation, or private person, with intent to commit a felony therein.

"8. Arson.

"9. The malicious and unlawful damaging of railways, trains, vessels, aircraft, bridges, vehicles, and other means of travel or of public or private buildings, or other structures, when the act committed shall endanger human life.

"10. Piracy; mutiny on board a vessel or an aircraft for the purpose of rebelling against the authority of the Captain or Commander of such vessel or aircraft; or by fraud or violence taking possession of such vessel or aircraft.

"11. Blackmail or extortion.

"12. Forgery, or the utterance of forged

papers; the forgery or falsification of official acts of government, of public authorities, or of courts of justice, or the utterance of the thing forged or falsified.

"13. The counterfeiting, falsifying or altering of money, whether coin or paper, or of instruments of debt created by national, state, provincial, or municipal governments, or of coupons thereof, or of bank-notes, or the utterance or circulation of the same; or the counterfeiting, falsifying or altering of seals of state.

"14. Embezzlement by public officers; embezzlement by persons hired or salaried, to the detriment of their employers; larceny; obtaining money, valuable securities or other property by false pretenses, or by threats of injury; receiving money, valuable securities or other property knowing the same to have been embezzled, stolen or fraudulently obtained.

"15. Making use of the mails or other means of communication in connection with schemes devised or intended to deceive or defraud the public or for the purpose of obtaining money under false pretenses.

"16. Fraud or breach of trust by a bailee, banker, agent, factor, trustee or other person acting in a fiduciary capacity, or director or member or officer of any company.

"17. Soliciting, receiving, or offering bribes.

"18. Perjury; subordination of perjury.

"19. Offenses against the laws for the suppression of slavery and slave trading.

"20. Offenses against the bankruptcy laws.

"21. Smuggling, defined to be the act of willfully and knowingly violating the customs laws with intent to defraud the revenue by international traffic in merchandise subject to duty.

"22. Offenses against the laws relating to the traffic in, use of, or production or manufacture of, narcotic drugs or cannabis.

"23. Offenses against the laws relating to the illicit manufacture of or traffic in poisonous chemicals or substances injurious to health.

"24. The attempt to commit any of the above offenses when such attempt is made a separate offense by the laws of the Contracting States.

"25. Participation in any of the above offenses.

"Article III

"1. The requested State shall, subject to the provisions of this Convention, extradite a person charged with or convicted of any offense enumerated in Article II only when both of the following conditions exist:

"(a) The law of the requesting State, in force when the offense was committed, provides a possible penalty of deprivation of liberty for a period of more than one year; and

"(b) The law in force in the requested State generally provides a possible penalty of deprivation of liberty for a period of more than one year which would be applicable if the offense were committed in the territory of the requested State.

"2. When the person sought has been sentenced in the requesting State, the punishment awarded must have been for a period of at least four months.

"Article IV

"1. Extradition need not be granted for an offense which has been committed within the territorial jurisdiction of the requested State, but if the offense has been committed in the requested State by an officer or employee of the requesting State, who is a national of the requesting State, the executive authority of the requested State shall, subject to its laws, have the power to surrender the person sought if, in its discretion, it be deemed proper to do so.

"2. When the offense has been committed outside the territorial jurisdiction of the requesting State, the request for extradition need not be honored unless the laws of the requesting State and those of the requested

State authorize prosecution of such offense under corresponding circumstances.

"3. The words "territorial jurisdiction" as used in this Article and in Article I of this Convention mean: territory, including territorial waters, and the airspace thereover, belonging to or under the control of one of the Contracting States; and vessels and aircraft belonging to one of the Contracting States or to a citizen or corporation thereof when such vessel is on the high seas or such aircraft is over the high seas.

"Article V

"Extradition shall not be granted in any of the following circumstances:

"1. When the person sought has already been or is at the time of the request being proceeded against in the requested State in accordance with the criminal laws of that State for the offense for which his extradition is requested.

"2. When the legal proceedings or the enforcement of the penalty for the offense has become barred by limitation according to the laws of either the requesting State or the requested State.

"3. When the person sought has been or will be tried in the requesting State by an extraordinary tribunal or court.

"4. When the offense is purely military.

"5. If the offense is regarded by the requested State as a political offense or as an offense connected with a political offense.

"6. If in the specific case it is found to be obviously incompatible with the requirements of humane treatment, because of, for example, the youth or health of the person sought, taking into account also the nature of the offense and the interests of the requesting State.

"Article VI

"When the person sought is being proceeded against in accordance with the criminal laws of the requested State or is serving a sentence in that State for an offense other than that for which extradition has been requested, his surrender may be deferred until such proceedings have been terminated or he is entitled to be set at liberty.

"Article VII

"There is no obligation upon the requested State to grant the extradition of a person who is a national of the requested State, but the executive authority of the requested State shall, subject to the appropriate laws of that State, have the power to surrender a national of that State if, in its discretion, it be deemed proper to do so.

"Article VIII

"If the offense for which extradition is requested is punishable by death under the law of the requesting State and the law of the requested State does not permit this punishment, extradition may be refused unless the requesting State gives such assurance as the requested State considers sufficient that the death penalty will not be carried out.

"Article IX

"A person extradited by virtue of this Convention may not be tried or punished by the requesting State for any offense committed prior to his extradition, other than that which gave rise to the request, nor may he be re-extradited by the requesting State to a third country which claims him, unless the surrendering State so agrees or unless the person extradited, having been set at liberty within the requesting State, remains voluntarily in the requesting State for more than 45 days from the date on which he was released. Upon such release, he shall be informed of the consequences to which his stay in the territory of the requesting State might subject him.

"Article X

"To the extent permitted under the law of the requested State and subject to the rights of third parties, which shall be duly re-

spected, all articles acquired as a result of the offense or which may be required as evidence shall be surrendered.

"Article XI

"1. The request for extradition shall be made through the diplomatic channel and shall be supported by the following documents:

"(a) In the case of a person who has been convicted of the offense: a duly certified or authenticated copy of the final sentence of the competent court. However, in exceptional cases, the requested State may request additional documentation.

"(b) In the case of a person who is merely charged with the offense: a duly certified or authenticated copy of the warrant of arrest or other order of detention issued by the competent authorities of the requesting State, together with the depositions, record of investigation or other evidence upon which such warrant or order may have been issued and such other evidence or proof as may be deemed competent in the case.

"2. The documents specified in this Article must include a precise statement of the criminal act with which the person sought is charged or of which he has been convicted, and the place and date of the commission of the criminal act. The said documents must be accompanied by an authenticated copy of the texts of the applicable laws of the requesting State including the laws relating to the limitation of the legal proceedings or the enforcement of the penalty for the offense for which the extradition of the person is sought, and data or records which will prove the identity of the person sought as well as information as to his nationality and residence.

"3. The documents in support of the request for extradition shall be accompanied by a duly certified translation thereof into the language of the requested State.

"Article XII

"1. The Contracting States may request, through the diplomatic channel, the provisional arrest of a person, provided that the offense for which he is sought is one for which extradition shall be granted under this Convention. The request shall contain:

"(a) A statement of the offense with which the person sought is charged or of which he has been convicted;

"(b) A description of the person sought for the purpose of identification;

"(c) A statement of his whereabouts, if known; and

"(d) A declaration that there exist and will be forthcoming the relevant documents required by Article XI of this Convention.

"2. If, within a maximum period of 40 days from the date of the provisional arrest of the person in accordance with this Article, the requesting State does not present the

formal request for his extradition, duly supported, the person detained will be set at liberty and a new request for his extradition will be accepted only when accompanied by the relevant documents required by Article XI of this Convention.

"Article XIII

"1. Expenses related to the transportation of the person extradited shall be paid by the requesting State. The appropriate legal officers of the country in which the extradition proceedings take place shall, by all legal means within their power, assist the officers of the requesting State before the respective judges and magistrates. No pecuniary claim, arising out of the arrest, detention, examination and surrender of fugitives under the terms of this Convention, shall be made by the requested State against the requesting State other than as specified in the second paragraph of this Article and other than for the lodging, maintenance, and board of the person being extradited prior to his surrender.

"2. The legal officers, other officers of the requested State, and court stenographers in the requested State who shall, in the usual course of their duty, give assistance and who receive no salary or compensation other than specific fees for services performed, shall be entitled to receive from the requesting State the usual payment for such acts or services performed by them in the same manner and to the same amount as though such acts or services had been performed in ordinary criminal proceedings under the laws of the country of which they are officers.

"Article XIV

"1. Transit through the territory of one of the Contracting States of a person in the custody of an agent of the other Contracting States, and surrendered to the latter by a third State, and who is not of the nationality of the country of transit, shall, subject to the provisions of the second paragraph of this Article, be permitted, independently of any judicial formalities, when requested through diplomatic channels and accompanied by the presentation in original or in authenticated copy of the document by which the State of refuge has granted the extradition. In the United States of America, the authority of the Secretary of State of the United States of America shall be first obtained.

"2. The permission provided for in this Article may nevertheless be refused if the criminal act which has given rise to the extradition does not constitute an offense enumerated in Article II of this Convention, or when grave reasons of public order are opposed to the transit.

"Article XV

"To the extent consistent with the stipulations of this Convention and with respect

to matters not covered herein, extradition shall be governed by the laws and regulations of the requested State.

"Article XVI

"1. This Convention shall be ratified and the ratifications shall be exchanged at Stockholm as soon as possible.

"2. This Convention shall enter into force upon the exchange of ratifications. It may be terminated by either Contracting State giving notice of termination to the other Contracting State at any time, the termination to be effective six months after the date of such notice."

FATHER JOSEPH F. THORNING OBSERVES PAN AMERICAN DAY IN THE HOUSE

HON. HENRY S. REUSS

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 15, 1969

Mr. REUSS. Mr. Speaker, for 25 consecutive years, our mutual friend, Father Joseph F. Thorning, has offered the prayer in the U.S. House of Representatives on Pan American Day. It is a tribute to the foresight of you and Father Thorning that together you took the initiative in inaugurating an official Capitol Hill celebration of the cause of inter-American understanding, friendship, and cooperation in April 1944. The annual observance is now a tradition, and has been productive of many benefits to all concerned.

It is a matter of special pride to me that Father Thorning was born in Milwaukee. He studied at St. Louis University and at Catholic University in Washington. He now finds time among his many duties to be associate editor of World Affairs, and Latin American editor of the Diplomat.

On more than one occasion in Washington, the world-renowned priest who gave the invocation yesterday on the 25th anniversary of our observance has been described as "the Padre of the Americas." The title was awarded to Father Thorning in this House by the distinguished gentleman from Montana who is now the majority leader in the other body, Senator MIKE MANSFIELD. Now, more than ever, inter-American programs need such leadership.

HOUSE OF REPRESENTATIVES—Wednesday, April 16, 1969

The House met at 12 o'clock noon. The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

By grace you have been saved through faith, and this is not your own doing, it is the gift of God.—Ephesians 2: 8.

Our Father God, in whom we live and move and have our being, we humbly pray Thee so to guide and govern us by Thy spirit that in all the procedures of these hours we may never forget that Thou art with us. Send us out into this new day sustained by—

A faith that shines more bright and clear
When tempests rage without;

That when in danger knows no fear,
In darkness feels no doubt.

Into Thy keeping we commit our country and all who live and fight and die for her that freedom may continue to be gloriously alive in our world. Strengthen them in danger; comfort them in sorrow; keep them steadfast in the performance of duty and ever loyal to this Nation we love with all our hearts.

Lead us, our Father, in the paths of right; blindly we stumble when we walk alone, only with Thee do we journey safely on.

In the name of Him who is the way,
we pray. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

PRESIDENT NIXON'S REVIEW OF THE 1970 BUDGET

Mr. MAHON. Mr. Speaker, for general information and reference purposes of Members who may be interested, I ask unanimous consent to insert in the extension section of today's Record the report summarizing the results of the review of the 1970 budget, released yesterday by the Executive Office of the President.