dormant since 1947, for a U.N. army under Article 43 of the Charter—which would put it under the veto.

Among the group which made the study, in addition to Brewster and Yost, were Gen. Matthew B. Ridgway, former NATO and Korea commander; Cyrus R. Vance, Vietnam, and Cyprus peace negotiator, and Ernest A. Gross, former deputy U.S. delegate to the United Nations.

H. RES. 169

(Mr. RARICK submitted the following resolution; which was referred to the Committee on Foreign Affairs)

Resolved, That it is the sense of the House of Representatives that, under any circumstances which may arise in the future pertaining to situations in which the United States is not already involved, the commitment of the Armed Forces of the United States to hostilities on foreign territory for any purpose other than to repel an attack on the United States or to protect United States citizens or property properly will result from a decision made in accordance with constitutional processes, which in addition to appropriate executive action, require affirmative action by Congress specially intended to give rise to such commitment.

SENATE—*Tuesday, April 29, 1969*

The Senate met at 12 o'clock noon, 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 fathers, and our God, whose mercies are new every morning, impart to Thy servants who labor in this house the grace of the One who said, "Whoever would be greatest among you, let him be the servant of all."

Be with all the people, but especially wilt Thou attend the youth of this land that as they pursue new ways they may be mindful of their heritage and seek to fulfill all worthy aims under Thy sovereignty, in the spirit of ordered freedom, ever respectful of their fellow man and of his property. Graciously attend the youth of our Nation in communities of learning, on missions of mercy, on errands of peaceful service abroad, and in the Armed Forces, guarding them in moments of temptation and strengthening them in hours of peril, that they may honor Thee in all their ways and ever advance Thy kingdom.

In the Redeemer's name. Amen.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Friday, April 25, 1969, be dispensed with.

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

REPORT ON THE ADMINISTRATION OF THE NATIONAL TRAFFIC AND MOTOR VEHICLE SAFETY ACT OF 1966—MESSAGE RECEIVED FROM THE PRESIDENT DURING ADJOURNMENT (H. DOC. NO. 91–110)

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, received on April 28, 1969, under the authority of the Senate of April 25, 1969, which was referred to the Committee on Commerce:

To the Congress of the United States:

Pursuant to the provisions of section 120 of the National Traffic and Motor Vehicle Safety Act of 1966, I am transmitting herewith for the information of the Congress the Second Annual Report on the administration of the Act.

The report covers the period January 1 through December 31, 1968.

RICHARD NIXON.

THE WHITE HOUSE, *April 28, 1969.*

REPORT ON THE ADMINISTRATION OF THE HIGHWAY SAFETY ACT OF 1966—MESSAGE RECEIVED FROM THE PRESIDENT DURING ADJOURNMENT (H. DOC. NO. 91–109)

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, received on April 28, 1969, under the authority of the Senate of April 25, 1969, which was referred to the Committee on Public Works:

To the Congress of the United States:

Pursuant to the provisions of section 202 of the Highway Safety Act of 1966, I am transmitting herewith for the information of the Congress the Second Annual Report on the administration of the Act.

The report covers the period January 1 through December 31, 1968.

RICHARD NIXON.

THE WHITE HOUSE, *April 28, 1969.*

PROPOSED CHANGES IN DISTRICT OF COLUMBIA GOVERNMENT—MESSAGE RECEIVED FROM THE PRESIDENT DURING ADJOURNMENT (H. DOC. NO. 91–108)

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, received on April 28, 1969, under the authority of the Senate of April 25, 1969, which was referred to the Committee on the District of Columbia:

To the Congress of the United States:

Carved out of swampland at our country's birth, the Nation's Capital city now sets a new test of national purpose. This was a city that men dared to plan—and build by plan—laying out avenues and monuments and housing in accordance with a common rational scheme. Now we are challenged once again to shape our environment: to renew our city by rational foresight and planning, rather than leaving it to grow swamp-like without design.

At issue is whether the city will be enabled to take hold of its future: whether its institutions will be reformed so that its government can truly represent its citizens and act upon their needs.

Good government, in the case of a city, must be local government. The Federal Government has a special responsibility for the District of Columbia. But it also bears toward the District the same responsibility it bears toward all other cities: to help local government work better, and to attempt to supplement local resources for programs that city officials judge most urgent.

My aim is to increase the responsibility and efficiency of the District of Columbia's new government, which has performed so ably during its first perilous years. Early in this Administration, we recommended proposals that would increase the effectiveness of local law enforcement and provide the resources needed by local officials to begin revitalizing the areas damaged during the civil disturbance. Those proposals, however, cover only a part of the program which will be essential for the District Government to respond to the wishes of its people.

I now present the second part of this program, worked out in close consultation with the District Government, and based upon the needs articulated by the Mayor and the City Council.

This program will provide:

—An orderly mechanism for achieving self-government in the District of Columbia.

—Representation in Congress.

—Added municipal authority for the City Council and the Mayor.

—Additional top management positions to bring new talents and leadership into the District Government.

—A secure and equitable source of Federal funds for the District's budget.

—An expanded rapid rail transit system, linking the diverse segments of our Capital's metropolitan region.

The Federal Government bears a major responsibility for the welfare of our Capital's citizens in general. It owns much of the District's land and employs many of its citizens. It depends on the services of local government. The condition of our Capital city is a sign of the condition of our nation—and is certainly taken as such by visitors, from all the states of the Union, and from around the globe.

However, this Federal responsibility does not require Federal rule. Besides the official Washington of monuments and offices, there is the Washington of 850,000 citizens with all the hopes and expectations of the people of any major city, striving and sacrificing for a better life—the eighth largest among the cities

SELF-GOVERNMENT

Full citizenship through local self-government must be given to the people of this city. The District Government cannot be truly responsible until it is made responsible to those who live under its rule. The District's citizens should not be expected to pay taxes for a govern-

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

ment which they have no part in choosing—or to bear the full burdens of citizenship without the full rights of citizenship.

I therefore ask Congress to create a Commission on Self-Government for the District of Columbia, to be charged with submitting to Congress and the President a proposal for establishing meaningful self-government in the District.

In order for any government to be accountable to the people, responsibilities must be clearly pinpointed, and officials must have the powers they need to carry out their responsibilities. The Commission would recommend how best to augment and allocate the legislative and executive authorities with respect to governing the city.

The members of this Commission would be partly appointed by the President, partly designated by the Congress, and partly chosen in a city-wide election by the citizens of the District. They would be given an adequate but strictly defined time period to formulate their plan. I would hope that the Commission would be established promptly, so that its report could be submitted to Congress and the President in time for the 1970 legislative session. With adequate funding, they would be able to draw on the wisdom of consultants throughout the country—men who know firsthand the art of the possible, as well as those who study government—in addition to their own staff.

The Commission members must give thorough consideration to the many alternative plans for self-government which have been presented over the years. But they must also make use of new knowledge we have gained about the problems of existing local governments around the country—in finance, management, urban development, citizen participation and many other areas. They must seek the sentiment of the District's citizens from the earliest stages of their work.

There also is a Federal interest that must be respected. The normal functions of the Federal agencies must be guaranteed and their vital operations protected. There must be continued Federal jurisdiction over public buildings and monuments and assurance of well-being for the men and women who work in them or come to visit. The rights of the national government must be protected at the same time as the rights of the city's residents are secured. There must be respect for the responsibilities with regard to the District which the Constitution places in the Congress.

To establish a new government in so diverse and active a city as the District is certainly no easy task. There are dangers in setting up new governments, as well as opportunities. Congress has been rightly concerned that the plan for self-government must insure responsible elections, effective executive leadership, protection of individual liberty, and safeguards for District of Columbia employees. Self-government must be extended in a timely and orderly manner.

It is especially important that the Commission go beyond the issue of self-government as such, and concern itself with the effective functioning of government in the District of Columbia. Under the existing government structure the City Council finds itself without the power to deal with many crucial problems because of the conflicting and divided authorities that now reside in independent agencies.

But there is no cause for delay: Self-government has remained an unfulfilled promise for far too long. It has been energetically supported by the past four Presidents—Harry S. Truman, Dwight D. Eisenhower, John F. Kennedy, and Lyndon B. Johnson. The Senate approved measures to provide it during the 81st, 82nd, 84th, and 86th Congresses. We owe the present lack of local elections to the Reconstruction period, when Congress rescued the District from bankruptcy but suspended the voting franchise. Congress established the Commission form of government in 1874 as a temporary "receivership," but the Commissioners' government persisted for over 90 years—and today, even after reorganization in 1967, the District remains under Federal control.

The history of failure for self-government proposals shows the need for a new plan strong enough to stand up against the old questions or criticisms. Myriad different plans have been offered—and will be offered again this year. But each will have its own doubters as well as its supporters. A Commission must examine all of them, combining old and new ideas in a proposal that will at last win the broad-based respect necessary for final acceptance, and that will carry the authority of a disinterested group of men whose vocation is government—jurists, political leaders and scholars, as well as other citizens, investing the wisdom of their life's work in a truly new government.

Recognizing both the solemn right of the District's citizens to self-government and the Federal interest, I ask Congress to act promptly on proposed legislation to establish a Commission on Self Government for the District of Columbia, which will be transmitted shortly.

CONGRESSIONAL REPRESENTATION

I also urge Congress to grant voting representation in Congress to the District of Columbia. It should offend the democratic senses of this Nation that the 850,000 citizens of its Capital, comprising a population larger than 11 of its States, have no voice in the Congress.

I urge that Congress approve, and the States ratify, an amendment to the Constitution granting to the District at least one representative in the House of Representatives, and such additional representatives in the House as the Congress shall approve, and to provide for the possibility of two Senators.

Until such an amendment is approved by Congress and ratified by the States, *I recommend that Congress enact legislation to provide for a non-voting House delegate from the District.*

STRENGTHENING THE CITY COUNCIL AND MAYOR

While working for self government and Congressional Representation for the future, I recommend that Congress take certain measures this session to strengthen the present District Government, in both authority and efficiency.

The Reorganization Plan which established the present government left to Congress many mundane municipal functions which are burdensome chores to it but important functions for good local government. At present, Congress must allot a portion of its legislative calendar to setting ordinances for the District of Columbia, in effect performing the duties of a local City Council for the Capital. It thus deals with matters which are of little or no importance to the nation as a whole—the setting of a fee, for example, to redeem a dog from the city pound. The concerns of the District are frequently shunted aside to allow for higher-priority legislative business. "No policy can be worse than to mingle great and small concerns," argued Augustus Woodward, one of the founders of our city, when Congress considered establishing a territorial form of government in 1800. "The latter become absorbed in the former; are neglected and forgotten."

Legislation will be proposed to transfer a number of specific authorities to the District Government—including authority to change various fees for user charges now fixed by statute, waive license fees for new businesses, for persons whose businesses have been burned out in a civil disturbance, and modernize the licensing of various businesses, occupations, and professions.

In addition, I recommend that the Mayor be given certain local responsibilities now exercised by Federal departments or agencies. Reorganization plans will be submitted in the coming weeks to transfer local functions now operated by the Federal Government—and frequently paid for by the District—to the Executive Branch of the District Government. Local services should be operated by local government. Such responsibilities are only an extra burden for the Federal departments, which should rightly devote their energies to the welfare of the entire Nation.

I will also submit other reorganization plans to transfer certain independent or quasi-independent District agencies to the Mayor's jurisdiction. These actions will strengthen the executive direction of the City's administration and complement the continuing reorganization and strengthening of the District's administrative structure.

Granting new authority to the Mayor and City Council would in no way prejudice the ultimate form or degree of Self Government. It would provide them with powers which any good local government, however chosen, should exercise. By initiating this process now, we thus build the strength of local institutions even as we make them more responsible, formally, to their citizens.

MORE HIGH LEVEL CIVIL SERVICE

Good government is the product of able and dedicated people working together. The District Government needs the very best urban managers and experts this Nation has to direct the Capital's growth and apply its resources, and it must be able to attract such public servants at realistic salary rates.

Adding to the number of top management positions is vital to the effective

carrying out of District Government reorganization—the creation of new departments recently announced by the Mayor, and other steps planned for the future. Such reorganization, streamlining the chain of command, is one of the most promising achievements of the Mayor's first years.

Accordingly, I urge Congress to enact legislation to increase the number of supergrade positions available to the District Government.

THE FEDERAL PAYMENT

The District of Columbia cannot achieve strong and efficient government unless it has ample and dependable sources of financing. Sound financing can be achieved only if the Federal Government pays its appropriate share.

I therefore recommend that the Congress authorize a Federal payment formula, fixing the Federal contribution at 30 percent of local tax and other general fund revenues.

This formula would equitably reflect the Federal interest in the District of Columbia at this time with respect to:

—The 217,000 Federal employees who work in the District, about one-third of the local work force.

—The more than 10 million Americans who visit their Nation's Capital each year.

—The embassies and nationals of the foreign governments.

—The land and buildings owned by the Federal Government which cannot be taxed but comprise more than 40 percent of the District's land value.

Enactment of a formula approach would be a significant step toward effective government in the District. It would tie the level of Federal aid to the burden of local taxes on the District's citizens. It would also provide the District with a predictable estimate for use in the annual budget process, thus allowing it to plan its expenditures more accurately and imaginatively for the growing needs of its population. A similar formula, dealing with District borrowing authorization, was enacted by the Congress more than a year ago—and has already proven its worth in improved budgetary planning.

The proposed Federal payment formula would not involve an automatic expenditure of Federal funds. The Federal payment would still have to be appropriated by Congress.

By authorizing the Federal payment at 30 percent of all District general fund revenues, the Congress would allow a payment of $120 million in fiscal 1970, an increase of $30 million above the present fixed authorization. This payment is incorporated in the District's 1970 budget request.

BALANCED TRANSPORTATION SYSTEM

The National Capital needs and deserves a mass transit system that is truly metropolitan, unifying the central city with the surrounding suburbs. As a part of its responsibility for the National Capital Region, the Federal Government should support deliberate action, based upon effective planning, to meet the future transportation needs of the Region. The surrounding areas in Maryland and Virginia, as Congress rightly recognized, include the most rapidly growing areas of population and job opportunities, potentially of rich benefit to the inner city.

Mass transit must be part of a balanced transportation network. A subway will not relieve local governments of the duty to modernize and improve their highway systems and other forms of transportation, so that all citizens have an adequate choice as to how they travel. Clearly, the impasse that has arisen between proponents of road and rail transportation in the Washington metropolitan area has contributed little to the progress of either. There are, however, hopeful signs that a fair and effective settlement of these issues will be reached in the near future. It is in the interest of all those involved—central city dwellers, suburbanites, shoppers, employees, and visitors alike—that this be done.

The Washington Metropolitan Area Transit Authority, in consultation with the District Government and other local jurisdictions, has prepared legislation which would extend the presently authorized 25-mile rapid rail transit system to a 97-mile regional system. The expanded system would provide rapid transit between the downtown and outlying areas. It would facilitate the free flow of resources and labor, and would benefit all eight jurisdictions involved in its planning and approval.

The proposed legislation fulfills the Congressional mandate in a 1966 Act, which directed the Washington Metropolitan Area Transportation Authority to plan, develop, finance and provide for the operation of a full regional rapid rail system for the National Capital area.

The 97-mile system would relieve downtown congestion; increase employment; make educational, cultural and recreational facilities more accessible; reduce air pollution; stimulate business, industry, and tourism; broaden tax bases; and promote orderly urban development of the Nation's Capital.

The cost of the expanded system is estimated to be some $2.5 billion. Fare box receipts would pay for $835 million. The remaining cost of $1.7 billion (the net project cost) would be divided equitably among all the governments concerned on a ⅔–⅓ sharing basis between Federal and local governments.

The local governments concerned have already passed bond referenda or taken other appropriate action to finance their contributions of $347 million. But action by Congress is needed to authorize grants sufficient to cover the $1.1 billion Federal (⅔) share of the net project cost and capital contributions of $216 million for the District's portion of the local (⅓) share.

I urge that Congress promptly enact the necessary authorizing legislation for the 97-mile system.

PENNSYLVANIA AVENUE

Finally, we come to the Washington that so many millions flock to visit; the Washington that stands as a proud physical symbol of our Nation's liberties and its hopes.

Pennsylvania Avenue should be one of the great Avenues of our Republic—as in the original vision of our Capital City—and will be so if the Pennsylvania Avenue Commission presses forward with its present plans. Already, in accordance with the Commission's plans, construction of the Presidential Building at 13th Street has been completed; construction is continuing on the new Capitol Reflecting Pool, as well as buildings for the Federal Bureau of Investigation and the Labor Department. Planning is going forward for the Federal Triangle, a new Municipal Center at Judiciary Square, and an extension of the National Gallery. Our ultimate goal must be the Avenue of L'Enfant's Plan, a grand route connecting the Congress and the President's House, the vital center of the City, monumental in importance but designed for the Citizens of this Nation to enjoy at all hours for work or pleasure. I will encourage the development of this plan and submit legislation at the appropriate time.

One of the most significant additions to Pennsylvania Avenue will be an international center for scholars, to be established as a living memorial to Woodrow Wilson in the area just north of the National Archives. There could hardly be a more appropriate memorial to a President who combined a devotion to scholarship with a passion for peace. The District has long sought, and long needed, a center for both men of letters and men of affairs. This should be, as it was first proposed, "an institution of learning that the 22nd Century will regard as having influenced the 21st."

The renewal of Pennsylvania Avenue is an enterprise which two Presidents have supported. Their vision was the great vision of Pierre L'Enfant, George Washington, and Thomas Jefferson, whose plans embodied the ageless ideal of a Capital City. It is a vision which links Presidents, as it links the citizens of the District, in the love of this city. And I am proud to join them.

A GREAT ENTERPRISE

It is a noble aim—this planning of a Capital City. It encompasses a drive which must apply to areas of rebuilding beyond a single Avenue, and to areas of need beyond physical renovation. It infuses our knowledge of human want with a new urgency. It tests our vision of man, and of the future of his cities.

I ask the Congress, and the American people, to join in this great enterprise, knowing that if we govern with wisdom in this Capital City, it will be a proud symbol of the quality of American life and the reach of America's aspirations.

RICHARD NIXON.

THE WHITE HOUSE, *April 28, 1969.*

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 sundry messages from the President of the United States submitting sundry nominations, which were

referred to the Committee on the Judiciary.

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

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.

COMMITTEE MEETING 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.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider the nominations of the Executive Calendar, with the exception of Calendar No. 298.

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

The nominations on the Executive Calendar will be stated, as requested by the Senator from Montana.

POST OFFICE DEPARTMENT

The bill clerk read the nomination of Henry Lehne, of Massachusetts, to be an Assistant Postmaster General.

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

The bill clerk read the nomination of Ronald B. Lee, of Maryland, to be an Assistant Postmaster General.

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

DIRECTOR OF PUBLIC ROADS

The bill clerk read the nomination of Ralph R. Bartelsmeyer, of Illinois, to be Director of Public Roads.

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

CIVIL SERVICE COMMISSION

The bill clerk read the nomination of L. J. Andolsek, of Minnesota, to be a Civil Service Commissioner for the term of 6 years expiring March 1, 1975.

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

NEW ENGLAND REGIONAL COMMISSION

The bill clerk read the nomination of Stewart Lamprey, of New Hampshire, to be Federal cochairman of the New England Regional Commission.

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

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

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

LEGISLATIVE SESSION

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

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

EXECUTIVE COMMUNICATIONS, ETC.

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

PROPOSED LEGISLATION TO IMPLEMENT THE CONVENTION ON OFFENCES AND CERTAIN OTHER ACTS COMMITTED ON BOARD AIRCRAFT

A letter from the Secretary of Transportation, transmitting a draft of proposed legislation, to amend the Federal Aviation Act of 1958, to implement the Convention on Offences and Certain Other Acts Committed on Board Aircraft, and for other purposes (with an accompanying paper); to the Committee on Commerce.

PROPOSED LEGISLATION TO ESTABLISH A WORKING CAPITAL FUND FOR THE DEPARTMENT OF THE TREASURY

A letter from the Secretary of the Treasury, transmitting a draft of proposed legislation, to establish a working capital fund for the Department of the Treasury (with an accompanying paper); to the Committee on Finance.

REPORT OF THE DEPARTMENT OF STATE ON ITS ACTIVITIES UNDER THE FEDERAL PROPERTY AND ADMINISTRATIVE SERVICES ACT OF 1949

A letter from the Secretary of State, transmitting the 16th annual report of the Department of State on its activities under the Federal Property and Administrative Act of 1949 (Public Law 81–152), for the year 1968 (with an accompanying report); to the Committee on Government Operations.

PROPOSED CONCESSION PERMIT UNDER WHICH JOHN R. WOODSIDE WILL BE AUTHORIZED TO CONTINUE TO OPERATE THE CINNAMON BAY CAMP

A letter from the Assistant Secretary of the Interior, transmitting a copy of a proposed concession permit under which Mr. John R. Woodside will be authorized to continue to operate the Cinnamon Bay Camp, and provide related facilities and services, in the Virgin Islands National Park, for the period January 1 through December 31, 1969 (with accompanying papers); to the Committee on Interior and Insular Affairs.

PROPOSED LEGISLATION IN THE CONTROL OF ILLEGAL GAMBLING

A letter from the Attorney General, transmitting a draft of proposed legislation entitled the "Illegal Gambling Business Control Act of 1969 (with accompanying papers); to the Committee on the Judiciary.

PETITION

A petition was presented to the Senate, and referred as indicated:

Resolution adopted by the Deep East Texas Development Association endorsing the establishment of a Big Thicket National Park or Monument; to the Committee on Interior and Insular Affairs.

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. TOWER:

S. 1992. A bill for the relief of William H. Brady; to the Committee on the Judiciary.

By Mr. CASE (for himself, Mr. HART, Mr. HATFIELD, Mr. JAVITS, Mr. MATHIAS, Mr. PROXMIRE, Mr. SPONG, Mr. TYDINGS, Mr. COOK, and Mr. SAXBE):

S. 1993. A bill to promote public confidence in the integrity of Congress and the executive branch; to the Committee on Rules and Administration.

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

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

S. 1994. A bill to authorize the use of facilities at the U.S. Public Health Service Owyhee Indian Hospital to provide certain medical care to non-Indians; to the Committee on Labor and Public Welfare.

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

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

S. 1995. A bill to provide for the striking of medals in commemoration of the 150th anniversary of the founding of the State of Alabama; to the Committee on Banking and Currency.

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

By Mr. MAGNUSON (by request):

S. 1996. A bill to authorize appropriations for the fiscal years 1970 and 1971 for the purpose of carrying out the provisions of the National Traffic and Motor Vehicle Safety Act of 1966, and to amend the definition of "motor vehicle equipment" in the National Traffic and Motor Vehicle Safety Act of 1966; to the Committee on Commerce.

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

By Mr. JAVITS (for himself, Mr. MOSS, Mr. BAKER, Mr. BAYH, Mr. BIBLE, Mr. BROOKE, Mr. BURDICK, Mr. BYRD of West Virginia, Mr. CANNON, Mr. CHURCH, Mr. COOPER, Mr. DODD, Mr. FANNIN, Mr. GOLDWATER, Mr. GOODELL, Mr. GRAVEL, Mr. HART, Mr. HARTKE, Mr. HATFIELD, Mr. HOLLINGS, Mr. INOUYE, Mr. KENNEDY, Mr. MAGNUSON, Mr. MATHIAS, Mr. MCCARTHY, Mr. MCGEE, Mr. MILLER, Mr. MONDALE, Mr. MURPHY, Mr. MUSKIE, Mr. NELSON, Mr. PACKWOOD, Mr. PELL, Mr. PERCY, Mr. PROUTY, Mr. RANDOLPH, Mr. RIBICOFF, Mr. SCHWEIKER, Mr. SCOTT, Mr. STEVENS, Mr. TALMADGE, Mr. THURMOND, Mr. TYDINGS, Mr. WILLIAMS of New Jersey, and Mr. YOUNG of Ohio):

S. 1997. A bill to provide for the more effective prevention and treatment of alcoholism; to the Committee on Labor and Public Welfare.

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

By Mr. YARBOROUGH:

S. 1998. A bill to amend section 1682 of title 38, United States Code, so as to modify the requirements for the farm cooperative

program under such section; to the Committee on Labor and Public Welfare.

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

By Mr. BENNETT:

S. 1999. A bill to amend the Land and Water Conservation Fund Act of 1965; to the Committee on Interior and Insular Affairs.

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

By Mr. JACKSON:

S. 2000. A bill to establish the Lyndon B. Johnson National Historic Site; 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. DOMINICK:

S. 2001. A bill to amend section 310 of title 37, United States Code, to authorize special pay for members of the uniformed services assigned to aircraft and naval vessels engaged in intelligence gathering activities in Asia; to the Committee on Armed Services.

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

By Mr. COOPER:

S. 2002. A bill to amend chapter 19 of title 38, United States Code, in order to provide for the automatic reinstatement of servicemen's group life insurance in the case of members of the uniformed services who are returned to duty after an absence without leave of more than 31 days; to the Committee on Armed Services.

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

By Mr. LONG:

S. 2003. A bill to provide a special Government life insurance program for veterans of the Vietnam era; to the Committee on Finance.

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

By Mr. PASTORE:

S. 2004. A bill to amend the Communications Act of 1934 to establish orderly procedures for the consideration of applications for renewal of broadcast licenses; to the Committee on Commerce.

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

By Mr. MUSKIE (for himself, Mr. BAYH, Mr. BOGGS, Mr. COOPER, Mr. EAGLETON, Mr. MONTOYA, Mr. METCALF, Mr. RANDOLPH, Mr. SPONG, Mr. YARBOROUGH, and Mr. YOUNG of Ohio):

S. 2005. A bill to amend the Solid Waste Disposal Act in order to provide financial assistance for the construction of solid waste disposal facilities, to improve research programs pursuant to such act, and for other purposes; to the Committee on Public Works.

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

By Mr. MAGNUSON:

S. 2006. A bill to amend the Internal Revenue Code of 1954 to provide for the nonrecognition of gain on certain transfers of property pursuant to a decree of divorce or of separate maintenance or a written separation agreement; to the Committee on Finance.

By Mr. PROXMIRE:

S. 2007. A bill to amend chapter 137, title 10, United States Code, to limit, and to provide more effective control over, the use of Government production equipment by private contractors under contracts entered into by the Department of Defense and certain other agencies, and for other purposes; to the Committee on Armed Services.

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

By Mr. YARBOROUGH:

S. 2008. A bill to amend the Agricultural Adjustment Act of 1938 to permit individual determination of time of diversion of wheat acreage; to the Committee on Agriculture and Forestry.

S. 2009. A bill to provide that the Dulles International Airport in Chantilly, Va., shall be renamed "The Dwight David Eisenhower International Airport" in honor of the late President of the United States and general of the Army; to the Committee on Commerce.

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

By Mr. MOSS:

S. 2010. A bill for the relief of Blanca Gloria Monge-Mejia; and

S. 2011. A bill for the relief of Ping Chan, Nang Cheng, Tin Pui Chui, Fuk Yu Wong, Ho Shing Yim; to the Committee on the Judiciary.

By Mr. EAGLETON:

S. 2012. A bill for the relief of Rogelio Belandres; and

S. 2013. A bill for the relief of Dr. Rajendra Kumar Khama and his wife, Dr. Savitri Bhama; to the Committee on the Judiciary.

By Mr. McGOVERN (for himself, Mr. BAYH, Mr. BURDICK, Mr. CHURCH, Mr. CRANSTON, Mr. DODD, Mr. EAGLETON, Mr. HARRIS, Mr. HART, Mr. HARTKE, Mr. HATFIELD, Mr. HOLLINGS, Mr. HUGHES, Mr. INOUYE, Mr. JACKSON, Mr. KENNEDY, Mr. MAGNUSON, Mr. MCCARTHY, Mr. MCGEE, Mr. MONDALE, Mr. MONTOYA, Mr. MOSS, Mr. MUSKIE, Mr. NELSON, Mr. PELL, Mr. RANDOLPH, Mr. RIBICOFF, Mr. STEVENS, Mr. TYDINGS, Mr. WILLIAMS of New Jersey, Mr. YARBOROUGH, and Mr. YOUNG of Ohio):

S. 2014. A bill to amend the Food Stamp Act of 1964, and other acts, to provide adequate food and nutrition among low-income households, and for other purposes; to the Committee on Agriculture and Forestry.

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

By Mr. McGOVERN:

S. 2015. A bill to amend the Agricultural Adjustment Act, as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended, and for other purposes; to the Committee on Agriculture and Forestry.

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

By Mr. FONG:

S. 2016. A bill for the relief of Antonio G. Punzalan;

S. 2017. A bill for the relief of Pedro C. Carag; and

S. 2018. A bill for the relief of George Lung-Te Hsu; to the Committee on the Judiciary.

By Mr. EASTLAND:

S. 2019. A bill for the relief of Dug Foo Wong; and

S. 2020. A bill to permit a home mortgage loan by a federally insured bank to a bank examiner; to the Committee on the Judiciary.

By Mr. YARBOROUGH:

S. 2021. A bill to authorize the Secretary of the Army to make certain adjustments in lands or interests therein acquired in connection with the Navarro Mills Reservoir, Tex.; to the Committee on Public Works.

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

By Mr. HRUSKA (for himself, Mr. EASTLAND, Mr. MCCLELLAN, Mr. DIRKSEN, and Mr. MUNDT):

S. 2022. A bill to permit the Federal Government to further assist the States in the control of illegal gambling, and for other purposes; to the Committee on the Judiciary.

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

By Mr. MURPHY:

S. 2023. A bill to authorize and direct the Secretary of the Interior to relinquish and quitclaim any title it may heretofore claim to certain lands situated in the county of Riverside, State of California;

S. 2024. A bill to authorize and direct the Secretary of the Interior to relinquish and quitclaim any title it may heretofore claim to certain lands situated in the county of Riverside, State of California;

S. 2025. A bill to authorize and direct the Secretary of the Interior to relinquish and quitclaim any title it may heretofore claim to certain lands situated in the county of Riverside, State of California;

S. 2026. A bill to authorize and direct the Secretary of the Interior to relinquish and quitclaim any title it may heretofore claim to certain lands situated in the county of Riverside, State of California;

S. 2027. A bill to authorize and direct the Secretary of the Interior to relinquish and quitclaim any title it may heretofore claim to certain lands situated in the county of Riverside, State of California; and

S. 2028. A bill to authorize and direct the Secretary of the Interior to relinquish and quitclaim any title it may heretofore claim to certain lands situated in the county of Riverside, State of California; to the Committee on Interior and Insular Affairs.

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

By Mr. HART (for himself, Mr. JAVITS, Mr. SCOTT, Mr. KENNEDY, Mr. BROOKE, Mr. CASE, Mr. CRANSTON, Mr. DODD, Mr. EAGLETON, Mr. FONG, Mr. GOODELL, Mr. GRAVEL, Mr. HATFIELD, Mr. HARRIS, Mr. HUGHES, Mr. INOUYE, Mr. JACKSON, Mr. MAGNUSON, Mr. MANSFIELD, Mr. MATHIAS, Mr. MCCARTHY, Mr. MCGOVERN, Mr. METCALF, Mr. MONDALE, Mr. MONTOYA, Mr. MUSKIE, Mr. NELSON, Mr. PERCY, Mr. PROXMIRE, Mr. RIBICOFF, Mr. SCHWEIKER, Mr. TYDINGS, Mr. WILLIAMS of New Jersey, and Mr. YOUNG of Ohio):

S. 2029. A bill to provide improved judicial machinery for the selection of juries, to further promote equal employment opportunities of American workers, to authorize appropriations for the Civil Rights Commission, to extend the Voting Rights Act of 1965 with respect to the discriminatory use of tests and devices, and for other purposes; to the Committee on the Judiciary.

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

By Mr. YARBOROUGH:

S.J. Res. 102. A joint resolution proposing an amendment to the Constitution of the United States, extending the right to vote to citizens 18 years of age or older; to the Committee on the Judiciary.

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

By Mr. COOK (for himself and Mr. BAYH):

S.J. Res. 103. A joint resolution to authorize the President to issue a proclamation designating the period beginning June 14, 1969, and ending June 21, 1969, as National Painting and Decorating Week"; to the Committee on the Judiciary.

By Mr. STENNIS (for himself and Mrs. SMITH):

S.J. Res. 104. A joint resolution to authorize the President to reappoint as Chairman of the Joint Chiefs of Staff, for an

additional term of 1 year, the officer serving in that position on April 1, 1969; to the Committee on Armed Services.

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

By Mr. GOODELL:

S.J. Res. 105. A joint resolution proposing an amendment to the Constitution of the United States, extending the right to vote to citizens 18 years of age or older; to the Committee on the Judiciary.

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

AUTHORIZATION FOR COMMITTEE ON GOVERNMENT OPERATIONS TO EXTEND TIME UNTIL JULY 31, 1969, TO FILE REPORTS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent, on behalf of the Senator from Arkansas (Mr. MCCLELLAN), that the Committee on Government Operations be authorized to extend the time until July 31, 1969, to file reports of its Permanent Subcommittee on Investigations. These reports are as follows:

"Riots, Civil and Criminal Disorders in Houston, Tex., and Nashville, Tenn."

"Riots, Civil and Criminal Disorders in Plainfield, N.J."

"Riots, Civil and Criminal Disorders in Detroit, Mich."

"Riots, Civil and Criminal Disorders in Newark, N.J."

"Riots, Civil and Criminal Disorders, OEO Grant to the Woodlawn Organization, Chicago, Ill."

"Riots, Civil and Criminal Disorders, OEO Grant to Wilmington Youth Emergency Action Council, Wilmington, Del."

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

S. 1993—INTRODUCTION OF A BILL TO REQUIRE FULL PUBLIC DISCLOSURE OF PERSONAL FINANCIAL INTERESTS BY MEMBERS OF CONGRESS AND TOP EXECUTIVE OFFICIALS

Mr. CASE. Mr. President, on behalf of Mr. COOK, Mr. HART, Mr. HATFIELD, Mr. JAVITS, Mr. MATHIAS, Mr. PROXMIRE, Mr. SAXBE, Mr. SPONG, Mr. TYDINGS and myself, I introduce a bill to require full public disclosure of the personal financial interests, all sources and amounts of income, assets and liabilities, gifts and liabilities, gifts and transactions in real and personal property by first, each Member of Congress, candidates for Congress, congressional officials and staff receiving $18,000 or more; and, second, top officers and officials in the executive branch at the $18,000 level and above.

Introduction of the bill comes as a new Senate rule adopted last year goes into effect: the requirement that members of the Senate and staff earning $15,000 or more, submit a copy of their income tax return and a statement identifying their financial interests, assets, and liabilities to the Comptroller General. Regrettably, this submission is contained in a sealed envelope to be opened only by order of the Senate Committee on Standards and Conduct in the event of an investigation for alleged violation of the rules.

In addition to the confidential report, each of us has filed or will file with the Secretary of the Senate a report of all contributions received under rule 42 and the amount and source of honorariums of $300 or more. These reports will be available for public inspection.

Interestingly enough, the House of Representatives which also amended its rules last year, took an almost opposite approach. The Senate requires fairly full disclosure of personal finances but reports are withheld from the public; the House requires public disclosure of substantial business interests, professional fees, and capital gains but the details are provided in confidential reports. With regard to political contributions the Senate restricts their use to elections and so-called office expenses; the House sets no limitation on their use provided donors have been told of the intended use of their contributions.

Finally, the Senate requires that reports of political contributions and honorariums be open to public inspection; the House requires no public accounting of political—as distinguished from campaign—contributions.

There is one broad similarity between the two sets of rules, however. In their specifics they almost invite avoidance, not to say evasion, of their ostensible purpose.

Taken together they point up the piecemeal, almost haphazard and contradictory approach taken by the Congress as a whole in dealing with the need to maintain public confidence in the integrity of the legislative process. I suggest that the cleanest, most effective way to cut through the tangle of partial disclosure and obscure distinctions such as those between "office," "campaign," and "political" expenditures, is to require full public disclosure as set out in our bill. Our bill does not require the inclusion of income tax returns which do contain personal information, for example, medical expenses, which are not relevant to the purpose of the bill.

Our bill would apply a uniform requirement not only to the House as well as the Senate but to the executive arm of the Government as well.

The arguments for a full disclosure requirement have appeared over many years in the pages of the CONGRESSIONAL RECORD and I only summarize them here.

First, it is preventive. The knowledge that one's financial activities and interests will become known is the best possible "stop and think" signal—the surest way to sharpen awareness of any possible conflict of public and private interests.

Second, it is automatic in operation. When the facts are on the table, the press and the public can make their own judgment.

Third, disclosure will strengthen the people's right to elect whom they wish by giving them full knowledge of the personal financial interests of those who present themselves as candidates for election or reelection.

For years congressional committees have required top executive officials to disclose specific financial interests at the time of their confirmation. It is high time that Congress applies the same principle to itself and does away with the double standard so long followed.

Disclosure does involve intrusion into privacy but those of us who have done it regularly believe it is a small price to pay for the privilege of public service. And the cost becomes insignificant, compared to the great public good which would be served.

It is my hope that now that the limited reporting requirements have become operative, the demand for wider public disclosure will mount and Congress will take the necessary action to provide it.

It is not so many years ago that the mention of public disclosure was treated almost as a dirty word or a cause for ridicule. But 2 years ago, in connection with the election reform bill, it came within four votes of adoption by the Senate. And last year when we were debating the new rules, it again failed by only four votes. Among the new Members of the Senate, several have already indicated their support and 1969 will, I hope, be the year that it is finally passed.

Mr. President, I ask unanimous consent that the bill 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. 1993) to promote public confidence in the integrity of Congress and the executive branch, introduced by Mr. CASE (for himself and other Senators), was received, read twice by its title, referred to the Committee on Rules and Administration, and ordered to be printed in the RECORD, as follows:

S. 1993

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) each Member of the Senate and the House of Representatives (including the Resident Commissioner), each civil or military officer and each employee of the executive or legislative branch of the Government of the United States or any department or agency thereof who is compensated at a rate in excess of $18,000 per annum shall file annually, and each individual who is a candidate of a political party in a general election for the office of Senator or Representative, or Resident Commissioner in the House of Representatives but who, at the time he becomes a candidate, does not occupy any such office, shall file within one month after he becomes a candidate for such office, with the Comptroller General a report containing a full and complete statement of—

(1) the amount and source of each item of income, each item of reimbursement for any expenditure, and each gift or aggregate of gifts from one source (other than gifts received from any relative or his spouse) received by him or by him and his spouse jointly during the preceding calendar year which exceeds $100 in amount or value; including any fee or other honorarium received by him for or in connection with the preparation or delivery of any speech or address, attendance at any convention or other assembly of individuals, or the preparation of any article or other composition for publication, and the monetary value of subsistence, entertainment, travel, and other facilities received by him in kind;

(2) the value of each asset held by him, or by him and his spouse jointly, and the amount of each liability owned by him, or by him and his spouse jointly, as of the close of the preceding calendar year;

(3) all dealings in securities or commodities by him, or by him and his spouse jointly, or by any person acting on his behalf or pursuant to his direction during the preceding calendar year; and

(4) all purchases and sales of real property or any interest therein by him, or by him and his spouse jointly, or by any person acting on his behalf or pursuant to his direction, during the preceding calendar year.

(b) Except as hereinbefore provided, reports required by this section (other than reports so required by candidates of political parties) shall be filed not later than April 30 of each year. In the case of any person who ceases, prior to such date in any year, to occupy the office or position the occupancy of which imposes upon him the reporting requirements contained in subsection (a) shall file such report on the last day he occupies such office or position, or on such later date, not more than three months after such last day, as the Comptroller General may prescribe.

(c) Reports required by this section shall be in such form and detail as the Comptroller General may prescribe. The Comptroller General may provide for the grouping of items of income, sources of income, assets, liabilities, dealings in securities or commodities, and purchases and sales of real property, when separate itemization is not feasible or is not necessary for an accurate disclosure of the income, net worth, dealing in securities and commodities, or purchases and sales of real property of any individual.

(d) Each report required by this section shall be made under penalty for perjury. Any person who willfully fails to file a report required by this section, or who knowingly and willfully files a false report under this section, shall be fined $2,000, or imprisoned for not more than five years, or both.

(e) All reports filed under this section shall be maintained by the Comptroller General as public records which, under such reasonable regulations as he shall prescribe, shall be available for inspection by members of the public.

(f) For the purposes of any report required by this section, an individual shall be considered to have been a Member of the Senate or House of Representatives, a Resident Commissioner, or an officer or employee of the executive or legislative branch of the Government of the United States or any department or agency thereof, during any calendar year if he served in any such position for more than six months during such calendar year.

(g) As used in this section—

(1) The term "income" means gross income as defined in section 61 of the Internal Revenue Code of 1954.

(2) The term "security" means security as defined in section 2 of the Securities Act of 1933, as amended (15 U.S.C. 77b).

(3) The term "commodity" means commodity as defined in section 2 of the Commodity Exchange Act, as amended (7 U.S.C. 2).

(4) The term "dealings in securities or commodities" means any acquisition, holding, withholding, use, transfer, disposition, or other transaction involving any security or commodity.

SEC. 2. Section 5 of the Administrative Procedure Act (5 U.S.C. 1004) is amended by inserting at the end thereof the following new subsection:

"(e) Communications to agency: All written communications and memoranda stating the circumstances, source, and substance of all oral communications made to the agency, or any officer or employee thereof, with respect to such case by any person who is not an officer or employee of the agency shall be made a part of the public record of such case. This subsection shall not apply to communications to any officer, employee, or agent of the agency engaged in the performance of investigative or prosecuting functions for the agency with respect to such case."

Mr. SPONG. Mr. President, today I join with Senator CASE and other Members of the Senate in the introduction of legislation that would require full public disclosure of the personal financial interests and income of Members of Congress, their top aides, and certain officials of the executive branch.

Public confidence in the integrity of those who make our laws and run our Government has been in serious decline in recent years. It is essential to the operation of our system of government that the public believe in the integrity of the laws and of those who make and administer them. Without this respect the rule of law is undermined.

Part of the blame for the disorder and violence so prevalent in our society today can be traced to the belief by many of our citizens that laws are not made and administered impartially and for the good of all, but the special benefit of the few.

Congress must act to restore the public's faith in our Government. Full public disclosure of the income and assets of those who run our Government is an important first step.

The public disclosure of a public servant's or a political candidate's personal financial interests not only will discourage wrong-doing and conflicts of interest, but will allow the people to act with knowledge in choosing those who would represent them in the Congress of the United States. Such disclosure would eliminate doubt and suspicion about the activities of those who run our Government and would restore the faith of the people in the honest operation of the law.

During the last Congress, I introduced a bill that would have required such disclosure and twice voted for amendments that would have provided for disclosure. Unfortunately these amendments failed by narrow margins.

In the absence of disclosure legislation, I have at the beginning of each year that I have been in office made available to the public through the CONGRESSIONAL RECORD, a statement of my personal finances.

The time for Congress to act in this area is past due.

S. 1994—INTRODUCTION OF A BILL TO PROVIDE CERTAIN MEDICAL CARE TO NON-INDIANS

Mr. BIBLE. Mr. President, on behalf of myself and the Senator from Idaho (Mr. CHURCH), I introduce, for appropriate reference, a bill to authorize the use of facilities at the U.S. Public Health Service Owyhee Indian Hospital to provide certain medical care to non-Indians.

The Owyhee Hospital is located on the Duck Valley Indian Reservation in Nevada and Idaho, in a remote and sparsely settled region of both States. There are some 650 non-Indians within a 50-mile radius of this hospital. When they need medical assistance—even routine care—they must travel over 100 miles to reach a medical facility.

Medical service must be made more readily available to these people. I think the need is obvious. The measure I am introducing today would authorize and direct the Secretary of Health, Education, and Welfare, subject to the consent of the Indian tribes involved, to take such action as may be necessary in order to utilize the Owyhee Hospital for the purpose of providing nonemergency medical care to non-Indians living within approximately 50 miles of the hospital. Such care would be provided on a fee-for-service basis.

The Shoshone Paiute Business Council of the Duck Valley Reservation passed a resolution in June 1968 supporting this proposal. I ask unanimous consent that the resolution be printed in the RECORD following my remarks.

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

(See exhibit 1.)

Mr. BIBLE. Mr. President, this legislation will serve a dual purpose. It will humanely enable non-Indians living in this remote part of our country to more readily obtain necessary medical attention. It will also help assure that this facility will be adequately utilized, and the fees paid by non-Indians will contribute to the financial support of the hospital.

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

The bill (S. 1994) to authorize the use of facilities at the U.S. Public Health Service Owyhee Indian Hospital to provide certain medical care to non-Indians, introduced by Mr. BIBLE (for himself and Mr. CHURCH), was received, read twice by its title, and referred to the Committee on Labor and Public Welfare.

EXHIBIT 1

RESOLUTION OF THE SHOSHONE PAIUTE TRIBES OF THE DUCK VALLEY INDIAN RESERVATION

Be it resolved by the Shoshone Paiute Tribes of the Duck Valley Reservation:

Whereas, the Shoshone Paiute Business Council realizes that medical care is a very important factor in daily living, and that the Owyhee Indian Hospital is doing an excellent job of caring for the medical needs of the Indian population of the Duck Valley Reservation, and

Whereas there are approximately 650 non-Indians within a 50 mile radius of Owyhee that have to travel 100 miles each way, sometimes taking a full day off work to seek medical attention, sometimes only to learn that a common drugstore remedy would satisfy the need, and

Whereas these non-Indians have expressed an interest in receiving routine, non-emergency medical care in letters to Senator Bible and Congressman Baring during 1961 and the Superintendent of the Elko County School District asked Senator Bible to intercede for the non-Indian teachers and their families employed in the Owyhee School, and

Whereas the cost of operation per patient per day of the Owyhee Indian Hospital was double that of the average in the Phoenix Area, which is directly related to the size of the hospital and the number of people it serves: Now, therefore be it

Resolved, That the Shoshone Paiute Business Council hereby requests Public Health Service to make every attempt to cause proper legislation to be enacted so that our non-Indian neighbors may receive routine, non-emergency medical care at the Owyhee Indian Hospital, and the Shoshone Paiute Business Council recognizes that fact that congress will have to authorize this request, so be it further

Resolved, That the Shoshone Paiute Busi-

ness Council requests all non-Indians in a 50 mile radius of Owyhee to make their interest in this matter known to Public Health Service and to members of Congress and Be it further

Resolved, That the Shoshone Paiute Business Council will solicit the approval of the County Medical Society and the State Medical and Hospital Associations and all surrounding medical facilities.

S. 1995—INTRODUCTION OF A BILL TO PROVIDE FOR STRIKING OF MEDALS IN COMMEMORATION OF THE 150TH ANNIVERSARY OF THE FOUNDING OF THE STATE OF ALABAMA

Mr. SPARKMAN. Mr. President, I introduce, for appropriate reference, for myself and the junior Senator from my State (Mr. ALLEN), a bill to provide for the striking of medals in commemoration of the 150th anniversary of the founding of the State of Alabama. This year, on December 14, the State of Alabama will celebrate its sesquicentennial anniversary of her admission to the Union as the 22d State.

The history of Alabama, first as a territory and later as a State, is a long and very colorful one. The State's modern day history began in 1540 with exploration of Hernando De Soto, who was the first civilized man—as we consider civilization today—to enter upon the soil now known as the State of Alabama. But the history of this area predates De Soto by literally thousands of years. Artifacts reveal the primitive life of cave-dwelling hunters; of the temple moundbuilders' highly developed culture existing in our State some 8,000 years ago. And it is an acknowledged fact from archeological study of burial mounds outside the town of Moundville, Ala., that Indians, perhaps migrating from Asia across the Bering Straits, inhabited the land encompassed by the boundary lines of the State of Alabama for hundreds and hundreds of years before De Soto made his journey through our fertile fields in his quest for gold. And we in Alabama are proud of the heritage we have derived from the Creeks, the Cherokees, the Chickasaws, and the Choctaws.

The first permanent settlement in our great State was in 1702 and was located near what is today Mobile, one of the busiest and best seaports on the Gulf of Mexico. From the first settlement onward, Alabama has continued to grow and those who advocated statehood for the young territory of Alabama have been justified by the rapid growth of the State.

In 1817 the Alabama territory was created by an act of Congress, and, as I have already said, on December 14, 1819, Alabama was admitted as the 22d State of the Union. Thus, a land area over which four flags had sometimes flown became one of the stars in the flag of this great Nation.

When I think of my State, I think of it as 51,000 square miles of economic opportunity, and it is just that. We are extremely fortunate. We have unlimited natural resources. We have unlimited human resources; we have forests and minerals; we have water; we have a great seaport; we have a great steel center; and we have a great missile center. We have a population of over 3.5 million of the finest people in the world.

In fact, the vast natural resources of Alabama are estimated to be 10 percent of the Nation's total. In addition to coal, iron ore, limestone, marble, and building stone, oil has recently been discovered in quantities sufficient to start a small boom. Other minerals, including salt, are found in great abundance in our State.

It is no wonder then that the cry of the Indians when first viewing the land that is now our State was "Alba Amo" which meant: "This is a goodly land—clear of thickets—plant the seed—here we rest."

We are planning great things in our State to celebrate our 150 years of Statehood.

Let me give you a few examples of some of the things that we plan to do.

The Governor has signed a special executive order establishing a sesquicentennial commission to supervise and plan this tremendous celebration.

Chambers of commerce, civic leaders, and county administrators, as well as State officials, are all working toward making 1969 one of the greatest years in Alabama's history.

The sesquicentennial celebration was kicked off at the halftime show at the Senior Bowl football classic in Mobile on February 11, and I am told that this show was one of the greatest extravaganzas ever to be presented in halftime annals.

A great boat armada will start on the Tennessee River at Pickwick Dam and travel to Guntersville during the month of July. At the same time this is taking place, on the other navigable waters in our great State—which are many—other flotillas will be porting at communities along the streams to set off local celebrations.

The Post Office Department has already printed impressions of a special sesquicentennial stamp, and this stamp will go on sale for the first time on August 2 in Huntsville, Ala.

The National Peanut Festival, which is an annual event in my State, will feature the Alabama Sesquicentennial in its activities.

School, public, college, and State libraries are suggesting the reading of the colorful history of the State, and, in addition, all the garden clubs throughout the State agreed to decorate public places with official sesquicentennial flowers.

The list of other plans are far too numerous to mention here. In fact, there are over 227 separate events to be held in Alabama during this sesquicentennial year in honor of our statehood.

Issuance of a commemorative medal as would be authorized by the bill which we have introduced will be one of the major events in the State during this celebration.

Truly, few States could surpass my State in having such a glorious and colorful history and few States have potential for development that Alabama does. I feel that the issuance of a commemorative medal would enhance this very important celebration in the history of my State.

Mr. President, I ask unanimous consent to have the bill which I am introducing for myself and for my colleague from Alabama printed in the RECORD following my remarks.

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

The bill (S. 1995) to provide for the striking of medals in commemoration of the 150th anniversary of the founding of the State of Alabama, introduced by Mr. SPARKMAN (for himself and Mr. ALLEN), was received, read twice by its title, referred to the Committee on Banking and Currency, and ordered to be printed in the RECORD, as follows:

S. 1995

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in commemoration of the one hundred and fiftieth anniversary of the founding of the State of Alabama, the Secretary of the Treasury is authorized and directed to strike and furnish to the Alabama Sesquicentennial Commission five thousand silver and fifty thousand bronze medals with suitable emblems, devices, and inscriptions to be determined by such Commission subject to the approval of the Secretary of the Treasury. The medals shall be made and delivered at such times as may be required by such Commission, but no medals shall be made after January 1, 1970. The medals shall be considered to be national medals within the meaning of section 3551 of the Revised Statutes (31 U.S.C. 368).

SEC. 2. The Secretary of the Treasury shall cause such medals to be struck and furnished at not less than the estimated cost of manufacture, including labor, materials, dies, use of machinery, and overhead expenses; and security satisfactory to the Director of the Mint shall be furnished to indemnify the United States for full payment of such costs.

SEC. 3. The medals authorized to be issued pursuant to this Act shall be of such size or sizes as shall be determined by the Secretary of the Treasury in consultation with the Alabama Sesquicentennial Commission.

The VICE PRESIDENT. The time of the Senator has expired.

Mr. PASTORE. They have a marvelous Senator from Alabama, too.

Mr. BIBLE. I was going to say the same thing.

Mr. SPARKMAN. I thank both Senators. I am happy to yield to them even though my time has expired.

S. 1996—INTRODUCTION OF A BILL AUTHORIZING APPROPRIATIONS TO CARRY OUT THE PROVISIONS OF THE NATIONAL TRAFFIC AND MOTOR VEHICLE SAFETY ACT OF 1966

Mr. MAGNUSON. Mr. President, at the request of the Secretary of Transportation, I am introducing a bill to authorize appropriations for the fiscal years 1970 and 1971 for the purpose of carrying out the provisions of the National Traffic and Motor Vehicle Safety Act of 1966, and to amend the definition of "motor vehicle equipment" in the National Traffic and Motor Vehicle Safety Act of 1966.

I ask unanimous consent that the letter of transmittal and 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 letter of

transmittal and bill will be printed in the RECORD.

The bill (S. 1996) to authorize appropriations for the fiscal years 1970 and 1971 for the purpose of carrying out the provisions of the National Traffic and Motor Vehicle Safety Act of 1966, and to amend the definition of "motor vehicle equipment" in the National Traffic and Motor Vehicle Safety Act of 1966, introduced by Mr. MAGNUSON, by request, was received, read twice by its title, referred to the Committee on Commerce, and ordered to be printed in the RECORD, as follows:

S. 1996

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "National Traffic and Motor Vehicle Safety Act of 1969".

AUTHORIZATIONS

SEC. 2. There is hereby authorized to be appropriated for the purpose of carrying out the provisions of titles I, II, and IV of the National Traffic and Motor Vehicle Safety Act of 1966, as amended (80 Stat. 718; 15 U.S.C. 1381, et seq.), not to exceed $23,000,000 for fiscal year 1970 and $35,000,000 for fiscal year 1971.

SEC. 3. For the purposes of carrying out the provisions of Title III of the National Traffic and Motor Vehicle Safety Act of 1966 (80 Stat. 729), there is hereby authorized to be appropriated $10,000,000, to remain available until expended, for planning and design of highway safety research and test facilities, including engineering studies and site surveys.

DEFINITION OF MOTOR VEHICLE EQUIPMENT

SEC. 4. Section 102(4) of Title I of the National Traffic and Motor Vehicle Safety Act of 1966 (80 Stat. 718; 15 U.S.C. 1391(4)) is amended to read as follows:

"(4) 'Motor vehicle equipment' means any system, part, or component of a motor vehicle as originally manufactured or any similar part or component manufactured or sold for replacement or improvement of such system, part, or component or as any accessory, or addition to the motor vehicle, and any device, article, or apparel not a system, part, or component of a motor vehicle, which is manufactured, sold, delivered, offered, or intended for use wholly or in part to safeguard motor vehicles, drivers, passengers, and other highway users from risk of accident, injury, or death."

The letter, presented by Mr. MAGNUSON, follows:

THE SECRETARY OF TRANSPORTATION,
Washington, D.C., April 2, 1969.

Hon. SPIRO T. AGNEW,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: The Department of Transportation submits herewith as a part of its legislative program for the 91st Congress, 1st Session, a draft of a proposed bill: "To authorize appropriations for the fiscal years 1970 and 1971 for the purpose of carrying out the provisions of the National Traffic and Motor Vehicle Safety Act of 1966, and to amend the definition of 'motor vehicle equipment' in the National Traffic and Motor Vehicle Safety Act of 1966."

1. The National Traffic and Motor Vehicle Safety Act of 1966 contained initial authorizations to implement the motor vehicle safety standard provisions in Title I of the Act as follows: $11,000,000 for fiscal year 1967, $17,000,000 for fiscal year 1968, and $23,000,000 for the fiscal year 1969. The Act also authorized funds to carry out the tire safety provisions of Title I and Title II in the amount of $2,900,000 for fiscal year 1967, $1,450,000 for fiscal year 1968, and $1,450,000 for fiscal year 1969.

The proposed bill would authorize appropriations from the general funds in the Treasury to continue the implementation of the Act. Section 2 would authorize the appropriation of $23,000,000 and $35,000,000 for fiscal years 1970 and 1971, respectively, for this purpose. These authorizations will be used to seek appropriations for the operating expenses of the National Highway Safety Bureau of the Federal Highway Administration in carrying out the provisions of Titles I, II, and IV of the 1966 Act. Title I relates to motor vehicle safety standards, including necessary safety research and development; Title II relates to tire safety; and Title IV relates to the National Driver Register.

The authorizations provided in the 1966 Act established a pattern of modest growth during the first three years as the operation of the traffic and motor vehicle safety program evolved. The authorizations requested for fiscal years 1970 and 1971 follow the same general pattern of modest increases. These sums are urgently needed to enable the National Highway Safety Bureau to continue its program under the Act. Existing authorizations for appropriations expire on June 30, 1969. Enactment of section 2 of this bill will, in our view, assure steady and continued improvement in traffic and motor vehicle safety. Failure to do so will mean the end of this effort as a function of the Department of Transportation after June 30, 1969.

The traffic and motor vehicle safety program, though still in the early stages of development, offers encouragement that the toll of human life and injuries resulting from traffic accidents can be reduced. The new energy absorbing steering assemblies now required by Federal standards on all new cars, for example, appear to have reduced fatalities in certain crashes by as much as 70 percent. It has been established that if all cars had such devices, as many as 12,000 lives per year might be saved. Other safety standards under consideration relating to crash prevention properties (braking and steering are examples), crash survivability properties (relative ease of entry into wrecks to remove occupants, for example) offer promise of substantially reducing the carnage and maiming caused by traffic accidents.

The authorization in section 2 of the bill also includes funds for the tire safety program (Title II). The major effort in this program is devoted to the development of a uniform quality grading system for motor vehicle tires. Under this system, tires will be graded based on performance with respect to high speed capability, endurance, strength, traction, and tread wear. The initial standard to be issued in fiscal year 1969 will cover passenger vehicles only. During fiscal years 1969 and 1970, it is planned to move our efforts to truck and bus tires and to regrooved and retreaded tires.

The National Driver Register (Title IV) is now being converted to a disc file operation which will enable optional use of the current processing system. State contributions of records to the Register's master file are increasing in volume, and the States are sending an increasing volume of inquiries to the Register. Continued funding is required to convert information submitted by certain States into a form suitable for automatic data processing.

2. Section 3 of the bill authorizes the appropriation of $10,000,000 out of the general funds of the Treasury to remain available until expended to be used for planning and design of contemplated highway safety research and test facilities, including engineering studies and site surveys. The sum requested is in accordance with the recommendations in the report submitted to Congress pursuant to Title III of the National Traffic and Motor Vehicle Safety Act of 1966, section 302 (80 Stat. 729). The two volume report, entitled "Requirements for Motor Vehicles and Highway Research Test Facilities", submitted on October 7, 1968, outlines a master plan for providing the facilities needed to bring to bear the full potential of modern science and technology on the national goal of reducing deaths and injuries on the Nation's highways.

The primary objective of the master plan is to provide highway safety research and testing facilities by complementing existing facilities, either by expanding installatons at their present sites or, when no alternative is available by construction at new locations. The planning will consider the needs of the other agencies within the Department and, through cooperative arrangements with them, will provide for such needs where those needs can be accommodated consistently with the primary purposes of the highway safety research and testing facilities.

The plan depicted in the report to Congress was based on engineering studies and a survey of existing facilities to determine the minimum requirements to carry out the provisions of the highway safety legislation. Two major new safety facilities, a vehicle and highway safety proving ground with certain supporting laboratories and a driving simulation laboratory, will be required in addition to modifications of existing facilities where it is economically feasible to do so and where the facility once modified can become an effective element of the overall required complement of safety research and test facility. The proving ground will be the foundation for the entire facilities program. It will consist of test tracks and supporting laboratories in which a wide variety of test and measurements can be conducted on interrelated problems of vehicle performance characteristics, driver skills, highway design, and other environmental features. The driving simulation laboratory will be used to investigate a variety of driver judgments and risk taking behaviors in a number of realistic and safe simulations of high hazard conditions of actual driving.

The estimate of $10 million for planning these facilities is broken down as follows:

[In millions of dollars]

Modifications of existing facilities: To develop plans and cost estimates for permanent modifications of existing Federal facilities where it is economically feasible and where the facility, once modified, can become an effective element of the overall complement of research and test facilities	2.0
Vehicle and highway safety proving ground: To develop detailed engineering plans and cost estimates for the proving ground, the requirements for which cannot be provided with any existing Federal facility	6.2
Driving simulation laboratory: To develop detailed engineering plans for the laboratory which is a basic requirement that is not available anywhere today	1.8
Total	10.0

Because the initial motor vehicle safety standards were based, as the Act contemplated, on preexisting standards from design performance criteria, the absence of appropriate laboratories and field testing capabilities did not present a serious handicap at that time. As work proceeds into more complex areas of standards-setting, however, sophisticated facilities are essential. The facilities are needed to support the development of standards relating to present types of motor vehicles. In addition, trends in motor vehicle transportation indicate that, in the course of the next decade or two, substantial changes will occur in motor vehicle

design. These changes can result in safer vehicles. To insure this result, however, their introduction will have to be anticipated by performance standards and prerequisite laboratory and field tests. The enactment of section 3 of this bill will provide the authorization necessary to begin planning the modern research and test facilities which are needed if we are to be in a position to insure that the automobiles of the future will be safe ones.

No proposed authorization to construct the planned facilities has been included in this proposal. When the planning and design effort which would be authorized by our proposal has matured to the point that more precise further estimates can be made, the necessary additional authorization will be requested for site acquisition and construction including any modifications of existing facilities.

DEFINITION OF MOTOR VEHICLE EQUIPMENT

3. Section 4 of the proposed bill concerns motorcyclist headgear. The laws of 39 States now require these protective helmets to be worn by motorcycle drivers and riders. This requirement has been included among the Highway Safety Program Standards issued by the Department under the Highway Safety Act of 1966 in order to upgrade highway safety in all the States. The initial evidence of this standard's effectiveness makes it likely that additional States will put motorcycle helmet requirements into effect in the foreseeable future. States implementing the headgear requirement show an overall decrease of 30 percent in motorcycle death rates.

Unless a helmet is properly designed and manufactured it will not afford much protection to one who wears it. At present there is no uniform standard governing these protective devices so that the motorcycling public can be certain it is getting the protection it is paying for.

Most States do not have research and testing facilities designed or equipped to evaluate the effectiveness of the "crash" helmets presently being marketed. Understandable confusion, therefore, exists among the public, the States and the industry over what constitutes an "approved" helmet.

This is an obvious safety problem which could be eliminated by issuance of a uniform Federal motor vehicle safety performance standard. Unfortunately, the Secretary apparently lacks authority to do so because the language of the Traffic Safety Act was drafted without this safety problem in mind. Thus, while the Secretary was authorized to set safety standards for items of "motor vehicle equipment" generally, that term is defined in section 102(4) of the Act as meaning: ". . . any system, part, or component of a motor vehicle as originally manufactured or any similar part or component manufactured or sold for replacement or improvement of such system, part, or component or as an accessory, or addition, to the motor vehicle." (80 Stat. 718, 15 U.S.C. 1391(4))

Helmets, however, are designed for and worn by the driver and passengers. They are neither a "system", "part", or "component of" nor "an accessory or addition to" the vehicle. As a consequence, they appear to be outside the definition of "motor vehicle equipment"; thus the Secretary lacks authority to establish a uniform Federal safety standard applicable to these articles.

This is an unfortunate and inadvertent gap in the traffic safety legislation. To close it, we recommend the broadening of the Act's definition of motor vehicle equipment to include devices, articles or apparel which, though not directly "a system, part, or component of" or "any accessory or addition to" a motor vehicle, are nonetheless manufactured and sold to the public for the purpose of safeguarding vehicle drivers, passengers, and other highway users from risk of accident, injury or death.

Section 4 of the bill appended to this statement was drafted to accomplish this purpose.

The steadily mounting number of motorcyclists make this proposal one of immediate significance. Motorcycle registrations nearly quadrupled between 1960 (574,080) and 1967 (1,953,022) and the trend continues. The numbers of dead and injured mirror the increase in the motorcycle population. During the 5 years preceding 1967 motorcycle deaths increased roughly 200 percent.

Not only would this proposal provide additional crash protection to the motorcycling public by allowing them to know and buy safety equipment which meets meaningful standards, it would also have the additional advantage of creating uniformity, thereby eliminating the present situation which requires manufacturers and vehicle operators to conform to differing State standards. For these reasons, we strongly urge its enactment.

The Bureau of the Budget has advised that enactment of this proposed legislation would be consistent with this Administration's objectives.

Sincerely,

JOHN A. VOLPE.

S. 1998—INTRODUCTION OF A BILL TO MODIFY THE REQUIREMENTS FOR THE FARM COOPERATIVE PROGRAM

Mr. YARBOROUGH. Mr. President, I introduce for appropriate reference a bill amending the cold war GI bill.

It affects the farm training provisions, by restoring the essential features of the Korean veterans program for farm training. The present cold war GI bill is more restrictive of farm training than were the GI bills of World War II and the Korean war, and the opportunities of veterans of the cold war to learn to become professional agriculturists is thereby lessened. This bill would restore to on-the-farm training the opportunities given to farm training under the Korean GI bill. I ask unanimous consent that the bill be printed in the RECORD at this point.

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

The bill (S. 1998) to amend section 1682 of title 38, United States Code, so as to modify the requirements for the farm cooperative program under such section introduced by Mr. YARBOROUGH, 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. 1998

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1682 (d) of title 38, United States Code, is amended to read as follows:

"(d) (1) An eligible veteran shall be entitled to the benefits of this chapter while enrolled in a full-time 'farm cooperative' program which provides for institutional and on-farm training and which has been approved by the appropriate State approving agency in accordance with the provisions of this subsection.

"(2) The State approving agency may approve a farm cooperative training course when it satisfies the following requirements:

"(A) The course combines organized group instruction in agricultural and related subjects of at least two hundred hours per year (and of at least eight hours each month) at an educational institution, with supervised work experience on a farm or other agricultural establishment.

"(B) The eligible veteran will perform a part of such course on a farm or other agricultural establishment on which the eligible veteran will receive his supervised work experience and to the need of such eligible veteran, in the type of farming for which he is training, for proficiency in planning, producing, marketing, farm mechanism, conservation of resources, food conservation, farm financing, farming management, and the keeping of farm and home accounts.

"(D) The eligible veteran will receive not less than one hundred hours of individual instruction per year, not less than fifty hours of which shall be on such farm or other agricultural establishment (with at least two visits by the instructor to such farm each month). Such individual instruction shall be given by the instructor responsible for the veteran's institutional instruction and shall include instruction and home-study assignments in the preparation of budgets, inventories, and statements showing the production, use on the farm, and sale of crops, livestock, and livestock products.

"(E) The eligible veteran will be assured of control of such farm or other agricultural establishment (whether by ownership, lease, management agreement, or other tenure arrangement) until the completion of his course.

"(F) Such farm or other agricultural establishment shall be of a size and character which (i) will, together with the group-instruction part of the course, occupy the full time of the eligible veteran, (ii) will permit instruction in all aspects of the management of the farm or other agricultural establishment of the type for which the eligible veteran is being trained, and will provide the eligible veteran an opportunity to apply to the operation of his farm or other agricultural establishment the major portion of the farm practices taught in the group instruction part of the course, and (iii) will assure him a satisfactory income for a reasonable living under normal conditions at least by the end of his course.

"(G) Provision shall be made for certification by the institution and the veteran that the training offered does not repeat or duplicate training previously received by the veteran.

"(H) The institutional on-farm training meets such other fair and reasonable standards as may be established by the State approving agency."

SEC. 2. The amendments made by this Act shall become effective on the first day of the second calendar month following the month in which this Act is enacted; but any veteran enrolled in a farm cooperative course under section 1682(d) of title 38, United States Code, prior to such effective date may continue in such course to the end of the current academic year under the same terms and conditions that were in effect prior to the effective date of the amendments made by this Act.

S. 1999—INTRODUCTION OF A BILL TO AMEND THE LAND AND WATER CONSERVATION FUND ACT OF 1965

Mr. BENNETT. Mr. President, I introduce, for appropriate reference, a bill which would amend the Land and Water Conservation Fund Act of 1965 to allow the construction of weather protective buildings specifically equipped to provide year-round recreational activities free from uncertain weather conditions.

The need for such an amendment was demonstrated recently when the city of Midvale, Utah, was preparing its application for Federal matching assistance funds to build a swimming pool which could be used the year round.

Their plan appeared to qualify under the development plan previously presented by the Utah Outdoor Recreation Assistance Agency to the Bureau of Outdoor Recreation of the U.S. Department of Interior. However, their initial investigation disclosed an apparent policy of the Bureau of Outdoor Recreation against assistance in the construction of indoor swimming pools. Assistance was available for outdoor pools but not for pools which are covered so that they might be used during winter months.

In States such as Utah, outdoor swimming pools have a very limited utility. I was in Salt Lake City on Friday of last week, April 25, and it was snowing.

The cost of covering a swimming pool while it is being constructed would be small in comparison with the extended usefulness we would gain in a cold climate such as Utah.

In response to my inquiry on behalf of the Midvale City Corp., Lawrence N. Stevens, Acting Director of the Bureau of Outdoor Recreation, replied:

> The questions of funding covered pools has been examined by our Solicitor in the past, and we are advised that the Fund Act is so written as to provide assistance only for outdoor recreation facilities.
>
> However, we do, of course, recognize the need for enclosed pools during periods of cold or inclement weather. The solution is for the city to apply for assistance in building the pool itself, without a cover. The city can then, with its own funds, construct a cover that can be opened or removed to expose the pool to the out-of-doors. It is necessary that the swimming pool be designed primarily as an outdoor facility and be used for that purpose whenever possible.
>
> We know this sounds illogical and apologize for the inconvenience to the city, but the Fund Act is, unfortunately, rather narrow in this regard. Special legislation would be necessary to amend the outdoor recreation requirement.

Mr. President, I agree this is illogical. Under the present situation, only a few States can benefit by the act, and little thought seems to have been given to States with cold climates, such as Utah. My amendment would make it feasible for such States to make swimming pools usable all year by including covered pools.

I hope the Senate will act quickly to rectify this inequitable situation.

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

The bill (S. 1999) to amend the Land and Water Conservation Fund Act of 1965, introduced by Mr. BENNETT, was received, read twice by its title and referred to the Committee on Interior and Insular Affairs.

S. 2000—INTRODUCTION OF A BILL ESTABLISHING THE LYNDON B. JOHNSON NATIONAL HISTORIC SITE

Mr. JACKSON. Mr. President, I introduce for appropriate reference, a bill to establish as a national historic site the birthplace and boyhood home of the 36th President of the United States, Lyndon Baines Johnson, who for so long was our able, highly respected colleague on both sides of the Hill.

As all Members of the Senate know, there is ample precedent for the action proposed by my bill. We have designated as national historic sites the birthplaces or homes of several former Presidents, including those of George Washington, both the Adamses, Abraham Lincoln, Theodore Roosevelt, Herbert Hoover, Franklin D. Roosevelt, and John F. Kennedy.

Also, at the present time, there is pending before the Interior Committee, Senate Joint Resolution 26, a resolution I sponsored for the development of the Eisenhower National Historic Site at Gettysburg.

Mr. President, the office of President of the United States is the most important office in the free world. The holder of that office has more power to affect the lives of greater number of mankind than has had the holder of any office in the history of the world.

No one can anticipate the judgments that history will make of the 36th President. He was called to that office by fate and entered upon it in an hour of tragedy. He met the challenge of leadership, and rallied our Nation in a time of shock and sorrow. Time alone can tell us if his actions and his methods were the best ones for the times and circumstances.

But regardless of whether we always agreed with Lyndon Johnson in his methods of accomplishing his great social and economic goals, all of us would agree that he was one of the most dynamic, most vigorous, and most warmly human of all of our great leaders of recent times. No man has understood better than he the political life of this country and the role of Government.

And few can disagree with his goals: Lyndon Johnson battled, and battled mightily, to replace human futility with human opportunity—discrimination with justice—disease with health—destruction of our land and resources with conservation—indifference about the neglect and despoilation of our national heritage in our countryside and cities with restoration and beauty—danger with security—and the incessant threat of imposed tyranny with the blessings of liberty in one of the most dangerous and, at the same time, exciting, ages that mankind has experienced. Lyndon Johnson fought these battles throughout his public life, and he led them during his Presidency.

President Johnson was uniquely a "Man of the people," perhaps more so than any other President since Andrew Jackson and Abraham Lincoln. He descended from hardworking, spirited, men and women who braved the dangers and rigors of the frontier and earned their daily bread through their own toil. They exemplified a basic aspect of the foundation and growth of the American way of life.

Therefore, in designating his birthplace near Hye, Tex., and his boyhood home in Johnson City as a national historic site, we are honoring and commemorating also those basic American characteristics of courage, hard work, and thrift.

I commend my bill to the prompt consideration of the Senate. I might add that there will be no acquisition cost to the Government for the property which will be included in the site. Upon inquiry I have been advised that the Johnson City Foundation, which now owns the land in question, would be most pleased to donate the necessary property to the United States. This practice has been followed almost uniformly with respect to the establishment of this type of national historic site, and I commend the foundation for its generosity in this instance.

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

The bill (S. 2000) to establish the Lyndon B. Johnson National Historic Site, introduced by Mr. JACKSON, was received, read twice by its title and referred to the Committee on Interior and Insular Affairs.

S. 2001—INTRODUCTION OF A BILL TO AUTHORIZE SPECIAL PAY FOR MEMBERS OF THE UNIFORMED SERVICES ASSIGNED TO AIRCRAFT AND NAVAL VESSELS ENGAGED IN INTELLIGENCE GATHERING ACTIVITIES IN ASIA

Mr. DOMINICK. Mr. President, I introduce, for appropriate reference, a bill to provide that hostile fire pay be awarded to U.S. servicemen who are assigned to aerial or naval intelligence gathering duty on the continent of Asia or the waters immediately adjacent.

I realize that we are now providing air support for these missions. However, as past events have shown, these men are on the front lines and in just as dangerous a position as men actually in the combat zone.

If we are going to ask our servicemen to subject themselves to the dangers inherent in such duty as the EC–121 surveillance flights or the intelligence gathering missions of ships like the U.S.S. *Pueblo*, then we should compensate them for the obvious risks involved. My bill would provide these servicemen an additional $65 a month while they are assigned to such duty.

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

The bill (S. 2001) to amend section 310 of title 37, United States Code, to authorize special pay for members of the uniformed services assigned to aircraft and naval vessels engaged in intelligence gathering activities in Asia, introduced by Mr. DOMINICK, was received, read twice by its title and referred to the Committee on Armed Services.

S. 2002—INTRODUCTION OF A BILL TO PROVIDE FOR AUTOMATIC REINSTATEMENT OF SERVICEMEN'S GROUP LIFE INSURANCE

Mr. COOPER. Mr. President, I introduce for appropriate reference, a bill to amend chapter 19 of title 38 of the United States Code, which will provide for the automatic reinstatement of servicemen's group life insurance in

the case of members of the services who are returned to duty after an absence without leave of more than 31 days.

At present when a member of the armed service is absent without leave more than 31 days, his insurance is discontinued and he must submit an application for reinstatement of such insurance. Many men are unaware of this, are not informed, or do not realize the importance of reapplying for the insurance.

I have had reported to me a number of very sad cases where the serviceman had been absent without leave, was then returned to duty, and later killed in action, leaving his family with no insurance.

This bill will correct this situation by automatically reinstating such insurance when the member of the armed service is returned to duty after a period of absence without leave.

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

The bill (S. 2002) to amend chapter 19 of title 38, United States Code, in order to provide for the automatic reinstatement of servicemen's group life insurance in the case of members of the uniformed services who are returned to duty after an absence without leave of more than 31 days, introduced by Mr. COOPER, was received, read twice by its title and referred to the Committee on Armed Service.

S. 2003—INTRODUCTION OF A BILL TO PROVIDE A SPECIAL GOVERNMENT LIFE INSURANCE PROGRAM FOR VETERANS OF THE VIETNAM ERA

Mr. LONG. Mr. President, I am introducing today the Vietnam Era Veterans' Life Insurance Readjustment Benefit Act. This bill would provide low-cost GI insurance for Vietnam servicemen upon their discharge from active duty.

We provided U.S. Government life insurance for World War I veterans. We provided national service life insurance for World War II veterans. We provided veterans' special life insurance for Korean war veterans. It is high time, Mr. President, that we provide similar low-cost GI insurance for our returning Vietnam veterans.

We offer servicemen on active duty up to $10,000 in servicemen's group life insurance. I applaud this program, and in fact I have recently introduced legislation to provide double indemnity insurance for servicemen on active duty in combat areas. But the discharged serviceman who leaves active duty in good health does not benefit from the servicemen's group life insurance program; he is merely able to purchase commercial insurance at ordinary commercial rates—just as any nonveteran in good health could. Only if the serviceman is disabled is the servicemen's group life insurance program of benefit to him, for it guarantees that he may buy commercial insurance at the same rates as if he were in good health. Even in this case, the commercial rates are higher than they would be under GI insurance.

The bill I am introducing today would in no way affect the servicemen's group life insurance provisions of law. Since it would only be for veterans, it would not affect servicemen on active duty—unless a veteran later returned to active duty. In addition, the veteran could continue, as under present law, to purchase commercial insurance after his discharge through the servicemen's group life insurance program. Purchase of Vietnam era veterans' life insurance would in no way interfere with this.

Now, Mr. President, I would like to outline the major features of the insurance program I am recommending.

My bill would add a new subchapter to the veterans insurance laws establishing Vietnam era veterans life insurance. The face value of Vietnam era veterans life insurance could be as high as the maximum insurance under the present servicemens group life insurance program for servicemen on active duty. Under present law, that amount is $10,000. There have been several proposals to increase servicemens group life insurance, and the bill I am introducing today would permit a veteran to purchase Government life insurance protection at least equal to the protection available to servicemen on active duty.

Vietnam era veterans life insurance would not be available on a term insurance basis, but it could be issued under a modified life plan or any other kind of permanent plan. What this means is that the premium would be the same during the entire life of the veteran. We are finding under the national service life insurance program that veterans who still hold term insurance are faced with substantial increases in their premiums as they enter their fifties and sixties. In some cases, the rates become prohibitive. While these veterans had the right to convert to permanent insurance, they were unable to or did not choose to do so. Faced with sharply increased premiums in their term insurance, many older veterans find it difficult to understand the increasing cost of insurance protection, and they criticize the Congress for rate increases which are based on sound actuarial calculations. Under my bill, there would be no problem of rising premiums, since a permanent lifetime premium rate would be set at the time of purchase or conversion to a new insurance plan. The modified life insurance my bill would provide would be almost as inexpensive as term insurance; though the premium would remain constant throughout the beneficiary's life, the face value of the insurance policy would drop by half when he reached his 65th birthday. Under my bill, a modified life policy could be converted into any of the other more expensive kinds of permanent insurance whenever the veteran so desired.

Like national service life insurance, Vietnam era veterans life insurance would be participating insurance. This means that veterans would receive dividends under the insurance program. These dividends would automatically be applied against the next year's premium unless the veteran requested payment in cash. This way we would be able to insure that Vietnam era veterans life insurance would be offered veterans at the lowest possible cost. I might note that the veterans special life insurance offered Korean war veterans, unfortunately, is nonparticipating. The extra funds which have accrued over the years are not returned to the veterans who paid them.

To assure that the premium rates are reasonable my bill would require that the rates be based on fairly recent mortality experience. In addition, the premium rates would have to assume an annual interest rate of 3¾ percent. This is higher than the 3½ percent interest rate written into the law for the most recently enacted GI insurance, but it is the rate used by the Chief Actuary of the Social Security Administration in his most conservative long-range estimate of the interest yield on Government securities. These are the same kind of securities that the Vietnam era veterans' life insurance trust fund would be required to invest in. I believe we can put our confidence in the actuarial estimates that serve as the basis for the Congress' actions to finance the social security program which offers protection to more than 90 percent of our population.

If a veteran who has a Vietnam era veterans' life insurance policy reenters active duty, he may either surrender his policy for its cash value or retain it and continue to pay the premiums. Even if he does decide to surrender the policy, certain rights are preserved. Without being required to have a medical examination, he may within 120 days of discharge either take out a new Vietnam era veterans' life insurance policy, or if he prefers, he may reinstate his earlier policy by paying back the reserve and the premiums which had not been paid since his policy was surrendered.

I have incorporated in the Vietnam era veterans life insurance program several other features of the national service life insurance program. A veteran would be able to purchase disability insurance in addition to life insurance; if he became totally disabled, he would receive a monthly payment of $10 for every $1,000 of Vietnam era veterans life insurance held. Even if he did not wish to purchase this type of disability insurance, he would be eligible for a waiver of his life insurance premium if he became totally disabled. In other words, he would not have to pay for life insurance protection while totally disabled. Similarly, servicemen who become totally disabled while on active duty would be eligible for Vietnam era veterans life insurance on a waiver of premium basis after their discharge. General fund appropriations would repay the Vietnam era veterans life insurance trust fund for the cost of both excess mortality and waiver of premiums which are due to service-related disability.

The new Vietnam era veterans life insurance program would generally be available to veterans whose active duty service included service during the Vietnam era, defined in law as beginning on August 5, 1964.

Mr. President, I ask unanimous consent that the text of the bill appear in the RECORD at this point.

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

The bill (S. 2003) to provide a spe-

cial Government life insurance program for veterans of the Vietnam era, introduced by Mr. LONG, was received, read twice by its title, referred to the Committee on Finance, and ordered to be printed in the RECORD, as follows:

S. 2003

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 "Vietnam Era Veterans' Life Insurance Readjustment Benefits Act".

SEC. 2. Chapter 19 of title 38, United States Code, is amended by redesignating subchapter IV as subchapter V; by renumbering sections 781 through 788 as section 791 through 798, respectively; and by inserting after subchapter III a new subchapter as follows:

"SUBCHAPTER IV—VIETNAM ERA VETERANS' LIFE INSURANCE

"§ 781. Definitions

"For the purpose of this subchapter—

"(1) The term 'insurance' means Vietnam Era Veterans' Life Insurance.

"(2) The term 'widow' or 'widower' means a person who was the lawful spouse of the insured at the maturity of the insurance.

"(3) The term 'child' means a legitimate child, an adopted child, and if designated as beneficiary by the insured, a stepchild or an illegitimate child.

"(4) The terms 'parent', 'father', and 'mother' means a father, mother, father through adoption, mother through adoption, persons who have stood in loco parentis to a member of the Armed Forces of the United States at any time before entry into active service for a period of not less than one year, and a step-parent, if designated as beneficiary by the insured.

"(5) The term 'eligible veteran' means a veteran who (A) served on active duty for a period of more than 180 days any part of which occurred during the Vietnam era and who was discharged or released therefrom under conditions other than dishonorable, or (B) was discharged or released from active duty, any part of which occurred during the Vietnam era, for a service-connected disability.

"§ 782. An applications for Vietnam Era Veterans' Life Insurance

"Any eligible veteran may, within one hundred and twenty days after his discharge from active military, naval, or air service and (1) upon written application to the Administrator, (2) payment of the required premium, and (3) without meeting any requirement of good health, be granted insurance by the United States against the death of such veteran occurring while such insurance is in force.

"§ 783. Amount of insurance

"Insurance shall be issued in any multiple of $500 and the amount of insurance with respect to any eligible veteran shall be not less than $1,000 or more than the maximum amount of insurance authorized under section 767 for persons insured under subchapter III of this chapter. No eligible veteran may carry a combined amount of Vietnam Era Veterans' Life Insurance, National Service Life Insurance, and United States Government Life Insurance in excess of such maximum amount authorized in such section 767.

"§ 784. Plans of insurance

"(a) Insurance under this subchapter may be issued on the following plans: modified life, ordinary life, twenty-payment life, thirty-payment life, twenty-year endowment. endowment at age sixty, and endowment at age sixty-five. All insurance issued under this subchapter shall be participating insurance.

"(b) Under such regulations as the Administrator may promulgate, a policy of insurance of any type issued under this subchapter may be converted or exchanged for any other type insurance issued under this subchapter. Whenever a policy of insurance issued under this subchapter is converted or exchanged for a policy issued on the modified life plan, the face value of the modified life policy shall be automatically reduced by one-half, without any reduction in premium, at the end of the day preceding the sixty-fifth birthday of the insured.

"(c) Any insured whose modified life insurance policy is in force by payment or waiver of premiums on the day before his sixty-fifth birthday may upon written application and payment of premiums made before such birthday be granted insurance under this subchapter on an ordinary life plan without physical examination in an amount of not less than $1,000, in multiples of $500, but not in excess of one-half of the face amount of the modified life insurance policy in force on the day before his sixty-fifth birthday. Insurance issued under this subsection shall be effective on the sixty-fifth birthday of the insured. The premium rate, cash, loan, paid-up, and extended values on the ordinary life insurance issued under this subsection shall be based on the same mortality tables and interest rates as the insurance issued under the modified life policy. Settlements on policies involving annuities on insurance issued under this subsection shall be based on the same mortality or annuity tables and interest rates as such settlements on the modified life policy. If the insured is totally disabled on the day before his sixty-fifth birthday and premiums on his modified life insurance policy are being waived, as provided in section 712 of this title, or he is entitled on that date to waiver, as provided in such section, he shall be automatically granted the maximum amount of insurance authorized under this subsection and premiums on such insurance shall be waived during the continuous total disability of the insured.

"§ 785. Terms and conditions; premium rates

"Insurance granted under this subchapter shall be issued upon the same terms and conditions as National Service Life Insurance, except (1) five-year level premium term insurance may not be issued; (2) the net premium rates shall be based on the 1958 Commissioners Standard Ordinary Basic Mortality Table, increased at the time of issue by such an amount as the Administrator determines to be necessary for sound actuarial operations; (3) an additional premium to cover administrative costs to the Government as determined by the Administrator at times of issue shall be charged for insurance issued under this subchapter and for any total disability income provision attached thereto; (4) all cash, loan, extended and paid-up insurance values shall be based on the 1958 Commissioners Standard Ordinary Basic Mortality Table; (5) all settlements on policies involving annuities shall be calculated on the basis of the Annuity Table for 1949; (6) all calculations in connection with insurance issued under this subsection shall be based on interest at the rate of 3¾ per centum per annum; (7) the insurance shall include such other changes in terms and conditions as the Administrator determines to be reasonable and practicable; and (8) all insurance issued under this subchapter shall be on a participating basis.

"§ 786. Surrender of policy for cash value upon reentry into military service; insurance after separation; waiver of premiums

"(a) Any person in the active military, naval, or air service, who has an insurance contract under this subchapter, may elect to surrender such contract for its cash value. In any such case the person, upon application in writing made within one hundred and twenty days after the expiration from active service, may be granted, without medical examination, insurance under this subchapter, or may reinstate such surrendered insurance upon payment of the required reserve and the premium for the current month.

"(b) Waiver of premiums under this subchapter shall not be denied in any case of issue of insurance under this subchapter or reinstatement of insurance under this section in which it is shown to the satisfaction of the Administrator that total disability of the applicant commenced prior to the date of his application.

"§787. Vietnam Era Veterans' Life Insurance Fund

"(a) There is created in the Treasury a permanent trust fund to be known as the Vietnam Era Veterans' Life Insurance Fund. All premiums paid on account of Vietnam Era Veterans' Life Insurance shall be deposited and covered into the Treasury to the credit of such fund, which, together with interest earned thereon, shall be available for the payment of liabilities under such insurance, including payment of dividends and refunds of unearned premiums. Payments from this fund shall be made upon and in accordance with awards by the Administrator.

"(b) The Administrator is authorized to set aside out of such fund such reserve amounts as may be required under accepted actuarial principles to meet all liabilities under such insurance; and the Secretary of the Treasury is authorized to invest and reinvest such fund, or any part thereof, in interest-bearing obligations of the United States or in obligations guaranteed as to principal and interest by the United States, and to sell such obligations for the purposes of such fund.

"§788. Vietnam Era Veterans' Life Insurance Appropriation

"There is authorized to be appropriated such sums as may be necessary to carry out the provisions of this subchapter, to be known as the Vietnam Era Veterans' Life Insurance Appropriation, for the payment of liabilities under Vietnam Era Veterans' Life Insurance. Payments from this appropriation shall be made upon and in accordance with awards by the Administrator.

"§789. Applicable provisions

"The provisions of section 706, 707, and the first sentence of section 708; the provisions of sections 709 through 711; the provisions of subsections (a), (b), and (c), and the last two sentences of subsection (d) of section 712; the provisions of sections 713 through 715; and the provisions of sections 717, 718, and 721, all of this title, shall be effective in the same manner and to the same extent with respect to Vietnam Era Veterans' Life Insurance issued under this subchapter as such provisions are applicable to National Service Life Insurance. References in section 721 of this title to the National Service Life Insurance Fund and to the National Service Life Insurance Appropriation shall be deemed for purposes of this subchapter to refer to the Vietnam Era Veterans' Life Insurance Fund and the Vietnam Era Veterans' Life Insurance Appropriation, respectively."

SEC. 3. Section 795 of title 38, United States Code, as redesignated by section 2 of this Act, is amended by striking out "section 784" and inserting in lieu thereof "section 794".

SEC. 4. The table of sections at the beginning of chapter 19 of title 38, United States Code, is amended by striking out the heading "Subchapter IV—General" and everything below such heading, and inserting in lieu thereof the following:

"SUBCHAPTER IV—VIETNAM ERA VETERANS' LIFE INSURANCE

"781. Definitions.
"782. Applications for Vietnam era veterans' life insurance.
"783. Amount of insurance.
"784. Plans of insurance.

"785. Terms and conditions; premium rates.
"786. Surrender of policy for cash value upon reentry into military service; insurance after separation; waiver of premiums.
"787. Vietnam era veterans' life insurance fund.
"788. Vietnam era veterans' life insurance appropriation.
"789. Applicable provisions."

SEC. 5. This Act shall become effective on the first day of the third calendar month following the month in which it is enacted. In any case in which an eligible veteran is discharged prior to such effective date, he shall, for purposes of section 782 of title 38, United States Code, be deemed to have been discharged on the effective date of this Act.

S. 2005—INTRODUCTION OF THE RESOURCE RECOVERY ACT OF 1969

Mr. MUSKIE. Mr. President, there was a time in this country when material of any kind was known to be scarce and expensive. String and wax drippings were saved, and bent nails were pounded straight.

In those days, most Americans were producers of food and goods for their own use. They lived in rural areas, and they understood what waste meant: It was simply the negligent use of scarce materials. "Waste not, want not," was more than a moral or religious precept. It was a law of American economic life.

But today, most of us live in urban areas. And most of us make our living from providing services rather than producing food or goods.

In our current view, materials are relatively cheap. We buy, we use, and we throw away.

I think that Austin C. Daley, chief of the division of air pollution control of the Rhode Island Department of Health, accurately summarized our national attitude during a hearing before the Senate Subcommittee on Air and Water Pollution at Boston on April 10. Mr. Daley remarked:

We are a nation of users, not consumers.

Most Americans would be astonished by how much we use but do not consume. The national solid wastes survey of the Department of Health, Education, and Welfare reported that Americans soon will discard each year more than 30 million tons of paper, 4 million tons of plastics, 48 billion cans, and 26 billion bottles; more than 3.5 billion tons of solid wastes are being thrown away in this country every year. The annual cost of handling and disposing these wastes amounts to $4.5 billion; and during the past 30 years, more than 20 billion tons of solid wastes have been deposited by mining, milling, and processing. These wastes have covered or damaged 7,000 square miles of land.

Mr. President, at the recent hearing held by our subcommittee in Boston, the Honorable John F. Collins, the former mayor of that city, gave us a keen insight into the problems we are facing in solid wastes disposal. He reminded us that there are basically two ways to manage solid wastes effectively.

The first is to attack the problem at its source—

Mayor Collins said—

by reducing the generation of solid wastes and changing their nature and composition.

The other method—

He added—

is to increase vastly the efficiency of application of current technology and managerial techniques.

We are a long way from effective management of solid wastes. Public commitment to the solution of this problem is inadequate. Local governments remain primarily responsible for collecting, processing, and disposing of solid wastes. The States still pay a very minor role.

The Federal Government did not even enter the field until 1965. Until that time there had been slight awareness of the problem, little innovation in our approaches, and little cordination of our efforts.

Congress passed the solid waste disposal act in 1965 and placed the Federal Government in direct contact with the growing problems of solid wastes for the first time. The act set up a 3-year program of grants for demonstrations of new technologies, for planning of State and local solid waste management programs, and for technical assistance to solid waste agencies. In 1968, the program was extended for an additional year.

These pilot programs have been successful, but they have been limited in their approach. If our efforts in this field are to offer any hope in light of the dimensions of the problem, the Congress must sustain the progress made thus far and expand our efforts in new directions.

We must begin to consider some way to attach the cost of solid waste disposal to the value of the products we use but do not consume. Incentives for effective solid wastes management should be related to the persistency of the product in the environment. For example, paper products which degrade rather quickly would have a low recovery value. But cans, bottles, and plastics would have increasingly higher recovery values.

So that we may move toward the goals I have described, I introduce for myself and Senators BAYH, BOGGS, COOPER, EAGLETON, METCALF, MONTOYA, RANDOLPH, SPONG, YARBOROUGH, and YOUNG of Ohio, the Resource Recovery Act of 1969. This bill amends, strengthens, and extends for an additional 4 years the Solid Waste Disposal Act of 1965; it also contains two new provisions:

First, the Secretary of Health, Education, and Welfare is directed to conduct studies and report to the President and the Congress on economical means of recovering useful materials from solid wastes, recommended uses of such materials for national and international welfare, and the market of such recovery; recommended incentive programs—including tax incentives—to assist in solving the problems of solid waste disposal; and recommended changes in current production and packaging practices to reduce the amount of solid wastes.

The Secretary also would be authorized to carry out demonstration projects to test and demonstrate the recovery techniques developed by these studies.

Second, the Secretary would be authorized to make grants to any State, municipality, or interstate or intermunicipal agency for the construction of solid waste disposal facilities, with incentives for new and improved methods for dealing with solid wastes.

Mr. President, I ask that the text of the bill, a summary of its provisions, and the texts of the remarks of Mayor Collins and Mr. Daley at the Boston hearing on April 10 be printed in the RECORD at the conclusion of my statement.

I offer this legislation because I do not believe that America can continue indefinitely to burn, bury, or throw away the solid wastes generated by its people. There simply are not enough resources, enough land area, or enough clear air and clear water to permit the mere refinement of existing approaches to solid waste management.

If future generations of Americans are to inherit adequate, economical supplies of our natural resources, we must move now to find new ways of reusing solid wastes. If we are to preserve and enhance the quality of our environment, we must find ways to reduce the sheer quantities of solid wastes and to lessen the burden on our air and water resources.

The VICE PRESIDENT. The bill will be received and appropriately referred; and, without objection, the bill, summary of its provisions, and text of the remarks of Mayor Collins and Mr. Daley at the Boston hearing, will be printed in the RECORD.

The bill (S. 2005) to amend the Solid Waste Disposal Act in order to provide financial assistance for the construction of solid waste disposal facilities, to improve research programs pursuant to such act, and for other purposes, introduced by Mr. MUSKIE (for himself and other Senators), was received, read twice by its title, referred to the Committee on Public Works, and ordered to be printed in the RECORD, as follows:

S. 2005

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 "Resource Recovery Act of 1969".

SEC. 2. Section 203 of the Solid Waste Disposal Act is amended by inserting at the end thereof the following:

"(7) The term 'municipality' means a city, town, borough, county, parish, district, or other public body created by or pursuant to State law and having jurisdiction over the disposal of solid wastes."

SEC. 3. (a) Subsection (a) of section 204 of the Solid Waste Disposal Act is amended by striking out all beginning with "the development and application" through the end of such subsection and inserting in lieu thereof the following: "the reduction of the amount of such waste and unsalvageable waste materials, and the development and application of new and improved methods of collecting and disposing of solid waste and processing and recovering usable materials from solid waste (including devices and facilities therefor)."

(b) Such section 204 is further amended by striking out subsection (d).

SEC. 4. The Solid Waste Disposal Act is amended by redesignating sections 205 and 206 as sections 206 and 207, respectively, and by inserting after section 204 a new section as follows:

"SPECIAL STUDY AND DEMONSTRATION PROJECTS ON RECOVERY OF USEFUL MATERIALS

"SEC. 205. (a) The Secretary of Health, Education, and Welfare shall as soon as practicable carry out an investigation and study to determine—

"(1) economical means of recovering useful materials from solid waste, recommended uses of such materials for national or international welfare, and the market impact of such recovery;

"(2) appropriate incentive programs (including tax incentives) to assist in solving the problems of solid waste disposal;

"(3) practicable changes in current production and packaging practices which would reduce the amount of solid waste; and

"(4) practicable methods of collection and containerization which will encourage efficient utilization of facilities and contribute to more effective programs of reduction, reuse or disposal of wastes.

The Secretary shall report the results of such investigation and study to the President and the Congress.

"(b) The Secretary is also authorized to carry out demonstration projects to test and demonstrate recovery techniques developed pursuant to subsection (a).

"(c) The authority contained in section 204 for the purpose of carrying out research and demonstration projects shall be applicable to the provisions of this section."

SEC. 5. Section 207 of the Solid Waste Disposal Act, as redesignated by the previous section of this Act, is amended to read as follows:

"GRANTS FOR STATE, INTERSTATE, AND LOCAL PLANNING

"SEC. 207. (a) The Secretary may from time to time, upon such terms and conditions consistent with this section as he finds appropriate to carry out the purposes of this Act, make grants to State, interstate, municipal, and intermunicipal agencies, and organizations composed of public officials which are eligible for assistance under section 701 (g) of the Housing Act of 1954, of not to exceed 66⅔ per centum of the cost in the case of a single municipality, and not to exceed 75 per centum of the cost in the case of an area including more than one municipality, of (1) making surveys of solid waste disposal practices and problems within the jurisdictional areas of such agencies and (2) developing solid waste disposal plans as part of regional environmental protection systems for such areas, including planning for the reuse, as appropriate, of solid waste disposal areas and studies of the effect and relationship of solid waste disposal practices on areas adjacent to waste disposal sites, and not to exceed 50 per centum of the cost of overseeing the implementation, including enforcement, and modification of such plans.

"(b) Grants pursuant to this section shall be made upon application therefor which—

"(1) designates or establishes a single agency as the sole agency for carrying out the purposes of this section for the area involved;

"(2) indicates the manner in which provision will be made to assure full consideration of all aspects of planning essential to areawide planning for proper and effective solid waste disposal consistent with the protection of the public health, including such factors as population growth, urban and metropolitan development, land use planning, water pollution control, air pollution control, and the feasibility of regional disposal programs;

"(3) sets forth plans for expenditure of such grant, which plans provide reasonable assurance of carrying out the purposes of this section;

"(4) provides for submission of a final report of the activities of the agency in carrying out the purposes of this section, and for the submission of such other reports, in such form and containing such information, as the Secretary may from time to time find necessary for carrying out the purposes of this section and for keeping such records and affording such access thereto as he may find necessary to assure the correctness and verification of such reports; and

"(5) provides for such fiscal-control and fund-accounting procedures as may be necessary to assure proper disbursement of and accounting for funds paid to the agency under this section.

"(c) The Secretary shall make a grant under this section only if he finds that there is satisfactory assurance that the planning of solid waste disposal will be coordinated, so far as practicable, with, and not duplicative of, other related State, interstate, regional, and local planning activities, including those financed in part with funds pursuant to section 701 of the Housing Act of 1954."

SEC. 6. The Solid Waste Disposal Act is further amended by redesignating the last four sections in such Act as sections 211 through 214, respectively, and by inserting after section 207, as redesignated by this Act, the following new sections:

"GRANTS FOR CONSTRUCTION

"SEC. 208. (a) The Secretary of Health, Education, and Welfare is authorized to make grants pursuant to this section to any State, municipality, or interstate or intermunicipal agency for the construction of solid waste disposal and resource recovery facilities, including completion and improvement of existing facilities.

"(b) Any such grant—

"(1) shall be made for a project only if it is consistent with any State or interstate plan for solid waste disposal, is included in a comprehensive plan for the area involved which is satisfactory to the Secretary for the purposes of this Act, and is consistent with any standards developed pursuant to section 209;

"(2)(A) shall be made in amounts not exceeding 25 per centum of the estimated reasonable cost of the project as determined by the Secretary in the case of a project serving a single municipality and not exceeding 50 per centum of such cost in the case of a project serving an area including more than one municipality, and only if the applicant is unable to obtain such amounts from other sources upon terms and conditions equally favorable;

"(B) Notwithstanding any other provision of this paragraph, the Secretary may increase the amount of a grant made under (A) by an additional 50 per centum of such grant for any project which utilizes new or improved techniques of demonstrated usefulness in reducing the environmental impact of solid waste disposal, recovery of resources, or recycling useful materials.

"(3) shall not be made until the applicant has made provision satisfactory to the Secretary for proper and efficient operation and maintenance of the project after completion;

"(4) shall not be made unless such project is consistent with the purposes of the Federal Water Pollution Control Act and the Clean Air Act; and

"(5) may be made subject to such conditions and requirements, in addition to those provided in this section, as the Secretary may require to properly carry out his functions pursuant to this Act.

"(c) In determining the desirability of projects and of approving Federal financial aid in connection therewith, consideration shall be given by the Secretary to the public benefits to be derived by the construction and the propriety of Federal aid in such construction, the relation of the ultimate cost of the project to the public interest and to the public necessity for the project, and the use by the applicant of comprehensive regional or metropolitan area planning.

"(d) Not more than 15 per centum of the total of funds appropriated for the purposes of this section in any fiscal year shall be granted for projects in any one State. In the case of a grant for a program in an area crossing State boundaries, the Secretary shall determine the portion of such grant which is chargeable to the percentage limitation under this subsection for each State into which such area extends.

"RECOMMENDED STANDARDS

"SEC. 209. (a) The Secretary of Health, Education, and Welfare shall, in cooperation with appropriate State, interstate, and regional and local agencies, within eighteen months following the date of enactment of this section, recommend to appropriate agencies standards for solid waste collection and disposal systems (including systems for private use) which are consistent with health, air, and water pollution standards and can be adapted to applicable land use plans.

"(b) Further, the Secretary shall, as soon as practicable, recommend model codes, ordinances, and statutes which are designed to implement this section and the purposes of this Act."

SEC. 6. (a) Subsection (a) of section 214 of the Solid Waste Disposal Act, as redesignated by this Act, is amended by striking out "not to exceed $19,750,000 for the fiscal year ending June 30, 1970." and inserting in lieu thereof the following: "not to exceed $46,000,000 for the fiscal year ending June 30, 1970, not to exceed $83,000,000 for the fiscal year ending June 30, 1971, not to exceed $152,000,000 for the fiscal year ending June 30, 1972, not to exceed $216,000,000 for the fiscal year ending June 30, 1973, and not to exceed $236,000,000 for the fiscal year ending June 30, 1974. The sums so appropriated shall remain available until expended."

(b) Subsection (b) of such section 214 is amended by striking out "not to exceed $12,250,000 for the fiscal year ending June 30, 1970." and inserting in lieu thereof the following: "not to exceed $15,000,000 for the fiscal year ending June 30, 1970, not to exceed $17,500,000 for the fiscal year ending June 30, 1971, not to exceed $20,000,000 for the fiscal year ending June 30, 1972, not to exceed $22,500,000 for the fiscal year ending June 30, 1973, and not to exceed $25,000,000 for the fiscal year ending June 30, 1974."

SEC. 7. The amendments made by this Act shall be effective for fiscal years beginning after June 30, 1969.

The material, presented by Mr. MUSKIE, follows:

RESOURCE RECOVERY ACT OF 1969 SUMMARY OF PROVISIONS

1. Definition.

2. Addition to existing research provision to emphasize development of new methods to reduce, re-use and recycle wastes.

3. Authorization of special study of (a) economical means resource recovery, (b) incentives to assist in solving solid waste problems, (c) changes in production and packaging techniques to reduce unused by-products of consumption, (d) methods of containerization and collection of wastes to facilitate disposal.

4. Authorizes grants and contracts to test and demonstrate methods developed pursuant to the special study.

5. Expands existing planning grant authority to provide grants for implementation, including enforcement, and modification of solid waste disposal plans.

6. Authorizes grants for construction of local and regional solid waste disposal and resource recovery facilities; authorizes 25% grants for single community facilities and 50% grants for regional programs with 50% increase in the amount of any construction grants for application of new or improved technology.

7. Authorizes the Secretary of Health, Education, and Welfare to recommend standards for solid waste disposal and collection systems and to develop model codes, ordinances and statutes for effective implementation of solid waste disposal programs.

8. Authorizes $733 million for 5 years to carry out Department of Health, Education, and Welfare activities under the Act and authorizes $100 million to carry out Department of Interior activities.

STATEMENT OF AUSTIN C. DALEY, CHIEF OF THE DIVISION OF AIR POLLUTION CONTROL, RHODE ISLAND STATE DEPARTMENT OF HEALTH, BEFORE HEARING OF U.S. SENATE SUBCOMMITTEE ON AIR AND WATER POLLUTION, UNDER CHAIRMANSHIP OF SENATOR EDMUND S. MUSKIE, AT BOSTON CITY HALL COUNCIL CHAMBER, APRIL 10, 1969

My name is Austin C. Daley. I am the Chief of the Division of Air Pollution Control of the State of Rhode Island. Prior to my present position for seven years I was Director of the Air Pollution Control Department of the City of Providence, Rhode Island. I am a registered professional engineer in Rhode Island and a Diplomate in the American Academy of Environmental Engineers. I have been a member of the Air Pollution Control Association for 20 years.

First, I would like to express my appreciation to Senator Muskie and the Senate Subcommittee on Air and Water Pollution for the honor of receiving an invitation to testify here today.

The problems in solid waste disposal in Rhode Island are basically no different from any other Atlantic coastal state. They are growing rapidly and will soon reach nightmare proportions. At present the two most satisfactory methods of disposing of this waste are by means of the sanitary landfill and by the reduction of combustible waste by incineration. Unfortunately, there are very few municipal incinerators in this country that do not cause air pollution, and the residue from these incinerators also has to be deposited in a landfill. Lack of space, particularly in congested urban areas, makes it apparent that the landfill is not a long-range solution, and science will have to come up with a breakthrough in research as to a satisfactory method of disposal. Since private industry has not been successful in devising solutions, greater support for this research must be given to the Solid Wastes Program of the United States Public Health Service and to the universities which are working on solid waste disposal projects. It is imperative that we come up with answers before our urban society chokes in its own solid waste.

In our efforts to cope with this problem it is important that we recognize two basic facts: first, we can neither create nor destroy matter and, second, we are a nation of users, not consumers.

However, while waiting hopefully for the needed breakthrough in solid waste disposal, whether it be in recycling and re-use of material or a more efficient reduction process, we must meanwhile make a greater effort to improve conditions with the means we have at hand. One of the most serious solid waste disposal problems is created by the nation's largest industry, i.e. junked car bodies. Millions of them are being left on our streets and open spaces annually.

On October 9, 1968 the Rhode Island Division of Air Pollution Control sponsored a conference on the disposal of junked car bodies which was well attended by scrap metal dealers, including out-of-state people, a representative from the Institute of Scrap Iron and Steel in Washington and many state and federal health officials. We were told that this was the first conference of such scope ever held in this country. We offered several plans for cooperation among the scrap metal dealers. These schemes included a big nuisance-free incinerator financed on a cooperative venture by members of the industry. Such cooperative arrangements have been worked successfully by dairy farmers and fishing fleets for years. To our disappointment very little enthusiasm was manifested by those in attendance. Today many still continue to strip car bodies and dispose of components by clandestine open fires, usually burning after dark. For obvious reasons this arrangement is bad, particularly when it is realized that the junked car dealers, in picking up these abandoned cars, are performing a useful solid waste disposal function.

The automobile industry should be induced and encouraged to work out with the scrap metal dealers a coordinated, efficient and inoffensive system of processing these junked cars for steel reclamation. Similar steps should be taken to encourage the manufacturers of glass and plastic bottles and containers and aluminum cans to assist in devising means in the proper disposal of the solid waste they create. We are confident that this committee has heard these views expressed before, but we in Rhode Island want to add our voice to those in other states as to the urgency of the solid waste problem confronting this country.

Those of us engaged in fighting air and water pollution and tackling solid waste problems have found that our activities overlap, and we are in fact members of a team battling for environmental survival. Because of the interstate travel of pollution, the role of the federal government in combating it has, of necessity, been increased, and we in Rhode Island appreciate both the financial and professional assistance we have received from federal agencies. However, we would like to point out, particularly in two great undertakings of the federal government, some activities creating serious solid waste problems that are not being handled properly.

The Department of Transportation pays for 90 percent of the interstate highway program costs, and this road construction frequently entails the removal of miles of trees and brush and hundreds of buildings in the path of a new highway. In Rhode Island the contractors clear this brush by burning it. Since they claim the brush is green, even in winter, they always lace it with old auto tires to sustain combustion. The resulting heavy pollution is visible for miles.

We have repeatedly protested against this pollution but our state law does not give us authority over this type of open burning. It is under the authority of the municipality where it takes place and, although nearby residents often complain, no city or town has ever made a move to stop it. We have suggested that a logging and wood chipping program be inaugurated. These chippers can handle logs up to eight inches in diameter and wood chips make excellent mulch. So far our suggestions have been fruitless and it is particularly frustrating, after the pavement is poured, to witness the arrival of truckloads of expensive wood chip mulch to be spread on the banks for highway beautification. We believe that to chip the brush and store it at the site would not only eliminate air pollution, but would result in considerable savings. We also object to the open burning of buildings that have to be removed from the path of the highways, but we will offer our proposed solution for this problem in our discussion of urban renewal demolition.

Virtually all of Rhode Island's 39 municipalities have present or future plans to participate in urban renewal programs under the Department of Housing and Urban Development grants, which provide from two-thirds to three-quarters of total project cost. This will necessitate the razing of approximately 1,900 buildings in the next five years in our little state. Sometimes these buildings are burned on the site. Our colleagues in the Massachusetts Air Use Management Division can tell you about the evils of this practice. A few years ago scores of buildings were burned down for urban renewal clearance at this very spot where we are meeting today. The Boston urban renewal people were interested solely in creating this present attractive downtown complex. Vast quantities of poisons and dust entering the atmosphere were of no concern to them. This same attitude is frequently displayed by the people building our interstate highways.

Since these two activities, interstate highway construction and urban renewal, are so heavily financed by federal agencies, we feel that the Department of Transportation and HUD have a responsibility to make arrangements for decent waste disposal as part of their projects when they are in the planning stages. In a broad sense, these two government agencies are engaged in manufacturing and all manufacturing processes generate waste. We cannot ask the Rhode Island city of Central Falls, with 19,000 people in its 1.27 square mile area, to find room to dispose of the rubble and timber from a cluster of buildings demolished in the path of a highway or urban renewal. The same situation holds true for most of our congested cities.

We feel that when all the interstate highway programs and urban renewal projects are on the drawing boards, a Solid Waste Program expert from the U.S. Public Health Service should be included as an integral member of the planning team, and he should stay with each project until its completion. His duties would be to plan for the proper removal and disposal of all solid waste. In the highway projects he would arrange for the logging and chipping of brush and the carting of rubble and timber from demolished buildings to a proper disposal site. The disposal of demolition debris would be coordinated with urban renewal waste disposal.

For demolition debris disposal the solid waste disposal engineer would select sites for a defined region which could conceivably cover an area as large as Rhode Island and southeastern Massachusetts. All demolition debris would be trucked in suitable vehicles without spillage to the disposal site where adequate personnel and equipment would work the landfill. If the disposal sites have sufficient area, municipalities could deposit other solid wastes there on a fee basis.

This would cost money but comparatively little when computed as a proportionate cost of the entire project. And air pollution is costing us more than money today. It is a sad commentary on our affluent society when we permit these vast, polluting open fires to vitiate our atmosphere because of economics. Solid waste disposal is a vital function in any urbanized community, and it should not be neglected because it costs money. Soap, hot water, towels, toothpaste and brushes cost money but, because of this, should we discard personal hygiene? Since the activities of federal agencies create some of our biggest solid waste problems, these departments should set the pace in decent solid waste disposal. By doing so, they would be offering a splendid example for our states and municipalities to follow. The U.S. Public Health Service Solid Waste Program has the experts to provide the know-how as planning team members for all future highway and urban renewal projects. Let us put these people to work immediately.

AN OVERVIEW OF THE SOLID WASTE MANAGEMENT PROBLEM

(Remarks by Hon. John F. Collins, visiting professor of urban affairs, Massachusetts Institute of Technology, Cambridge, Mass., before the Subcommittee on Air and Water Pollution, Committee on Public Works, U.S. Senate, Senator EDMUND S. MUSKIE, chairman, Boston, Mass., April 10, 1969.)

INTRODUCTION

The solid waste problem is becoming increasingly severe in our major metropolitan areas. The efficient management of solid

wastes is important not only because of its high cost, but also because of its significant impact on other crucial problems of the urban environment. These other problems include the deteriorating quality of the visual environment in our central cities; the potential pollution of our air, water and land resources; the need for gainful employment and business opportunities for disadvantaged groups; the scarcity of land in urban areas; and the severely limited amount of municipal human and capital resources. Solid waste management must pay attention to these important urban problems if we are to avoid exacerbating the urban crisis still further.

The problem of solid waste management in urban areas is very much like other problems of urban environmental management: our advanced technology and growing enocomy have created ever greater volumes of wastes and ever greater problems of proper waste disposal, but at the same time our technology and managerial skills also offer the hope of solving these problems, if only we have the skill and the wisdom to utilize them properly.

One of the most neglected paths to solving our porblems is more efficient management of exsiting technology. Too often, we have falsely laid our hopes on technological solutions to what are essentially managerial problems. As is the case in other urban problem areas, our institutions are not designed to enable our technical and managerial resources to serve us properly. The boundaries of the solid waste problem unfortunately do not coincide with the boundaries of our political jurisdictions.

Improved management, regional cooperation in solid wastes handling, and several new collection and disposal technologies offer the opportunity of cost savings on the order of twenty-five percent or more. In urban areas, municipal expenditures for solid waste collection and disposal are exceeded only by outlays for education and roads. We desperately need all of the scarce resources which we can free from an essentially non-productive activity such as waste management. We need also to begin to modify our generation of wastes so that we can more efficiently recycle and reuse our waste products, as part of a national policy of resource conservation.

Finally, we must pay particular attention to the effects of poor waste management on the quality of our urban environment. We are all well aware of the visual and aesthetic blight caused by improper and careless waste disposal methods. More subtle environmental interactions are the air pollution from incinerators and open dumps; the virtually unknown effects on marine ecology of ocean disposal of wastes, both solids and liquid; stream and river pollution caused by drainage from poorly designed and maintained landfills and dumps, and by agricultural runoff; and pollution of the groundwater, caused by leaching and infiltration of noxious substances from landfills and sumps. Clearly, if solid wastes are not properly treated and disposed of, they may undermine all of our other efforts to improve environmental quality.

THE URBAN SYSTEM AND THE SOLID WASTE PROBLEM

In examining the solid waste problem in metropolitan areas, we are dealing with a large and complex system permeated by subtle and far-reaching interactions between wastes, their management, other urban activities, and the natural and man-made environment. The methodology of systems analysis is particularly applicable to these types of problems and is used in this paper to provide an overview of urban solid waste management.

To make the analysis, we must consider, first, both the urban and the solid waste systems and their important interactions. We must then define the objectives of solid waste handling and disposal. With these in mind, available solutions can be examined and evaluated against the objectives, and the operable constraints on using particular solutions can be used to reduce the range of alternative solutions. More detailed studies can then pinpoint both the optimal waste management solution in a given urban area and the benefits to be derived from changes in the constraints.

Finally, problems of implementation of appropriate solutions must be considered, and an appropriate role for the apparatus of government and for public policy must be defined.

THE NATURE OF THE PROBLEM

Man's economic activities provide a wide variety of goods and services and an almost equally large assortment of residues, in the form of solid, liquid and gaseous substances as well as heat and noise. In looking at the solid waste problem, we should remember that these residues can be transformed into one another by various processes, so that "solid" wastes may appear in liquid form, as in the case of sewage solids, and they may be transformed into other gaseous, solid, liquid, heat or noise residues. Thus, we must initially consider the entire spectrum of wastes in looking at the solid waste problem.

Today's urban solid waste problem is directly a function of our ever-increasing population, of continued high densities and crowding in metropolitan areas, and of the crazy pattern of urban and suburban sprawl which characterizes the American metropolis. The problem has been exacerbated by our affluence, resulting in a steadily increasing per capita use and production of waste materials, and by the "packaging revolution" to which this affluence has given rise and which it openly fosters and promotes. The packaging revolution and our increasingly complex industrial processes produce a variety of exotic substances which natural processes are scarcely designed to degrade and assimilate. In thinking about solid wastes in the urban environment, we would do well to remember that, sooner or later, everything that goes into a metropolitan area will either be degraded, reclaimed or appear again as a waste product or residue.

The magnitude of municipal wastes has been estimated at five pounds per person per day, or a billion pounds a day for the United States! Not included in this total are the solid wastes in our liquid and gaseous effluents, which amount to roughly three pounds daily per capita. Thus, municipal wastes total almost 200 million tons annually. To this total must be added the unknown hundreds of millions of tons of industrial wastes produced annually and the approximately 700 million tons of agricultural wastes generated yearly. Thus, we produce something over a billion tons of waste materials every year—it is a tribute to the assimilative capacity of the environment that our solid waste disposal problems are not much worse!

The nature of solid wastes is extremely varied. Municipal wastes consist basically of rubbish and garbage, and occasional household bulk wastes thrown in. Municipal wastes also include construction and demolition wastes which are often very difficult to dispose of. Industiral production wastes constitute an extremely heavy burden on the assimilative capacity of the environment, especially such dangerous substances as nuclear wastes. At the present, they are normally disposed of privately or on-site, so that they are as yet not a heavy burden on municipal facilities. Nonetheless, they must be considered in any solid waste disposal analysis because they must be disposed of by someone. Agricultural wastes consist largely of feces and soiled straw and constitute an extremely heavy potential pollution load and are also a disease potential. As agricultural production comes more and more to resemble industrial processes, the solid wastes will become more concentrated and we will not be able to ignore them as cavalierly as we have to date. In addition, the cemetery functions occupy more space per unit weight than any subject yet discussed. Many of our major cities will run out of currently allocated cemetery space in the next decade or two, and we must certainly begin to come to grips with this problem.

We must begin to evaluate the effects of the pattern of urban activities on present and future waste loads. We need to improve our forecasting powers, so that future waste handling and disposal will be done as efficiently as possible. Wastes are increasing in volume at the rate of 4% annually; half of this is caused by population growth and half is attributable to the growth in per capita consumption which leads to waste products. We should remember the principle that steady economic growth produces an ever increasing annual volume of wastes. To forecast future waste loads we need to know more about waste generation. We will also need to engage in technological forecasting, which will have to be used in conjunction with the notion of regional mass or materials balances, in order to forecast accurately the future temporal and spatial pattern of waste generation.

THE SOLID WASTE SYSTEM

In order to adequately understand and properly deal with the problems of solid wastes handling and disposal, it is important that we have an accurate picture of the entire solid waste system. The solid waste system begins with the input of energy and materials into the urban environment, which then metabolizes them and outputs them into the waste generation part of the system. The wastes are then collected by a fleet of vehicles, usually no more complicated than a compaction device in a closed truck, and transported to an intermediate or final processing and disposal site. The waste may be modified in the interim by volume reduction, as in incineration, or by a change of form, as when solid wastes are piped as a slurry. Storage may be provided at the site of generation or disposal, or at intermediate transfer stations. It should be noted that wastes may be recycled at any point in the system. Recycling usually consists of separation, processing, recovery and reuse, although this routine may be circumvented, as when agricultural wastes are returned directly to the land.

Our techniques for solid waste collection and disposal have not changed much in this century. Even though we are currently investigating a wide variety of new technologies, we still rely on hand pick-up and truck transport in the collection system. In disposal, we sometimes barge solid wastes to sea or salvage them, but for the most part we still rely on the venerable technologies of incineration and landfilling. Incineration accomplishes volume reduction and land disposal consists basically of putting back into the ground what we originally took out of it. After disposal, there is relatively little volume reduction over time for any but the most biodegradable wastes. It should be noted that the assimilative capacity of the land is much more manipulable than that of the water or air environments and therefore we can be more creative in our use of that capacity.

THE SOLID WASTE PROBLEM IN THE URBAN PERSPECTIVE

In the urban setting, the solid waste problem has basically three aspects: its impact on environmental quality, the large costs expended and scarce resources utilized, and the interactions with other important urban problems.

The lists of environmental quality effects includes pollution of the air, water and land resources and from the noise and heat residues. It should be noted that pollution

should be distinguished from environmental impacts, since the former is defined into existence by the politically expressed preferences of the people, while the latter is intrinsic to the natural setting. Here the terms are used somewhat loosely and interchangeably. Air pollution may result from particles, gases and odors emanating from improperly maintained incinerators, uncollected solid wastes, and burning trash dumps. Water pollution can result from surface and subsurface drainage from waste piles and from improper disposal of agricultural and industrial wastes. Noise pollution may arise from collection vehicles and waste processing equipment. Incineration of wastes adds heat to the environment. These last two effects are extremely localized in extent. Finally, there is the visual and aesthetic pollution caused by uncollected trash and debris, rusting auto bodies, and the like.

The costs of solid waste disposal are large and on the increase. Municipal waste disposal currently costs about $3.5 billion annually, or about $17.50 per capita per year. This figure amounts to $70 per year for a household of four persons. Looked at another way, about ten cents out of every municipal tax dollar goes to solid waste collection and disposal, making it the third largest municipal expenditure, behind education and highway construction. This fact alone justifies our concern with the topic. Some people have estimated that New York City could reduce its annual solid waste collection and disposal bill of $140 million by 50% if the private capacity were available and willing; these cost savings could be used to supply $500 worth of extra education to 140,000 disadvantaged children, or free school lunches to about 500,000 children. Clearly, we should do our utmost to eliminate any unnecessary solid waste disposal costs, through the adoption of cost-reducing new technologies and modern management methods. We should also be aware that 75%–85% of the total costs of disposal occur during the collection and transportation of wastes to the disposal site, and that most of these costs are labor costs. Basically, our concern here is that large amounts of scarce municipal resources are employed in what is essentially a non-productive activity.

One of the major impacts of the solid waste problem is on the other urban problem areas mentioned in the introduction. One of the most important impacts is on the environmental quality of inner-city living. There is an intense need for sanitation servıces in the central city, even outside the neighborhoods usually thought of as slums or ghettos. There are a number of reasons for this need. Waste loads are more dense, because the population density is higher. Garbage grinders and other forms of disposal are almost non-existent in older buildings, and thus garbage is a major inner-city problem. Older buildings often lack refuse storage facilities and are consequently overloaded. This implies that a higher frequency of collection in the inner city (than elsewhere in the city) is desirable. Further, the necessity of taking garbage and refuse cans out to curbside and of leaving them there opens the way to excessive spillage, as well as creating the ugliness of row upon row of trash cans, sitting in the street for days. Another inner-city solid waste problem is the heavy load of bulk wastes from a large number of abandoned cars, from demolition activities, and from the high relocation rates of core city residents and businesses. Also, excessive traffic congestion blocks efficient street sanitation and garbage and trash collection. Uncollected wastes serve as a breeding ground for rodents and vermin, such as rats and flies, who are noted primarily for their nuisance value (largely biting) rather than for disease transmission or death. Finally, it is important to remember that the inner-city population makes use of the streets for outdoor living and for recreation, especially during the summertime, with the result that cleanliness (in the form of absence of solid wastes) is doubly important, because of its high visibility and because of the heightened sensitivity of the residents to garbage and refuse.

Another important urban interaction is with employment and business opportunities. Although minority group members no longer want to be regarded as garbage collectors, they remain drawn to the job by the relatively high pay and opportunities for the unskilled to gain training and gainful employment.

Perhaps we should create the concept of a "public works competence," so that the trash collector may be employed in other public works areas, such as sewage treatment plant operation, road building and maintenance, equipment repair and maintenance, and other similar activities. In some places, individual entrepreneurship (such as one-man businesses) is being fostered, where trash collectors are assigned routes, own their own trucks, and essentially hire themselves out to a disposal company on a commission basis. This arrangement leads to salaries in excess of $12,000 for good routes in the Boston area, for example; is highly motivating; and may lead to reduced overall costs of disposal. The increased recovery and reuse of solid wastes would open the doors to new business and jobs in salvage activities. We should recognize, however, that new technologies and more efficient management may reduce the number of jobs available to unskilled and semi-skilled workers and, in this context, the idea of training them for other public works jobs makes eminent good sense, especially given the shortage of trained workers in other public works areas.

Another municipal problem is the scarcity of land in the major metropolitan areas in this country. Although land reclamation from solid waste disposal by sanitary landfills is an accomplished fact, such reclaimable land may not be available in urban areas, and, therefore, land disposal may use up extremely valuable land, thus making the real social costs of solid waste disposal much higher than the actual dollar costs. Further, improperly maintained disposal sites may depress surrounding property values. This land scarcity also means that the central city should actively pursue cooperative disposal activities with surrounding, suburban communites. Such cooperation, given the economies of scale existing in transportation and disposal, might easily result in lower total costs to all parties concerned. (Another problem of land use is the vast area required for cemeteries, roughly twenty-five square feet per person, or about one acre for every 1600 bodies. Most of our available cemetery space will be gone in a very few years and we can only guess at the clamor which will be raised unless we make more efficient use of our existing cemetery capacity.) We should be careful further to evaluate the efficacy of long-distance transport and disposal of wastes to such places as abandoned strip mines. There is substantial potential for groundwater pollution from such activities. This type of pollution potential is one which was not carefully enough evaluated prior to the inception of the City of Philadelphia-Penn Central Railroad rail-haul disposal program.

The solid waste problem also demands regional action, and an adequate solution to solid waste problems is hampered by the same jurisdictional and institutional problems which inhibit the efficient solution of other urban environmental management problems. Regional cooperation and planning can help to encompass all of the external effects which make solid waste disposal in metropolitan areas so difficult. Finally, there is a pressing need for the introduction and application of new technology and modern management techniques to relieve some of the burden of solid waste disposal from the increasingly empty municipal pocketbook.

SOLID WASTE MANAGEMENT OBJECTIVES

Similarity to other environmental management problems

One of the first things which should be realized is that solid waste management exhibits more similarities to other environmental waste management problems, such as air and water resources management, than it does differences. The waste materials are basically the same; only the receiving environment and possibly the state of the material are different. This implies that the set of management and policy tools and objectives which have been developed for, and applied to, air and water pollution control, can be modified to fit the needs of solid waste management. It also implies that our objectives will be just as hard to quantify and to apply consistently as in the other two cases mentioned. Finally, we find that improved managerial efficiency is much more the needed panacea than new technology, but that there are also a few very promising technological innovations on the horizon, which will substantially improve the efficiency of our managerial institutions.

The dimensions of solid waste management

The basic concerns of solid waste management are with the residuals from urban production processes, their efficient processing, and their harmless or even beneficial return to the environment. The range of management activities necessary to accomplish these concerns should be understood to include research and data collection; planning and systems analysis; financing; the design and construction of facilities; operation of collection, treatment and disposal systems and attendant facilities; the establishment and enforcement of quality standards to be maintained in operating the system; the regulation and monitoring of operation and management activities; the development of economic incentive systems, including assessing waste effluent fees and charges, and providing direct subsidies; and the development of appropriate procedures, regulations and legislation.

The objectives of management

In examining the proper objectives of solid wastes management, we must consider that we are trying either to maximize net social benefits from this activity, or to minimize the costs of disposal (including re-use) subject to appropriate constraints on environmental quality. We need also to consider the relationship between planning and the nature of management objectives.

If we desire to maximize the net social benefits from the residuals cycle, we are faced with several problems. The concept of social benefits is not a very operable one; for example, how do we measure the impact of inefficient solid wastes management on the other urban problem areas discussed above? Further, we would need to quantify a number of subtle and intangible benefits, which may not be possible. We can do somewhat better in quantifying costs, especially when comparing collection and disposal alternatives and in looking at the economics of separation and re-use. Also, we would need to include the generation of wastes in the management system to capture the external effects of generation. Finally, the benefit maximization must be made subject to the constraints of available technology, and these technologic production functions may be hard to write.

Perhaps the only reasonably operable objective is to minimize the costs of maintaining a given level of environmental quality, while still handling the total amount of wastes generated and subject to the limitations of available technology and our institutions. This implies that we need to clearly

specify the relevant constraints and that we will have to develop standards and criteria to define the quality objectives. Further, we need to consider all of the costs, including the impact of solid waste management on the other areas of the urban environment mentioned earlier. Also, we can use the constraints to estimate the benefits which they ascribe to environmental quality objectives, since the cost of increasing an operable constraint by one unit is equivalent to the marginal benefit of that quality objective, if we are trying to develop optimal policies. We can then examine the benefits ascribable to the various quality objectives and revise the set of constraints accordingly. Using the concept of minimizing the cost of solid waste handling and disposal, we can then develop sets of policies and procedures to allow us to approximate this goal.

Finally, we should be clear about the interplay between solid waste planning and the nature of our objectives. It should be recognized basically that planning is a creative process, and that planning for environmental management defines many of the objectives of management during the planning process itself. That this is indeed the case is clearly seen when we consider that the public's preferences for environmental quality objectives is rather ill-defined and subject often to a large degree of manipulation. Hence, planners must often guess the public's reaction to explicit or implicit environmental quality objectives during the planning process and this makes further complicated the task of producing good solutions.

AVAILABLE SOLUTIONS

There are basically two ways to effectively manage solid wastes. The first is to attack the problem at its source, by reducing the generation of solid wastes and changing their nature and composition. The other method is to vastly increase the efficiency of application of current technology and managerial techniques. Within the binding realms of political and economic feasibility, a major assault on the current structure of solid waste production may not be possible, and it may be more prudent to devote our efforts substantially to improving the efficiency of the existing solid waste management system.

Reduce waste generation

Reducing waste generation basically would consist of decreasing the amount of waste created and increasing the reuse and recycling of items we presently discard. It should be noted that unless re-use occurs before collection and transportation is done, we will be unable to substantially reduce the costs of solid waste management, since it will be recalled that 75%–85% of total disposal costs are attributable to these preliminary activities.

Clearly, the social, political and economic costs of significantly modifying our existing waste generation system would be enormous. Instead of prohibiting the manufacture of hard-to-dispose-of aluminum cans, for example, we might concentrate our efforts on developing aluminum-degrading bacteria.

Many exotic plastics could probably be modified to be biodegradable, as was done with detergents. One thing is clear, however: at the present time, most producers have no economic incentive to consider problems of disposal in designing their products and packages. The development of such incentives or of standards for degradability is a prerequisite to any comprehensive attack on the waste generation problem. In considering incentives, we would do well to avoid depending heavily on the consumer, since his cost saving likely would be rather small and, in this affluent society perhaps not worth the effort. Incentive systems will have to combat this familiar tendency for the benefits of environmental management to be small to the individual (although large to the total community) and the costs to be concentrated on a single producer or industry. It might be possible, however, to levy a charge on the consumer proportional to the amount of waste produced (an effluent charge of a sort) and thus indirectly provide incentives to producers to make packaging more re-usable.

It is evident that we must begin to restructure our private and industrial incentive system, one which seems, rather perversely, to place a premium on generating large quantities of solid wastes and ones which are difficult to easily collect and dispose of. We should investigate the same types of industrial and private incentives which have been considered in the fight against water pollution, particularly incentives to waste-reducing, beneficial process change by producers. Incentives to scrap utilization should be extensively investigated since this may be a great deal cheaper in the long run than improving the technology and management of solid waste collection, handling and disposal.

As a first step in reducing the generation of wastes, we will need to carefully examine the factors influencing the production of solid wastes. We will need especially to monitor, not the aggregate amount of solid waste appearing at the town dump, for example, but the generation of residues by individual sources, over a period of time.

Finally, we will need to prepare for extensive recovery and re-use of wastes, if waste generation is to be substantially reduced. It should be noted that we can't hide the overall problem by putting residues into the waste water system, for example. Garbage grinders eventually transform the waste solids into sewage sludge, which should be considered a solid waste, and which is extremely expensive and difficult to dispose of. An example of this mentality, which tries to solve the problem by shifting the burden to another form of waste management, is a federally sponsored project to create a glass container which will dissolve in water upon being broken; this would eliminate the solid waste problem of glass bottle disposal, but it will not eliminate the solids in the glass, and these will appear as waste products in another part of the environment. It may be either beneficial or harmful to shift our residues from one part of the environment to the other, but common sense dictates that we make a careful study of the benefits and costs of so doing.

In examining problems of re-use, we must be conscious of the fact that separation is intimately tied to re-use and that economical re-use must precede any real attempts at separation. We should further be conscious of the fact that separation normally requires large on-site storage space, a commodity in short supply in our inner cities. Re-use should be looked at as providing factor inputs to industrial production processes. This indicates that we must be cognizant of re-use from the very beginning of the production process because the characteristics of the original product often clearly determine the extent to which recycling is possible and the degree of reprocessing necessary to make reuse possible. One way out of the separation problem is to concentrate efforts on separation of the aggregate waste material, after volume reduction, for example, to eliminate the costs and inefficiencies of expensive hand-sorting of refuse.

Clearly, if we fail to pay attention to reducing waste generation, we will be forced to rely solely on increasing the efficiency of managerial and technological solutions to the solid waste management problem. We will fall increasingly behind our massive generation of wastes, cost reductions will likely be only temporary, and environmental quality will be unable to rise above its current low levels.

Increase waste management efficiency

Current solid waste management is incredibly inefficient. Opportunities for large cost savings lie in the rationalization of existing collection and disposal systems. The role of systems analysis and the mathematical optimization techniques of operations research in the optimal design of these systems has barely begun to be explored. There is also an important role in managerial efficiency for new technologies, which cut down on high labor costs and which increase production efficiency tremendously. One of the most promising of these is a new and improved compaction and shedding refuse collection truck, about to be demonstrated in New York City, which offers excellent possibilities for substantial cost reduction in solid waste management systems since it can handle almost all of the municipal bulk refuse which now requires expensive special pick-up. There are a number of outstanding foreign technologies which await introduction into this country. If we are really interested in increasing the efficiency of solid waste disposal, we should not discriminate against these technologies on the sole basis of foreign origin. Finally, there is a pressing need for more research on the collection and transportation of solid wastes, on new disposal techniques and technologies, and on the environmental effects, both short-term and long-term, of our current disposal methods.

CONSTRAINTS

In considering the solid waste management problem, it is extremely important that we clearly understand the nature and scope of the constraints on our ability to efficiently manage our solid wastes. Constraints help to define and limit the range of acceptable solutions to a given problem, they limit the maximum obtainable efficiency of the system, and they indicate the necessary directions that changes for the better must take. Changing the constraints on the operation of municipal public services is the only way to achieve breakthroughs to optimal long-run solutions. We should recognize especially that solid wastes and other residues result from a complex system of social and economic processes, and that the operation of these processes itself constrains our ability to deal adequately with the waste management problem.

Constraints may be thought of as falling into four basic categories: jurisdictional and legal; economic and financial; social and cultural; physical and technological. The definitions are fairly obvious. Jurisdictional and legal constraints form part of the old problem that the efficient problem-solving dimensions do not correspond to the boundaries imposed by the institutional system. There are large economies of scale possible in the operation of regional solid waste disposal systems and we must extend our efforts to promote regional cooperation, since this kind of institutional constraint is one we can modify with federal policy. Another reason for regional wastes management is the need to bring adequately under the management system the external effects of solid waste disposal, so that these will be adequately accounted for in future planning efforts.

Economic constraints include our current system of industrial incentives, which hinders rather than promotes our attempts to attack the generation of solid wastes. We must realize that, for reasons beneficial to other aspects of our modified free-enterprise economy, industry is basically in an adversary position *vis-a-vis* the solid waste problem and we should structure our incentive systems accordingly. Another major constraint is the financial dilemma of most of our urban areas, which inhibits major capital investments in new waste management technologies and processes, and favors paying initially lower operating expenses for existing inefficient equipment and products, even though this may be a more expensive longrun solution.

One of the hardest constraints to deal with is that which may be termed social or cul-

tural. As we have become more affluent, we have become more wasteful, and have demanded more and more to be relieved of the burden of salvage and re-use of materials. A typical soft-drink bottle used to make 25 trips between producer and consumer before being discarded. Probably no one here now bothers to return a bottle even once. We might think differently if the deposit was a dollar instead of three cents, but such an incentive might prove difficult indeed to establish. Basically, we are not a very future-oriented society, and it may be nearly impossible to change this attitude to one which would be willing to sacrifice a little convenience to help resolve a tremendous problem such as solid wastes. We will not get very far in our attack on this problem until we come to grips with the difficulties inherent in altering people's deep-seated consumption and disposal habits. Finally, we must be aware of the physical and technological constraints on the solutions we propose. A fundamental physical constraint is conservaiton of matter: we can shove wastes all around our environment, manipulate them, decrease their volume, and change their state, but we cannot ultimately destroy most of our waste residues. The solid waste problem will not disappear through any technological miracles. Lastly, we must be aware more exactly of the technological constraints imposed by currently available processes. Here there is much room for improvement.

It is a surprising and distressing fact that most solid waste managers are not really aware of the range of technological opportunities available to them and are not really trained or motivated to keep up with our rapidly advancing technology. Perhaps a major effort in explaining the concepts, benefits and possibilities of modern technology and management would help to bridge this technical skills gap and would substantially increase the efficiency of existing systems.

CHOOSING AMONG ALTERNATIVE SOLUTIONS

When we are finally ready to make a decision as to which technological and managerial alternatives we will favor for solid waste management, it is important that we consciously and conscientiously bring economics to bear on the analysis of alternative solutions. The need for careful economic analysis is evident from the large expenditures involved and from consideration of the impacts of solid waste management on the efficiency of other aspects of urban management. Economic analysis will aid us in achieving a high degree of efficiency in the allocation of our scarce urban human and capital resources. In this regard, the use of cost-benefit analysis is imperative in any comparison of the relative merits of alternative solutions. But we must be careful to recognize that there are many benefits and costs which cannot be quantified, and we must be aware of the consequent danger of ignoring them in benefit-cost calculations. We may find, for example, that two-shift refuse collection is an efficient procedure in cities, but it is clear that the dollar costs for trucks and labor in no way measure, for example, the social cost of the noise from the type of trucks presently used in cities. One way to get around the problem of non-quantifiable benefits and costs is to set standards and constraints to ensure that intangible values are adequately represented in the benefit-cost calculations.

Clearly, the range of economic considerations must include not only dollar costs, but also the external impact costs such as the effect of solid wastes management on urban land uses and land values, on problems of air pollution control and sewage sludge disposal, and on the quality of the environment in our inner cities. There are certainly large social costs associated with further exacerbating core-city tensions by maintaining environmental blight, and these costs must be kept in mind by our solid-waste managers. Economic considerations, on the national level, must extend to questions of the economics of waste separation, processing, recycling and re-use; and the necessary economic incentives to industry to reduce the magnitude and nature of industrial and municipal solid wastes. These incentives might take the form of direct subsidies, effluent charges, tax incentives or direct regulations and standards. The establishment of efficient incentive schemes deserves careful study and consideration and early implementation. Finally, we must conduct our other urban management activities with a careful eye toward their impact on solid waste management. These considerations include sewage sludge disposal, street congestion, urban sprawl, land scarcity, the proliferation of governmental jurisdictions, urban renewal and the deterioration of the central city.

PUBLIC POLICY CONSIDERATIONS

The need for regional cooperation in solid waste management, the requirement for more efficient management of the solid waste effort, the inadequate financial capability of many communities, and the development of an appropriate incentive structure for waste management present policy makers with a set of tasks which require legislation.

Because of the substantial economies of scale associated with regional waste management, because of the need for technologic know-how to develop materials more suitable for disposal and re-use, and because of the benefits derived from considering the solid wastes problem as a total system in terms of the production of materials, the collection of wastes and the effects of alternative disposal methods on the environment, new legislation at the federal level is required. The federal government should explore the feasibility of incentive plans to encourage producers of packaging materials and wastes to deal with this problem at its source, if studies show this to be efficient.

In making recommendations for public policy at the national level, to increase the efficiency of solid-waste management in this country, we have basically two alternatives: we can focus our attack on the generation of wastes, that is, we can attack the problem at its source; or we can focus on the collection and disposal aspects of the problem; that is, we assume that the quality and the nature of the solid waste are given to us as fixed amounts and then it is up to us to dispose of them in the most efficient manner possible. If we attempt to attack the problem at its source, that is, if we focus on the generation of wastes, then one recommendation that immediately follows is that we need to know more about the factors influencing waste generation. We need to know this information to aid in our future planning efforts and to aid in developing incentives to industry to reduce the generation of waste. We also need to understand waste generation because of the importance of this understanding in the question of promoting re-use of waste. The initial product must be designed so that it can be removed from the waste cycle, reprocessed and reintroduced as a factor in the production process. Only if re-use is considered in the initial stages of production can we ever insure that we will get efficient and adequate recovery and recycling of our waste products.

If, on the other hand, we focus on the management of the great quantities of solid wastes, over which we assume we have no control, then we must be sure that we attack this problem at crucial junctures. In particular, we must be careful not to focus strictly on *disposal* of solid wastes, which only constitutes 20% to 25% of the total cost of the entire solid-waste management system, but rather we must instead focus special attention of *collection* systems. If the focus is on collection systems, then we will need to bring to bear on the problem all of our managerial and technical resources. In particular, we will need to use systems analysis and operations research in a much greater way than at present to rationalize the management of our solid wastes. Further, we will need to introduce cost-saving and efficiency-promoting new technology into our management efforts and into our efforts to re-use waste products. In particular, we must be careful to assure ourselves of an adequate supply of new technology, and in particular, we must be careful that we take full advantage of the opportunities afforded by major advances in other countries in various technological areas. We must make sure that we provide all of the necessary technical and financial assistance to local communities to take advantage of new technology and managerial methods. This is certainly a top-priority item for consideration at the federal level. Further, we must promote and encourage and extend our research and development efforts to encompass all promising new technologies and all available management methods. But we must be particularly careful to focus our research and development efforts on those aspects of the solid-waste system which promise the greatest reduction of cost and the greatest increase in efficiency. This is not being done consciously at present. One change which is drastically needed is to remove our focus from disposal methods and concentrate on understanding the factors influencing the generation of waste, and further focus major attention on improving the efficiency of existing collection and transportation systems. Finally, it should be federal policy to foster regional cooperation in solid waste management through granting of planning financial aid only to those organizations which represent groups of communities acting together for the common good. An evaluation component should also be inserted into federal grant programs to ensure this result.

Mr. SPONG. Mr. President, the Nation's urban areas are rapidly running out of places to dispose of huge amounts of solid wastes that are the unwanted residue of our mounting production and consumption.

The population of the Nation is so distributed that no convenient dumping grounds, streams, or air masses exist which are not also the natural resources of others.

The bill being introduced today by the distinguished Senator from Maine seeks to alleviate the problem of solid waste disposal by calling for a study of possible means of recovering and reusing materials that are thrown away. In addition, it provides for an expanded grant program to interstate, State, and local agencies for developing solid waste disposal plans, including plans for the reuse of solid waste disposal areas.

I join in sponsoring this measure with the realization that man is pouring wastes into the environment at a rate faster than nature can reprocess them. The evidence that we have exceeded nature's assimilative capacity shows up in the form of polluted rivers, algae-covered lakes and smog-fouled atmosphere.

Today's mass production techniques have led to rapid, even planned obsolescence. Component parts of many or our manufactured goods are no longer repaired when they fail to work. Instead, they are discarded and replaced with new units. Our technology has developed such new disposal packaging methods as plastic containers which are impervious to weather or bacterial destruction, rust-

proof aluminum cans, and countless bottles. Many of the latter are no longer returnable for deposit refunds, but are thrown out.

The development of kitchen garbage disposal units has not stemmed the tide. The immensity of the solid waste problem is demonstrated by a recent estimate that we generate 800 million pounds of garbage, rubbish, street refuse, and industrial and agricultural wastes every day. Moreover, the volume of waste is increasing at an estimated annual rate of 4 percent.

Because of the rapid growth in the Nation's urban areas, and the lack of disposal space, it is clear that the problem of waste disposal soon will be on the same scale as the problems of human transportation and food and water supply.

Existing waste disposal programs too often involve methods that are unhealthy and unsightly. Sanitary landfills and incineration have many obvious shortcomings.

The time has come to develop new and improved methods of solid waste disposal, and the legislation being introduced today would authorize the research necessary to achieve that purpose.

Mr. President, the extent of the problem and the steps being taken to alleviate it is discussed in an article entitled "Engulfed in Garbage," by Mr. Thomas Fleming. The article was published in the April 20, 1969, issue of This Week magazine, and I ask unanimous consent that it be printed at this point in the RECORD.

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

ENGULFED IN GARBAGE

(By Thomas Fleming)

(NOTE.—Thomas Fleming has written many books. His most recent is "West Point, the Men and Times of the U.S. Military Academy," published by William Morrow & Co.)

"You people have been spoiled for 50 years. Rain or shine or earthquake, your little pail of garbage has been picked off your doorstep every Tuesday or Thursday. Until recently, you didn't give a damn what happened to it after that."

Are you listening? That is the voice of a modern garbage man. His name is Leonard Stefanelli and he was speaking to a group of fellow San Franciscans. But he might well have been speaking to the entire nation, warning Americans that they are in danger of being engulfed in garbage.

His is by no means the only ominous voice. Dr. Philip R. Lee, Assistant Secretary of Health, Education, and Welfare, says, "We have been running to keep pace with the growth of the . . . problem, and we are losing the race." Professor Ross E. McKinney of the University of Kansas warns, "We have already allowed the problem to exceed the solution."

There are some prophets around the country predicting that by the year 2000, garbage collection may dwarf civil rights, national defense, and crime in the streets as our No. 1 political problem.

It is by no means a fanciful prediction. Recent reports indicate that Americans are already spending $4,500,000,000 a year for refuse collection and disposal services—a sum that is exceeded only by expenditures for schools and roads.

Why is garbage becoming so big and costly a problem? Approximately 500,000 tons of residential, commercial and industrial wastes, or 5.3 pounds per person, are generated in America each day. In an average year, a family of six creates 3,860 pounds of trouble for the garbage man. Of this, 990 pounds is genuine garbage—leftover food scraps and the like, what the experts call "putrescent matter"—and 2,870 pounds is rubbish.

This last statistic is the real explanation for the garbage crisis. In earlier decades, Americans carried most of their food home in paper bags. Practically everything today's supermarket shopper buys is enclosed in plastic or cardboard or glass containers.

It doesn't really matter where the junk comes from. The problem is how to collect it efficiently and what to do with it once it's collected. To the citizen, collection would seem the most important facet of the problem. Garbage strikes have threatened a half dozen American cities with disease and social chaos in the last year or so.

Sanitation experts are far more worried, however, about what to do with the stuff once it is collected. They note that 85 per cent of the money we are spending on garbage is currently going into collection (yet a startling 12 per cent of the residential population, receives no formalized collection service) and only 15 per cent of our cash is being spent on disposal.

Many people are under the impression that most garbage is burned in incinerators. Actually, there are only about 300 incinerators in the entire nation, most of them in large cities. Most of our garbage goes to what is familiarly known as the *dump*. There are 12,000 of these *land disposal sites*, as the experts call them, and a recent report of the Public Health Service declared that 94 per cent of them were "unnacceptable and represent disease potential, threat of pollution, and land blight."

Nor should incinerator owners start congratulating themselves. The same government experts condemn 75 per cent of these as inadequate, either because they fail to burn enough of the garbage shoved into them or because they pour unhealthy amounts into the atmosphere as air pollution.

Aside from the disgraceful condition of most dumps, there is the blunt fact that we are running out of room for them. New York will run out of space altogether in four to eight years. Philadelphia has been trying to burn 90 per cent of its wastes for well over a decade. San Francisco has had a running battle with surrounding communities over where to put refuse.

All this adds up to what might be called, The Lament of the Garbage Man. "People make jokes about garbage men," Eugene L. Pollock, editor and publisher of *Solid Wastes Management*, a national magazine for the sanitation industry, says. "They tend to think of them as people of little standing in the community. They don't seem to realize they are talking about the fifth largest service industry in the country. Nor do they seem to realize that a lot of these so-called garbage men are executives running multimillion-dollar operations, often using computers." He also notes several major schools grant Ph.D.s in refuse disposal techniques.

Leonard Stefanelli is typical of the new breed of garbage executive. He is president of the Sunset Scavenger Co., one of the two private contracting firms which handle refuse collection and disposal in San Francisco. A good-looking, well-dressed 33-year-old, Stefanelli told a gathering of San Franciscans last year, "You people think of us garbage men as donkeys with strong backs and weak minds. But the fact is that we have spent tremendous amounts of money on modern research and development to try and reduce the bulk of waste as much as possible before disposing of it."

Most people know that garbage men feel underpaid. But few realize a more significant item in the garbage man's tale of woe. It is very dangerous work. The National Safety Council recently reported that their accident rate is highest in the country.

A great deal, however, is being done. A number of ingenious solutions are being tested or toyed with by scientists and sanitation experts around the country. One of the problems of the open dump is being solved by sanitary landfill—one of the best and cheapest methods of disposal now available. Usually it involves shredding, milling and compacting the refuse into an indistinguishable mass, which is dumped in trenches scooped out by bulldozers. It is then covered with seven or eight feet of earth, and natural decomposition over the next 25 years converts it into normal soil.

Landfill not only eliminates the old smoking, rat infested dump, it can also create new recreational sites for land-short cities and suburbs. Virginia Beach, Va., is building an outdoor theater on a 15-year-old landfill site. The Borough of Etobicoke in metropolitan Toronto has built a ski hill out of what they call "selected sanitary waste"—1,500,000 cubic yards of old refrigerators, stoves, bed springs, lumber, chemicals—everything but food wastes. The twin-peaked hill is expected to be 130 feet high when completed. Other communities have constructed golf courses, baseball and football fields and even swimming pools on landfill sites.

Around our larger cities, land is simply too scarce and too valuable to put garbage in it. San Francisco and Philadelphia are about to begin experiments in shipping their garbage 200 to 300 miles away by railroad.

Philadephia has hired a private firm to lug the stuff out to the central part of the state, and dump it into abandoned strip mines. The cost will be $5.39 a ton, a big saving over the current $7.50 a ton for incineration. Rhode Island University, under a grant from the National Center for Urban and Industrial Affairs, is studying the possibility of burning garbage at sea in huge incinerator ships and tossing the residue overboard at selected dump sites.

The inventive Japanese have come up with another idea, a giant compacter said to reduce trash to 10 percent of its original volume. The Japanese at first claimed that the resulting hard blocks of garbage could be used for construction work. But experts quickly demolished this idea. As garbage decays, it emits methane gas, and if you sealed these bricks inside a concrete building, within a year or so there could be an explosion.

The fondest dream of the modern sanitation expert is making garbage profitable. In the old days farmers paid for the privilege of collecting and removing garbage from Philadelphia. Today collectors get up to $8.33 a ton for this work—plus the refuse itself—and the price is considered to be a real bargain. Paper was once salvaged for the production of cardboard. Now it is stored until a private collector comes and picks it up—at a charge of $100 a month for this service. Some people have experimented with burning garbage to produce steam which, in turn, would run electric turbines. The Town of Hempstead on Long Island has an incinerator that drives a 2,500-kilowatt electric power plant and a 420,000-gallon-a-day water desalting plant. But neither here, nor anywhere else, has anyone made such operations profitable.

The brightest hope in this department has been composting. For over 25 years, various countries—Israel, Holland, Scotland, and the United States—have experimented with pulverizing and reducing the garbage to manageable brick form and selling the stuff to farmers to enrich the soil. A few years ago, a *Fortune Magazine* story grandiosely announced the opening of a composting plant in St. Petersburg, Fla., operated by the International Disposal Corp. The $1,500,000 plant lasted from July, 1966 until the early

months of 1968, when it was closed as a public nuisance because of an odor problem. But after remodeling it is expected to start again soon.

The Florida plant joined a long line of composting plants, stretching from Scarsdale, N.Y., through McKeesport, Pa., Mobile, Ala., Norman, Okla., Phoenix, Ariz., and Houston, Tex.—most of which are already closed or closed part of the year. The reason lies in that earlier statistic about the preponderance of rubbish in today's garbage. Plastic bottles, aluminum cans, paper and glass are not very soil enriching.

Yet the composting idea has value. "These commodities we are throwing away today may someday be in seriously short supply," says Dr. Walter R. Hibbard, former director of the Bureau of Mines. Dr. Athelstan Spilhaus, president of the Franklin Institute in Philadelphia, argues that we ought to "bank" potentially valuable wastes until we know how to get at their ingredients economically.

Still another solution would be the creation of self-destructive bottles and cans. Jerome Gould, the noted industrial designer, is working on such a project, as is Samuel F. Hulbert of Clemson University in South Carolina. Hulbert says his bottle will have the same basic elements as glass but when it breaks it will become soft and greasy and melt away.

Back on the practical, everyday level, some people are trying to take the minor headaches out of the garbage problem. Some companies have recently perfected a garbage can with a bottom made of rubber cement, that thuds instead of rattles in the early dawn. New Haven, Conn., is experimenting with the use of kitchen sink grinders in a high-rise apartment complex. The reduced garbage is piped to a central building for disposal.

All these changes, experiments and improvements point toward one conclusion. The garbage crisis can and must be solved.

The alternative may well be the policy currently being pursued in the state of Zulia, Venezuela. The government had to declare martial law and send in National Guard troops to suppress rioting stemming from a strike of sanitation men which left four dead and dozens injured. To prevent a repetition of the upheaval, authorities hastily passed several laws which clearly demonstrate the dangers of uncollected garbage in a free society. One of the laws stipulates that no couple will be allowed to marry unless they both produce certificates proving they are up-to-date in their refuse collection payments.

S. 2007—INTRODUCTION OF A BILL TO ELIMINATE VAST AMOUNT OF GOVERNMENT EQUIPMENT IN HANDS OF PRIVATE CONTRACTORS

Mr. PROXMIRE. Mr. President, well over a year ago the Economy in Government Subcommittee of the Joint Economic Committee learned that nearly $15 billion worth of federally owned production equipment, materials, tooling, and test equipment was being held and used by private contractors. Although the original purpose of this practice—to permit businesses to use equipment they could not afford to buy for one-shot Federal contracts with a high defense priority—was praiseworthy, it was obvious that the program had gotten out of control.

The General Accounting Office, in a landmark investigation performed at my request, found that several contractors among the random sample of 23 defense contractors it studied were using Government-owned equipment for the performance of their own commercial production work without adequately reimbursing the Government and, in some instances, without the required approval of the Office of Emergency Planning—OEP.

This practice gave such contractors an unfair competitive advantage over their industrial compatriots in the marketplace who had not been similarly blessed by taxpayer largesse.

One large defense contractor, the GAO found, was given an 8,000-ton mechanical forge press costing $1.4 million in late 1961 because the company's 4,000-ton presses, also Government-owned were not considered efficient enough to handle all of the orders the Government had placed with the company for jet engine midspan blades. Yet, during the following 3-year period, the 8,000-ton press was used 78 percent of actual production time for commercial work without advance OEP approval while the majority of Government procurement of midspan blades was processed on the less efficient 4,000-ton presses.

Although rental was charged for private use of such equipment, the ways of computing rentals were multitudinous and did not reflect the interests of the taxpayer and his Government. Rentals most often were far less than they should be.

It was quite evident, also, that many giant corporations, such as General Electric, General Dynamics, Douglas, and Lockheed, some of which do well over half of their business with the Federal Government, could well afford to purchase this equipment outright—particularly in view of the fact that follow-on contracts from the Government enabled them to use much of this equipment for many, many years.

Consequently, last year I introduced a bill to bring about far-reaching improvements in the Government's management of privately held equipment. Although the bill resulted from meetings with the Defense Department and the GAO and has the general approval of those agencies, it did not pass the Congress. Accordingly, I am once again introducing my proposal to limit sharply the amount of federally owned production equipment in private hands.

In doing so, I am aware that the Department of Defense has taken administrative steps to improve the management of this production equipment. On June 10 of last year, 3 months and 2 days after I introduced my bill, the Department issued new guidelines which made a number of significant improvements. For example, the new regulations: first, required the contractor to state, in writing, his unwillingness or financial inability to buy the equipment with his own money before the Defense Department could provide federally owned equipment; second, stopped the practice of supplying items of equipment costing less than $1,000; third, increased rental rates on equipment less than 3 years old used on nondefense work; and, fourth, tightened up prior approval requirements for the use of production equipment on nondefense work.

However, the measure I reintroduce today would codify a number of requirements that are essential if we are to avoid further waste in the handling of this equipment. Furthermore, it would apply to equipment outside the purview of the Defense Department.

My bill provides the following:

First, it would prohibit outright the future placing of federally owned production equipment in the hands of private contractors unless, first, the production equipment were to be set aside for emergencies as part of a duly authorized mobilization plan; second, the defense contractor was a small business and was so recognized by the Small Business Administration; or third the head of the appropriate agency made a determination in writing that the contractor's needs are urgent and cannot be met in any other way or that the provision of equipment is in the public interest.

Second, it calls for a uniform rental system, contractor maintenance of adequate inventory records, and the prompt return of production equipment to the Government when no longer needed.

Third, it would permit the sale of equipment and special tooling to contractors already holding the equipment at not less than a fair and reasonable price on a negotiated sale basis. Such sales could be made subject to the proviso that the property will be available on a priority basis for the performance of Federal contracts where necessary.

Heretofore, sales of this equipment have been on a competitive bid basis. The taxpayer has been the loser because the competitive bid system often results in one very low bid from the corporation holding the equipment—the only bidder in a position to know the condition of the equipment and to use the equipment without incurring costly moving expenses. Thus, the system is anything but competitive, and the single bid usually received is far below fair value.

To the degree that this provision expedites the sale of production equipment to private contractors, it will lift a substantial burden from the shoulders of those running the program and sharply reduce the costs of administration. It will also bring additional dollars back to the Federal Treasury from higher realized sales prices.

Finally, my bill will act as a safeguard against frivolous decisions by the Department of Defense, the National Aeronautics and Space Administration, and the Coast Guard, all covered by my proposal, to make exceptions to the general prohibition against the use of federally-owned equipment by private contractors. It will do so by providing Congress with an annual report on all decisions to place property having an acquisition cost in excess of $10,000 in private hands because of urgent need or an overriding public interest. A report to Congress will also be made annually on negotiated sales of equipment having an original acquisition cost of $25,000 or more, thus guarding against abuse of this authority.

Approximately $2.5 billion of the $15 billion in Federal plant and equipment in private hands is production equip-

ment. By placing more stringent controls over the use and expediting disposal of this equipment, my bill, if passed, would not only make sure that additional funds are not wasted but would also set a pattern for future legislation covering the remaining $12.5 billion. I urge its early passage.

Mr. President, I introduce the bill and ask that it be appropriately referred, and I ask unanimous consent that the text of the bill be printed in the RECORD.

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

The bill (S. 2007) to amend chapter 137, title 10, United States Code, to limit, and to provide more effective control over, the use of Government production equipment by private contractors under contracts entered into by the Department of Defense and certain other agencies, and for other purposes, introduced by Mr. PROXMIRE, was received, read twice by its title, referred to the Committee on Armed Services, and ordered to be printed in the RECORD, as follows:

S. 2007

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That chapter 137, title 10, United States Code, is amended by—

(1) inserting, at the end of the chapter analysis thereof, the following new item:

"2315. Government production equipment"; and

(2) adding at the end of that chapter the following new section:

"§ 2315. Government production equipment

"(a) It is the policy of Congress that maximum reliance will be placed on the use of privately owned production equipment in connection with the performance of purchases and contracts made under this chapter. No agency named in section 2303 may hereafter acquire production equipment for the purpose of furnishing it to a contractor by lease or contract, for use other than in a Government-owned contractor-operated plant or by a nonprofit organization, unless the furnishing thereof is necessary—

"(1) to meet mobilization requirements under a duly authorized mobilization plan;

"(2) to permit the obtaining of supplies or services by such agency from a contractor which has been determined by the Administrator of the Small Business Administration to be a small business organization which is unable to procure such production equipment through the use of its own resources, and no alternate means of obtaining the needed supplies or services is practical; or

"(3) to meet an urgent need for supplies or services which the head of the agency has determined cannot be met by any other practical means, or in the public interest as determined by the head of the agency.

Determinations under paragraph (3) of this subsection shall be made in writing. The power to make such determinations shall be delegable only in accordance with regulations promulgated under subsection (b).

"(b) The Secretary of Defense for the Department of Defense, the Administrator of the National Aeronautics and Space Administration for that Agency, and the Secretary of Transportation for the Coast Guard shall promulgate uniform regulations for the effective control of all production equipment which is the property of each such agency and which is or hereafter may be furnished by such agency by any means to a contractor. Such regulations shall include—

"(1) a uniform system for the determination of the amount of the rental which shall be paid by such contractor for the use of any such production equipment for commercial use;

"(2) a requirement for the maintenance by such contractor of inventory records concerning all production equipment so furnished to it, and records and reports with respect to the nature and the extent of the use of such equipment, such records to be maintained and reports made as prescribed by the regulations; and

"(3) such other requirements as may be determined necessary for (A) the effective maintenance and control over all such production equipment so furnished by any agency named in section 2303 during the time which such production equipment is in the custody of any such contractor, and (B) subject to the provisions of subsection (c) of this section, the prompt return of such production equipment to the custody of such agency when there is no need therefor by such contractor for the furnishing of property or services to any department or agency of the United States. Such returned equipment if no longer required to meet the mobilization or other needs of the United States shall be promptly disposed of under other law.

"(c) (1) Under such regulations as may be prescribed by the Administrator of General Services, the Secretary of a military department or the head of a defense agency, or of any other agency named in section 2303, may sell to a contractor items of production equipment and special tooling and special test equipment which are owned by the United States and under the control of that department or agency and which are located at the facility of the contractor.

"(2) Sales under this section shall be made at not less than a fair and reasonable price, and in the case of equipment used or planned for use in the development or production of supplies for, or the furnishing of services to, the United States, upon such terms as to assure that for a reasonable period after the sale the property or its replacement will be available, on a priority basis, for the performance of contracts of the United States or subcontracts thereunder.

"(3) Proceeds of a sale under this section may be used to pay the cost or expenses incurred in connection with that sale or to reimburse the appropriation or fund from which that sale cost was paid. Proceeds of such a sale that are not so used shall be covered into the Treasury as miscellaneous receipts.

"(4) An explanatory statement of the circumstances of each sale under this section of property having an original acquisition value in excess of $25,000 shall be prepared and a copy thereof preserved in the files of the department or agency making the sale.

"(d) The head of each agency named in section 2303 shall transmit to the Congress annually a report of each determination made under subsection (a) (3) involving an acquisition cost of $10,000 or more and of each sale made for more than $1,000 under subsection (c) during the preceding year.

"(c) As used in this section—

"(1) 'Production equipment' means any tool, machine, or similar equipment, used or designed for use in the manufacture, production, or furnishing of property or supplies, but does not include special tooling or special test equipment.

"(2) 'Special tooling' means all jigs, dies, fixtures, molds, patterns, taps, gages, other equipment and manufacturing aids, and replacements thereof, which are of such a specialized nature that, without substantial modification or alteration, their use is limited to the development or production of particular supplies or parts thereof, or the performance of particular services.

"(3) 'Special test equipment' means electrical, electronic, hydraulic, pneumatic, mechanical, or other items or assemblies of equipment, which are of such a specialized nature that, without modification or alteration, the use of such items (if they are to be used separately) or assemblies is limited to testing in the development or production of particular supplies or parts thereof, or in the performance of particular services.

"(4) 'Nonprofit organization' means any corporation, foundation, trust, or institution operated for scientific educational, or medical purposes, not organized for profit, no part of the net earnings of which inures to the benefit of any private shareholder or individual."

SEC. 2. The amendments made by this Act shall take effect on the first day of the fourth month beginning after the date of enactment of this Act.

S. 2008—INTRODUCTION OF A BILL TO PERMIT INDIVIDUAL DETERMINATION OF TIME OF DIVERSION OF WHEAT ACREAGE

Mr. YARBOROUGH. Mr. President, I am introducing, today, a bill to amend the Agricultural Adjustment Act of 1938 to permit individual determination of time of diversion of wheat acreage. This law, as amended, requires that wheat farmers divert a certain acreage of land, for a certain period of each year in order to be eligible for wheat marketing certificates.

At present, the Department of Agriculture determines how much land shall be diverted and for what part of each year. This year, land must be diverted from May 1 to October 1, 1969, in some areas and from May 15 to October 15, 1969, in other areas.

My bill would permit the individual wheat farmers to determine which consecutive months of each year to divert acreage. I feel that this determination is better made by the farmer who is familiar with conditions in his area than by an agency far away in Washington. It seems to me that my approach is fairer and more reasonable than that now used and I urge prompt adoption of my proposal.

I request unanimous consent that the bill be printed in full at this point in the RECORD.

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

The bill (S. 2008) to amend the Agricultural Adjustment Act of 1938 to permit individual determination of time of diversion of wheat acreage, introduced by Mr. YARBOROUGH, was received, read twice by its title, referred to the Committee on Agriculture and Forestry, and ordered to be printed in the RECORD, as follows:

S. 2008

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Agricultural Adjustment Act of 1938 be amended to read as follows:

SECTION 1. At the end of Section 339(a) (3) add the following paragraph:

"(4) The farmer shall be permitted to determine which consecutive months wheat

acreage shall be diverted for grazing purposes."

SEC. 2. This provision shall be effective when signed by the President of the United States.

S. 2009—INTRODUCTION OF A BILL TO CHANGE THE NAME OF DULLES AIRPORT TO THE DWIGHT DAVID EISENHOWER INTERNATIONAL AIRPORT

Mr. YARBOROUGH. Mr. President, we were all saddened by the recent death of one of our greatest statesmen and military figures, Dwight David Eisenhower. General Eisenhower's career was a distinguished one, first as leader of the victorious Allied armies in Europe, then as President of Columbia University, as NATO Commander, and finally, as President of the United States. He devoted his entire life to the service of his country and we are all diminished by his passing.

All that remains now, is for his countrymen to find some fitting way to honor his memory; his life and his accomplishments brought honor to his name. It was during President Eisenhower's term as President that this airport was conceived and construction on it begun. I believe it proper that this airport, a major gateway to the United States and the Nation's Capital, now stand as a monument to General Eisenhower and a testimony to the admiration and the genuine affection his fellow Americans felt for him. Also, there is another reason, perhaps less idealistic but certainly more practical. Many times I have heard in airport waiting lines, confusion between the name of the Dulles Airport and the Dallas Airport. I think that a change is necessary to eliminate this kind of confusion.

It is for these reasons that I introduce this bill to change the name of Dulles Airport to the Dwight David Eisenhower International Airport.

I request unanimous consent that the bill 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. 2009) to provide that the Dulles International Airport in Chantilly, Va., shall be renamed "The Dwight David Eisenhower International Airport" in honor of the late President of the United States and General of the Army, introduced by Mr. YARBOROUGH, was received, read twice by its title, referred to the Committee on Commerce, and ordered to be printed in the RECORD, as follows:

S. 2009

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the John Foster Dulles International Airport in Chantilly, Virginia shall be re-named "The Dwight David Eisenhower International Airport" in honor of the late President of the United States and General of the Army, Dwight David Eisenhower. Any reference to such airport in any law, regulation, document, record, map, or other paper of the United States shall be deemed a reference to such airport as "The Dwight David Eisenhower International Airport."

S. 2015—INTRODUCTION OF A BILL TO AMEND THE AGRICULTURAL ADJUSTMENT ACT, AS REENACTED AND AMENDED BY THE AGRICULTURAL MARKETING AGREEMENT ACT OF 1937, AS AMENDED

Mr. McGOVERN. Mr. President, I welcome the opportunity to introduce a bill designed to promote economic strength and progress for the dairy industry.

Today, U.S. milk producers face serious economic problems. These include rising costs of production; new competition in the marketplace—such as ersatz white drinks made to look like cream, or even milk, but lacking their true, nutritional qualities; and, generally, too small a share of our Nation's growth and prosperity.

OBJECTIVES OF LEGISLATION

Based upon the principle of self-help, the proposed legislation provides a mechanism by which the dairy industry could promote greater sales of milk and dairy products; strengthen the dairy economy; expand research and development projects for new products, marketing techniques, and other essential research, including more effectively meeting nutritional needs of consumers; promote consumer education to insure maximum nutritional benefit from food dollars; reduce the cost of the Federal price support program through expanding sales and consumption of dairy products; and, generally, advancing the economic strength and well-being of the dairy industry.

The attainment of these objectives serves the best interests of America's dairymen, our more than 200 million consumers, and the national economy.

I request unanimous consent to have an explanatory statement on the operation of the program followed by a copy of the bill printed at this point in the RECORD.

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

HOW IT WORKS

The proposed legislation is an amendment to the Agricultural Marketing Agreement Act of 1937. This is the basic authority for Federal Milk Marketing Orders. My amendment would authorize dairy farmers to initiate programs for expanding market development projects, such as advertising, sales promotion, education, research and related programs. It would operate as follows:

1. The proposed legislation would provide authorization for *voluntary—not mandatory* —action by milk producers in a Marketing Order area to adopt such a program; and, if adopted, it would require participation on a market-wide basis.

2. The plan would be supported by funds from the milk pool of the Marketing Order area according to a formula approved in the referendum.

3. The plan would be "tailored" to meet needs and objectives of producers in a specific Marketing Order.

4. Expenditures under a plan would be supervised by milk producers; and would be used only for designated purposes.

5. Adoption of a plan would require approval of two-thirds of producers voting in a separate referendum in a marketing order area. Cooperatives—established to serve producers—could vote on behalf of their members.

6. The separate referendum—either adopting or rejecting a plan—would not affect the basic provisions of the Marketing Order, itself.

7. Although adoption of a plan would require approval of two-thirds of producers voting in a referendum, it could be terminated by 51 percent of producers at any time.

A similar amendment to the Agricultural Marketing Agreement of 1937 was passed by the Senate in the 90th Congress, but was excluded from the 1968 Farm Bill in Conference.

This measure—it should be stressed—is a self-help measure. It would require no expenditures of government funds. It should receive early consideration by the Senate. I am informed that similar legislation will be considered by the House.

S. 2015

A bill to amend the Agricultural Adjustment Act, as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Agricultural Adjustment Act, as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended, is further amended, by adding at the end of subsection 8c(5) the following new subparagraph (I):

"(I) Establishing or providing for the establishment of research and development projects, and advertising (excluding brand advertising), sales promotion, educational, and other programs, designed to improve or promote the domestic marketing and consumption of milk and its products, to be financed by producers in a manner and at a rate specified in the order, on all producer milk under the order. Producer contributions under this subparagraph may be deducted from funds due producers in computing total pool value or otherwise computing total funds due producers and such deductions shall be in addition to the adjustments authorized by subparagraph (B) of subsection 8c(5). Provision may be made in the order to exempt, or allow suitable adjustments or credits in connection with, milk on which a mandatory checkoff for advertising or marketing research as required under the authority of any state law. Such funds shall be paid to an agency organized by milk producers and producers' cooperative associations in such form and with such methods of operation as shall be specified in the order. Such agency may expend such funds for any of the purposes authorized by this subparagraph and may designate, employ, and allocate funds to persons and organizations engaged in such programs which meet the standards and qualifications specified in the order. All funds collected under this subparagraph shall be separately accounted for and shall be used only for the purposes for which they were collected. Programs authorized by this subparagraph may be either local or national in scope, or both, as provided in the order, but shall not be international. Order provisions under this subparagraph shall not become effective in any marketing order unless such provisions are approved by producers separately from other order provisions, in the same manner provided for the approval of marketing orders, and may be terminated separately whenever the Secretary makes a determination with respect to such provisions as is provided for the termination of an order in subsection 8c(16)(B). Disapproval or termination of such order provisions shall not be considered disapproval of the order or of other terms of the order."

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

The bill (S. 2015) to amend the Agricultural Adjustment Act, as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended, and for other purposes; introduced by Mr. McGOVERN, was received, read twice by its title and referred to the Committee on Agriculture and Forestry.

S. 2021—INTRODUCTION OF A BILL TO MAKE CERTAIN ADJUSTMENTS IN LANDS OR INTERESTS ACQUIRED IN CONNECTION WITH THE NAVARRO MILLS RESERVOIR, TEX.

Mr. YARBOROUGH. Mr. President, today I am introducing in the Senate a bill to assure that all owners of property acquired for the Navarro Mills Reservoir in Texas will receive equal treatment.

The power of eminent domain is an awesome power indeed. Without it we could not bring to fruition the many water conservation projects so necessary to the growth and well-being of this Nation. But the exercise of that power produces one of those dilemmatic instances in government when the public interest is in conflict with traditional individual rights.

No right is more basic to the fabric of our political-economic system than the right to own property. When this right is suspended for the benefit of the public generally, as it is when property is acquired to build highways, construct dams and lakes, and erect the many facilities necessary to the proper function of our Government, the acquisition should be carefully limited to taking only that property which is absolutely essential to the project. Moreover, the acquisition must be accomplished with equal and fair treatment to all property owners affected by the project. With this principle, there can be no compromise.

Unfortunately, in the acquisition of property for the construction of the Navarro Mills Reservoir, some property owners were allowed by the Army Corps of Engineers to retain their mineral rights and some were not. These lands were acquired between 1959 and 1961. At that time, the Army's stated policy was not to acquire mineral, oil, and gas rights "where the owner objects or where a substantial additional cost would be involved." For some reason, however, the Army purchasing agents did not generally follow this policy at Navarro Mills. While it is true the mineral rights involved little or no additional cost to the Government, the landowners did ask to reserve their minerals and strongly objected to their loss. Nevertheless, the Government agents represented that all of the mineral interests were being acquired for the project, that all landowners were being treated alike, and that if voluntary sales were refused, the Government would take the minerals through condemnation.

Most of these landowners were small farmers in their sixties and seventies, both Negro and white, who lived in Navarro and Hill Counties the major part of their lives. Most had limited formal education. The mineral rights taken from them underlie some 80 tracts of land ranging in size from 22.4 to 320 acres. At the time of the land acquisiton program, most of the landowners did not have lawyers. They simply could not afford the cost of protracted condemnation proceedings to protect the small current value of their mineral interests.

As residents of one of the oldest oil-producing areas in Texas, however, they were well aware of the potential value of such rights to their children and grandchildren. They made clear their desire to keep their mineral rights, but believing that all landowners were losing their mineral interests, felt they had no choice but to voluntarily yield them to the Government.

Later they discovered that certain notable exceptions had been made. Among those permitted to retain their minerals were a retired Air Force general. These exceptions came to light only after the land acquisition program had been completed and the great majority of landowners had surrendered their minerals. In several cases, the Government allowed minerals either to be reserved or revested in tracts side by side with, and surrounded by, other tracts whose owners were denied the same privilege.

This bill authorizes the Army Secretary to reconvey the mineral rights whenever he determines they are not required for the efficient operation of the reservoir. Reconveyances would be subject to such terms, conditions, reservations, and restrictions as he deems necessary to protect the Federal interest. These, of course include pollution safeguards, operating and structural controls, and if necessary, a requirement for directional drilling. Sales would be at a price equal to the acquisition cost, less the value of any conditions attached and rentals received by the Government during the interim, and grantees would bear the administrative costs.

In short, this bill would simply restore the status quo to the former owners whose mineral rights were taken and assure them the same treatment that other owners received when they were initially permitted to retain or were revested with their mineral interests.

Mr. President, those whom this bill will directly affect may not be large in number, but the principle involved is indeed important. In this sensitive area of Government action, the Congress has an extraordinary responsibility to see that such injustices do not go unrectified.

I ask unanimous consent that text of my bill to insure equal treatment to property owners affected by the Navarro Mills Reservoir project be printed in full at this point in the RECORD.

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

The bill (S. 2021) to authorize the Secretary of the Army to make certain adjustments in lands or interests therein acquired in connection with the Navarro Mills Reservoir introduced by Mr. YARBOROUGH, 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. 2021

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) in order to provide adjustments in the lands or interests in lands heretofore acquired for the Navarro Mills Reservoir, Texas, the Secretary of the Army (hereinafter referred to as the "Secretary") is authorized to reconvey all or any part of the mineral rights in any such lands or interests in lands to the former owners thereof whenever he shall determine that such mineral rights are not required for the efficient operation of such reservoir.

(b) Any such reconveyance of any mineral rights shall be made only after the Secretary has received an application for the reconveyance of such mineral rights from such former owner in such form as he shall by regulation prescribe. Such application shall be made within a period of one year following the date of enactment of this Act.

(c) Any reconveyance of mineral rights made under this Act shall be subject to all valid existing leases permits, licenses, or contracts issued under the Mineral Leasing Act for Acquired Lands, approved August 7, 1947 (61 Stat. 1913; 30 U.S.C. 351–359), and such reconveyance shall contain an assignment of all right, title, and interest of the United States in and to such lease, permit, license, or contract, including the right to all rentals, royalties, and other payments accruing under such lease, permit, license, or contract after the effective date of such reconveyance. Nothing contained in this Act shall affect the continued validity of any such lease, permit, license, or contract or any rights arising thereunder.

(d) Any reconveyance of mineral rights made under this Act shall be subject to all valid existing agricultural and public facility leases, easements for public roads, highways, public utilities, and pipelines, and the perpetual right and easement of the United States to overflow, flood, and submerge the mineral interest reconveyed.

(e) The Secretary may include in any such reconveyance such terms, conditions, reservations, and restrictions as he determines to be necessary for the proper operation and maintenance of the reservoir project and to protect the interests of the United States.

(f) Any mineral rights reconveyed under this Act shall be sold to such former owner for an amount determined by the Secretary to be equal to the price for which such mineral rights were acquired by the United States, adjusted to reflect any decrease in value thereof resulting from (1) any reservation, exception, restriction, or condition to which the reconveyance is made subject, and (2) any rentals, royalties, and other payments received by the United States prior to the effective date of such reconveyance. In addition, the administrative costs of surveys, if any, title evidence, preparation of legal documents, and recordation necessary as an incident of such reconveyance shall be borne by the grantee.

(g) As used in this Act, the term "former owner" means the person from whom the land, or interest therein, was acquired by the United States, or if any such person is deceased, his heirs, representatives, or assigns.

(h) Any reconveyance of mineral rights made under this Act shall be in such form as to release and quitclaim, without warranty, all the right, title, and interest of the United States in and to such mineral rights to the former owners thereof if living on the effective date of such reconveyance, and if not living, then to the heirs, representatives and assigns of such former owners. After such reconveyance, such heirs, representatives, and assigns shall establish their title to such reconveyed mineral rights as provided by the laws of the State of Texas, at their own expense, and without further responsibility by the Secretary.

(i) Any reconveyance of mineral rights made under this Act shall be in the same shares, proportions, and interests in which the grantees or their predecessors in title owned the same when it was acquired from them by the United States.

(j) Any proceeds from reconveyances made under this Act, shall be covered into the Treasury of the United States as miscellaneous receipts.

SENATE JOINT RESOLUTION 102—INTRODUCTION OF A JOINT RESOLUTION TO GIVE 18-YEAR-OLD CITIZENS THE RIGHT TO VOTE

Mr. YARBOROUGH. Mr. President, I am introducing, today, a Senate joint resolution containing a proposed amendment to the Constitution of the United States to give 18-year-old citizens the right to vote. We demand of these young men and women all of the duties of citizenship, yet we deny them its most basic right—the right to vote.

Taxes are steadily rising; these young men and young women must pay them, yet they have no voice whatsoever in the process of levying them. This is done in a Nation which was founded on the principle of "no taxation without representation."

We criticize young men and women in our colleges for causing disturbances; we tell them to be responsible and to express their dissent through established and acceptable channels, yet we close to them the most obvious, the most effective, the traditional channel for expressing dissent—the ballot box.

More important, in these troubled days when our military commitments virtually span the globe, from the banks of the Elbe to the banks of the Mekong, from the steamy jungles of Southeast Asia to the frozen wastes beyond the Arctic Circle, we are asking our young men to answer their country's call without giving them any chance to say what that call shall be.

What could be more hypocritical? I ask all of you to recall that twice we have gone to war—once in revolution and once again in defense—against a nation trying to enforce upon our people, laws in the enacting of which they had no voice. We rebelled against Great Britain in part for taxing us without first gaining our consent. Then again, we went to war with Great Britain in 1812 for impressing our sailors into their Navy. What is the difference between the actions of the British King in those days and the actions of this Nation today when it levies taxes and enforces military service on our young people without first gaining their consent? Is it any wonder that some of them have taken to the streets in frustration? And what is the legitimate way for them to dissent?

Our Nation has become so large and the issues which confront it so complex, that even the voter has precious little say about the laws which govern him. But his lot is far better than that of the youth who must give up the best and most productive years of his life and perhaps his life itself without being given even the chance legitimately to register his opposition to that decision which so adversely affects him.

I believe that it is long past time to rectify this injustice, Mr. President. This proposed constitutional amendment will do that. I urge its prompt adoption.

I ask unanimous consent that my joint resolution proposing an amendment to the Constitution of the United States, extending the right to vote to citizens 18 years of age or older be printed at this point in the RECORD.

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

The joint resolution (S.J. Res. 102) proposing an amendment to the Constitution of the United States, extending the right to vote to citizens 18 years of age or older, introduced by Mr. YARBOROUGH, was received, read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed in the RECORD, as follows:

S.J. RES. 102

Resolved by the Senate and House of Representatives of the United of America in Congress assembled, 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. The right of any citizen of the United States to vote shall not be denied or abridged by the United States or by any State on account of age if such a citizen is eighteen years of age or older. The Congress shall have power to enforce this article by appropriate legislation.

"SEC. 2. 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 is submission to the States by the Congress."

SENATE JOINT RESOLUTION 104—INTRODUCTION OF A JOINT RESOLUTION PERMITTING THE REAPPOINTMENT OF THE JOINT CHIEFS OF STAFF

Mr. STENNIS. Mr. President, by request, for myself and the senior Senator from Maine, I introduce, for appropriate reference, a joint resolution to authorize the President to reappoint as Chairman of the Joint Chiefs of Staff, for an additional term of 1 year, the officer serving in that position on April 1, 1969.

I ask unanimous consent that the letter of transmittal requesting the consideration of the legislation and explaining its purpose be printed in the RECORD immediately following the listing of the joint resolution.

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

The joint resolution (S.J. Res. 104) to authorize the President to reappoint as Chairman of the Joint Chiefs of Staff, for an additional term of 1 year, the officer serving in that position on April 1, 1969, introduced by Mr. STENNIS (for himself and Mrs. SMITH) was received, read twice by its title, and referred to the Committee on Armed Services.

The material, presented by Mr. STENNIS, follows:

THE SECRETARY OF DEFENSE,
Washington, D.C., April 21, 1969.

HON. SPIRO T. AGNEW,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: There is forwarded herewith a draft Joint Resolution "To authorize the President to reappoint as Chairman of the Joint Chiefs of Staff, for an additional term of one year, the officer serving in that position on April 1, 1969."

The proposal is a part of the Department of Defense Legislative Program and the Bureau of the Budget advises that its enactment would be in accord with the Program of the President. Early favorable consideration is requested.

The purpose of the proposal is to permit the President to nominate General Earle G. Wheeler, United States Army, for reappointment, with the advice and consent of the Senate, to serve an additional term of one year as Chairman, Joint Chiefs of Staff. General Wheeler was initially appointed to the post of Chairman of the Joint Chiefs of Staff effective July 3, 1964. He was reappointed for a second consecutive term which began on July 3, 1966. Following enactment of a Joint Resolution (Public Law 90-342, approved June 15, 1968), General Wheeler was reappointed for an additional term of one year which began on July 3, 1968.

Under existing law, the Chairman is appointed with the advice and consent of the Senate, serves at the pleasure of the President for a term of two years, and may be reappointed in the same manner for only one additional two-year term except in time of war. The proposed Joint Resolution, as was the case in 1968, would represent an exception to that rule in the case of General Wheeler, since it would authorize his appointment for an additional period of one year beginning July 3, 1969, and would not otherwise affect the existing permanent law.

The President, as Commander in Chief of our Armed Forces, and the Secretary of Defense, believe that retaining General Wheeler in his present position would be in the best interest of the nation. General Wheeler's intimate knowledge of our overall military posture and requirements, including operations in Southeast Asia, acquired during his tenure as Chairman of the Joint Chiefs of Staff, make it prudent and wise to retain his invaluable experience and counsel during the current and impending period of operations and negotiations affecting Southeast Asia.

Sincerely,

MELVIN R. LAIRD.

SENATE JOINT RESOLUTION 105—INTRODUCTION OF A JOINT RESOLUTION PROPOSING A CONSTITUTIONAL AMENDMENT TO LOWER THE VOTING AGE TO 18

Mr. GOODELL. Mr. President, I rise to propose an amendment to the Constitution which would lower the voting age to 18 in all elections at the Federal, State, and local levels.

National action to lower the voting age is another one of those issues on which we have had too much talk and too little action. Our young men and women have already shown that they should play, and indeed are playing, a major role in determining the Nation's future.

Looking at the facts before us, I cannot comprehend why we have not yet acknowledged the right of an 18, 19, or 20-year-old to participate in the political process. Certainly, this is only a logical extension of youth's role in society.

Why do we establish 18 as the age for compulsory military service—and then not permit our youth to have any say in determining the policies upon which their lives may depend?

Why do we make such a prodigious effort to support higher education, and then deny those we are educating the right to put this knowledge to actual use?

Why do we encourage young people to develop a sense of responsibility, to take jobs or go to college, to live away from home, to marry and raise families, and then draw the line at exercising political responsibility?

It is unrealistic to suppose that the older generation can better represent the interests of young people in the political process than the young can themselves.

It is unrealistic to assert that youth has not earned a voice in society. Young people have shown that they are vitally interested in participating in our decisionmaking process. Their role in the 1968 election campaign is proof enough. We must acknowledge that their contribution to improving the quality of our lives has been constructive and imaginative. They are making us listen, not because we have to, but because we want to hear what they have to say.

It is unrealistic to point to excessive actions by a handful of young extremists as reasons for denying the vote to millions of young Americans. It surely is better to channel the great political energies of the young in the democratic channels of participation in the elective process, than to leave young people alienated and without a voice in government.

I urge the Senate to take action on this amendment as soon as possible. We can all benefit from its prompt passage.

Mr. President, I ask unanimous consent that the text of this joint resolution be printed in the RECORD.

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

The joint resolution (S.J. Res. 105) proposing an amendment to the Constitution of the United States, extending the right to vote to citizens 18 years of age or older, introduced by Mr. GOODELL, was received, read twice by its title, and referred to the Committee on the Judiciary, and ordered to be printed in the RECORD, as follows:

S.J. RES. 105

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 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. The right of any citizen of the United States to vote shall not be denied or abridged by the United States or by any State on account of age if such a citizen is eighteen years of age or older. The Congress shall have power to enforce this article by appropriate legislation.

"SEC. 2. 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 its submission to the States by the Congress."

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

Mr. TALMADGE. Mr. President, I ask unanimous consent that, at its next printing, the name of the Senator from Washington (Mr. JACKSON) be added as a cosponsor of the bill (S. 1851) to enable honey producers to finance a nationally coordinated research and promotion program to improve their competitive position and expand their markets for honey.

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

Mr. YARBOROUGH. Mr. President, I ask unanimous consent that, at its next printing, the names of the Senator from New York (Mr. JAVITS) and the Senator from Maryland (Mr. MATHIAS) be added as cosponsors of the bill (S. 335) to prevent the importation of endangered species of fish or wildlife into the United States; to prevent the interstate shipment of reptiles, amphibians, and other wildlife taken contrary to State law; and for other purposes.

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

Mr. SPARKMAN. Mr. President, I ask unanimous consent that, at its next printing, the names of the Senator from Oklahoma (Mr. HARRIS), the Senator from Washington (Mr. JACKSON) and the Senator from South Dakota (Mr. MUNDT) be added as cosponsors of the bill (S. 1832) to provide for more efficient development and improved management of national forest commercial timberlands, to establish a high-timber-yield fund, and for other purposes.

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

Mr. YARBOROUGH. Mr. President, I ask unanimous consent that, at its next printing, the name of the Senator from New Jersey (Mr. CASE) be added as a cosponsor of the bill (S. 338) to amend section 1677 of title 38, United States Code, relating to flight training, and to amend section 1682 of such title to increase the rates of educational assistance allowance paid to veterans under such sections.

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

Mr. BENNETT. Mr. President, I ask unanimous consent that, at its next printing, the name of the distinguished Senator from California (Mr. MURPHY) and the distinguished Senator from Oregon (Mr. PACKWOOD) be added as cosponsors of the bill (S. 845) to change the definition of ammunition for purposes of chapter 44 of title 18 of the United States Code.

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

Mr. YARBOROUGH. Mr. President, I ask unanimous consent that, at its next printing, the names of the Senator from Oklahoma (Mr. HARRIS), the Senator from Montana (Mr. METCALF), the Senator from New York (Mr. JAVITS), and the Senator from Michigan (Mr. HART) be added as cosponsors of the bill (S. 1189) to improve educational quality through effective utilization of educational technology.

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

Mr. BYRD of West Virginia. Mr. President, on behalf of the Senator from New Mexico (Mr. MONTOYA), 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. 1054), to amend the Internal Revenue Code of 1954 to increase the amount of the deduction for each personal exemption to $1,000.

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

Mr. YARBOROUGH. Mr. President, I ask unanimous consent that, at its next printing, the name of the Senator from Wisconsin (Mr. NELSON) be added as a cosponsor of the bill (S. 309) to provide for improved employee-management relations in the postal service, and for other purposes.

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

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent, on behalf of the Senator from Connecticut (Mr. RIBICOFF), that at its next printing, the name of the Senator from New York (Mr. GOODELL) be added as a cosponsor of the bill (S. 809), to provide Federal leadership and grants to the States for developing and implementing State programs for youth camp safety standards.

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

Mr. YARBOROUGH. Mr. President, I ask unanimous consent that, at its next printing, the names of the Senator from Nevada (Mr. CANNON), the Senator from Pennsylvania (Mr. SCHWEIKER), and the Senator from California (Mr. MURPHY) be added as additional cosponsors 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, my name be added as a cosponsor of the bill (S. 1400) to amend title II of the Merchant Marine Act, 1936, to create an independent Federal Maritime Administration, and for other purposes.

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

Mr. ANDERSON. Mr. President, I ask unanimous consent that, at its next printing, the name of the Senator from Tennessee (Mr. GORE) be added as a cosponsor of the bill (S. 1849) to amend title 19 of the Social Security Act to permit States greater flexibility in establishing and modifying medicaid plans.

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

Mr. BYRD of West Virginia. Mr. President, on behalf of the Senator from Connecticut (Mr. RIBICOFF), I ask unanimous consent that at its next printing, the name of the Senator from Oklahoma (Mr. HARRIS) be added as a cosponsor of the bill (S. 1402), to amend title XVIII of the Social Security Act to provide payment for optometrists' services under the

program of supplementary medical insurance benefits for the aged.

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 California (Mr. MURPHY) be added as a cosponsor of the bill (S. 718) to provide for educational assistance for gifted and talented children.

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 name of the Senator from New York (Mr. JAVITS) be added as a cosponsor of the bill (S. 1795), to amend the Internal Revenue Code of 1954 to encourage the abatement of water and air pollution by permitting the amortization for income tax purposes of the cost of abatement works over a period of 36 months.

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

Mr. GRAVEL. On behalf of the Senator from Washington (Mr. MAGNUSON), I ask unanimous consent that, at its next printing, the name of the Senator from North Dakota (Mr. BURDICK) be added as a cosponsor of the bill (S. 1400) to amend title II of the Merchant Marine Act, 1936, to create an independent Federal Maritime Administration, and for other purposes.

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

Mr. HART. Mr. President, I ask unanimous consent that, at its next printing, the names of the Senator from Michigan (Mr. HART) and the Senator from North Dakota (Mr. BURDICK) be added as cosponsors of the bill (S. 1589) to establish an emergency program of direct Federal assistance in the form of direct grants and loans to certain hospitals in critical need of new facilities in order to meet increasing demands for service.

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

Mr. GRAVEL. On behalf of the Senator from Washington (Mr. MAGNUSON), I ask unanimous consent that, at its next printing, the name of the Senator from Pennsylvania (Mr. SCOTT) be added as a cosponsor of the bill (S. 1280) to prevent the importation of endangered species of fish or wildlife into the United States; to prevent the interstate shipment of reptiles, amphibians, and other wildlife taken contrary to State law; and for other purposes.

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

Mr. McGEE. Mr. President, 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. 1772) to provide that the Federal Government shall pay one-half of the cost of health insurance for Federal employees and annuitants.

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

Mr. GRAVEL. Mr. President, on behalf of the Senator from Indiana (Mr. HARTKE), I ask unanimous consent that, at its next printing, the names of the Senator from Indiana (Mr. BAYH), the Senator from Rhode Island (Mr. PELL), the Senator from Texas (Mr. YARBOROUGH), and the Senator from Wyoming (Mr. McGEE) be added as cosponsors of the bill (S. 1896) to amend title XVIII of the Social Security Act to include dental care, eye care, dentures, eyeglasses, and hearing aids among the benefits provided by the insurance program established by part B of such title.

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

Mr. GRAVEL. Mr. President, on behalf of the Senator from Indiana (Mr. HARTKE), I ask unanimous consent that, at its next printing, the names of the Senator from Montana (Mr. METCALF) and the Senator from Nevada (Mr. BIBLE) be added as cosponsors of the bill (S. 1938) 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.

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

Mr. GRAVEL. Mr. President, on behalf of the Senator from Indiana (Mr. (HARTKE), I ask unanimous consent that, at its next printing, the names of the Senator from Nevada (Mr. BIBLE) and the Senator from Wisconsin (Mr. NELSON) be added as cosponsors of the bill (S. 1933) providing for Federal railway safety.

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

Mr. GRAVEL. In behalf of the Senator from Washington (Mr. MAGNUSON) I ask unanimous consent that, at its next printing, the name of the Senator from Michigan (Mr. HART) be added as a cosponsor of the bill (S. 1297) to amend the Civil Service Retirement Act so as to permit retirement of employees with 30 years of service on full annuities without regard to age.

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

Mr. BENNETT. Mr. President, it is my privilege to announce to the Senate that a total of 62 of my colleagues have joined me in cosponsoring S. 1613, a bill to rename Glen Canyon Dam in honor of former President Dwight D. Eisenhower.

This response from the Senate is a high tribute to our former President and military commander and I am very optimistic that we will have early passage of this important legislation.

On March 20 together with Senators FANNIN and GOLDWATER of Arizona I introduced the proposal which originally began with my friend and former colleague from Utah, Senator Arthur V. Watkins. It was Senator Watkins, together with President Eisenhower, who were in the forefront in the big battle for passage of the upper Colorado River storage project of which Glen Canyon Dam is a participating unit.

Later after the death of President Eisenhower I invited the entire Senate to join us in cosponsoring the bill. Today's total is 62 which, incidentally, is the largest number of cosponsors it has ever been my privilege to have on one of my bills.

All of us, Mr. President, feel that the name change would be a fitting memorial to General Eisenhower's long and distinguished career as President, military leader, and world statesman. It would also be a lasting testimonial to his faith in the development of the Upper Colorado River Basin.

Glen Canyon Dam is on the Colorado River in northern Arizona, some 12 miles downstream from the Utah-Arizona border.

In taking the floor today for this proud task I also would like to point out once again that Glen Canyon Dam was not named after any individual or national hero. The word "glen" is a descriptive word for the geographical-type formation through which the Colorado River passes in vicinity of the dam.

Once again let me thank my colleagues who saw fit to join me in paying this lasting and living tribute to one of our great Americans, Dwight D. Eisenhower.

Mr. President, on behalf of the senior Senator from Arizona (Mr. FANNIN), the junior Senator from Arizona (Mr. GOLDWATER), and myself, I ask unanimous consent that, at its next printing the names of the following Senators be added as cosponsors of the bill (S. 1613) to designate the dam commonly referred to as the Glen Canyon Dam as the Dwight D. Eisenhower Dam:

Senators AIKEN, ALLEN, ALLOTT, BAKER, BAYH, BOGGS, BROOKE, CANNON, COOK, COOPER, COTTON, CURTIS, DIRKSEN, DODD, DOMINICK, METCALF, MILLER, MUNDT, FONG, FULBRIGHT, GOODELL, GRIFFIN, GURNEY, HANSEN, HARTKE, HATFIELD, HOLLINGS, HRUSKA, HUGHES, INOUYE, JACKSON, JAVITS, JORDAN of Idaho, LONG, MANSFIELD, McCLELLAN, McGOVERN, MURPHY, NELSON, PACKWOOD, PASTORE, PEARSON, PROUTY, RANDOLPH, RIBICOFF, SCHWEIKER, SCOTT, SMITH, SPARKMAN, SPONG, STENNIS, STEVENS, SYMINGTON, TALMADGE, THURMOND, TOWER, TYDINGS, WILLIAMS of Delaware, and YOUNG of North Dakota.

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

Mr. BENNETT. Mr. President, I ask unanimous consent to have printed in the RECORD a joint resolution of the 38th Legislature of the State of Utah requesting Congress to change the name of Glen Canyon Dam to Eisenhower Dam; an editorial endorsing the name change which appeared in the Washington Post on April 4; and an editorial from the Salt Lake Tribune on April 13, all be inserted in the RECORD.

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

SENATE JOINT RESOLUTION 21

A joint resolution of the 38th Legislature of the State of Utah memorializing the Congress of the United States to change the name of the Glen Canyon Dam to the Dwight D. Eisenhower Dam.

Be it resolved by the Legislature of the State of Utah:

Whereas, on March 31, 1953, the Interior Department made its report of findings on the proposed Upper Colorado River Storage Project, and

Whereas, the following press release was issued by President Dwight D. Eisenhower on March 20, 1954:

"STATEMENT BY THE PRESIDENT

"THE WHITE HOUSE.—I have today approved recommendations for the development of the upper Colorado River Basin.

"The general plan upon which these rec-

ommendations are based has been prepared by the Secretary of the Interior. The Secretary's recommendations have been reviewed by the Bureau of the Budget. Legislation embodying the administration's recommendations as being prepared for introduction in the Congress.

"This is a comprehensive, well-planned development of a river basin. The close Federal-State cooperation upon which the Secretary's plan is based also carries out this administration's approach to water-resource development.

"The development will conserve water, enabling the region to increase supplies for municipal uses, industrial development, and irrigation. It will develop much-needed electric power.

"The development calls for sound financing. The legislation now being drafted will set up a fund for the entire project so that it will be constructed and paid for as a basin program.

"Construction of the Echo Park and Glen Canyon Dams, two of the large projects in the basin plan, is recommended. These dams are key units strategically located to provide the necessary storage of water to make the plan work at its maximum efficiency.

"The legislation being drafted will authorize a number of projects which will put to use the waters of the upper Colorado. This authorization will become effective following further consideration by the Secretary of the Interior, with the assistance of the Secretary of Agriculture, of the relation of these projects to the wise use and sound development of the basin.

"I am deferring my recommendation on the Shiprock unit of the Navajo project until the Secretary has completed his study.

"I hope the Congress will give early consideration to enactment of the administration's legislative proposal. I firmly believe development of the upper Colorado River Basin, in accordance with its provisions, is in the national interest."

Whereas, this was regarded as a precedent setting statement by the President: A strong opponent of the project wrote:

"No one in Washington seemed to recall that a President ever before had gone to such lengths to approve a western reclamation project. Many presidents had signed reclamation bills into law, but when, if ever, had a president given his personal endorsement to a single project with such unqualified support and in such a public manner? None could say."

Whereas, the President in a State of the Union message to Congress urged the enactment of legislation authorizing the construction of the project and the appropriation of funds to get it under way.

Whereas, fierce opposition to the project from some interests developed immediately and continued until they were finally defeated by the passing of the enabling legislation in 1956. Against all opposition, President Eisenhower steadfastly supported the proposed legislation until the fight for it was won. He approved it on April 11, 1956.

Whereas, President Eisenhower's budget request for the project which was granted for the most part kept construction going during his two terms as President.

Whereas, in view of the foregoing statements and other items not mentioned, it appeared that it was doubtful that this giant reclamation project would or could have been authorized without the President's hearty support.

Whereas, the large body of water behind the dam has been named in honor of one of its most remarkable pioneers, explorer-scientist John Wesley Powell, who made a bold exploration of the upper Colorado River area in 1869. This year a national centennial will be held in his honor. It would seem to be highly proper to name the dam which helps create Lake Powell in honor of a distinguished war hero and leader of World War II, President, and statesman, who has done so much to help harness the turbulent Colorado and put it to work for the benefit and enjoyment of mankind.

Whereas, former Senator Arthur V. Watkins in a letter to the President of the Senate, Speaker of the House of Representatives, and all members of the legislature, has recommended this resolution.

Now, therefore, be it resolved that the 38th Legislature of the State of Utah, both houses concurring therein, does hereby memorialize the Congress of the United States to change the name of Glen Canyon Dam to the Dwight D. Eisenhower Dam.

Be it further resolved, that the Secretary of State of Utah shall send copies of this resolution to the President of the United States Senate, the Speaker of the House of Representatives, and to the Senators and Representatives representing the State of Utah.

In witness whereof, I have hereunto set my hand and affixed the great seal of the State of Utah at Salt Lake City, this fourteenth day of March 1969.

CLYDE L. MILLER,
Secretary of State.

[From the Washington (D.C.) Post, Apr. 4, 1969]

TRIBUTE TO IKE IN THE SOUTHWEST

The erection of a suitable memorial to President Eisenhower will require extensive discussion and deliberation. Because of his great service as leader of the victorious Allied armies in World War II, in addition to his two terms as President, the country's memorial to him should be not only unique; it should also reflect his highest qualities. As thought about him and his career ripens in the years ahead no doubt an appropriate means of commemoration will emerge. There is no need for the impulsive haste that the country seemed to feel after the assassination of President John F. Kennedy.

Meanwhile, however, there is one appropriate tribute that could be paid now without any extended research, debate or expenditure of funds. A few weeks before the General's death the legislature of Utah at the suggestion of former Sen. Arthur V. Watkins of that State, passed a resolution asking Congress to change the name of the Glen Canyon Dam in the Colorado River to the Dwight D. Eisenhower Dam. Such a gesture would be especially appropriate because President Eisenhower recommended construction of the dam while he was President and fought for the authorization and funds to make it a reality.

Many dams and other national projects have been named for Presidents less intimately associated with them than was Ike with the development of the Upper Colorado River Basin. The magnificent lake behind the dam has already been named for John Wesley Powell, the explorer-scientist who brought the country a new consciousness of the mighty Colorado just a century ago. No one, we surmise, would wish to disturb this highly appropriate appellation. But the dam could properly bear the name of the man who, probably more than any other, was responsible for its construction.

[From the Salt Lake City (Utah) Tribune, Apr. 13, 1969]

PERSUASIVE, BUT NOT FIRST

Proposals for honoring Dwight D. Eisenhower are multiplying as was inevitable. One of the most recent comes from Joel T. Broyhill, R-Va., who envisions a $25 million multipurpose arena built on the Capitol Mall in Washington, D.C.

This suggested memorial would seat 18,000 for sports events and 24,000 for political conventions, convocations and other similar gatherings. By most accounts it would fill a need long recognized in the nation's capital.

Rep. Broyhill makes a good case, recommending the building also house the headquarters for the District of Columbia Recreation Department as well as national offices or the President's Council on Physical Fitness.

"This is not a fantastic, wild, boondoggle thing," the congressman says, "but something that's needed, a workable project that would provide Washington with much needed additional facilities and be in keeping with Mr. Eisenhower's keen interest in sports, for which he was well known."

Gen. Eisenhower certainly deserves the kind of perpetual appreciaton that permanent monuments represent. Rep. Broyhill's idea is worth consideration. However, direct federal grants for commercial sports facilities are prohibited.

Before plunging into a plan requiring complicated policy making, Congress could more easily act on a bill already before it that entails no such trouble. The memorial is completed, all that's needed is an official name change—from Glen Canyon Dam to Dwight D. Eisenhower Dam.

Mr. BAKER. Mr. President, I ask unanimous consent that, at its next printing, the name of the Senator from Arizona (Mr. GOLDWATER) be added as a cosponsor of the resolution (S.J. Res. 93) proposing an amendment to the Constitution of the United States enabling citizens of the United States to change their residences to vote in presidential elections.

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

Mr. INOUYE. Mr. President, I ask unanimous consent that, at its next printing, the names of the Senator from Indiana (Mr. BAYH) and the Senator from Maryland (Mr. MATHIAS) be added as cosponsors of the joint resolution (S.J. Res. 100) to proclaim the week beginning May 1 as "Youth Week."

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

STATEMENT ON PEACE IN MIDDLE EAST

Mr. BYRD of West Virginia. Mr. President, last Friday, 46 Senators joined the Senator from Pennsylvania (Mr. SCOTT) and the Senator from Connecticut (Mr. RIBICOFF) in signing a statement expressing strong support for meaningful efforts toward peace in the Middle East.

At the request of the Senator from Connecticut (Mr. RIBICOFF), I ask unanimous consent that the name of his colleague (Mr. DODD), be added to the list of signers.

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

SENATE RESOLUTION 184—RESOLUTION ON THE DEVELOPMENT AND USE OF BIOLOGICAL WEAPONS

Mr. NELSON. Mr. President, I am submitting today a resolution which would make it the official policy of the U.S. Government never to resort to the use of biological weapons in warfare.

The capability of this Nation to wage conventional warfare is unparalleled in the annals of history and second to none in this modern age. Our nuclear capability is vast; we now have sufficient firepower to destroy any adversary. In light of this fact, it hardly seems necessary that this Nation devote much of its energy and resources to the further de-

velopment of the weapons of biological warfare. Since we already have at our disposal the means to kill every man, woman, and child in the world many times over, it is madness to expend our resources in the effort to turn medicine inside out so that we might add to our ability to wage ever more destructive warfare.

It has often been said that biological weapons present a credible deterrent to any enemy who might contemplate an attack upon this country with biological agents. However, judging from the information that has slipped through the curtain of secrecy surrounding the whole subject of biological warfare, these weapons are notoriously unreliable as a deterrent. They are patently unpredictable.

Not only are they technically unpredictable, but they are certainly of dubious tactical or strategic value when one considers the possibility and the great danger inherent in any use of these weapons. It is more than a mere possibility that the use of biological weapons could release upon mankind epidemics of massive proportions, epidemics which could strike down friend and foe alike, combatants as well as innocent civilians, neutral countries as well as friendly populations. In this event, who then would be the victor and who would be the victim?

Our Nation has long prided itself on its efforts to make the world a place where men can live out their lives free from the scourge of pestilence and disease. But we are now working with pneumonic plague, anthrax, botulism, Venezuelan equine encephalonyelitis, tularemia, Q-fever and many other diseases which have been the bane of mankind for centuries.

Some contend that our work in this area is of a purely defensive nature and is done for humanitarian reasons. Yet the irony of this position is clearly shown by the fact that we are also working in the field of offensive delivery systems, the sole purpose of which is to enable us to use these diseases against human beings as weapons of war.

It seems clear to me that we must take positive action now, before it is too late, to see that delivery systems and the organism they are to carry will never be used. It is for this reason that I urge that we make it the official policy of this Nation that we shall never use the agents of biological warfare under any circumstances whatsoever.

We stand to lose nothing, for we abandon a weapons system of less than dubious value. We stand to gain the admiration and respect of those who so clearly see the uselessness and the madness of our pursuits in the field of biological warfare.

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

The resolution (S. Res. 184) which reads as follows, was referred to the Committee on Armed Services:

S. RES 184

Whereas the use of biological weapons has been justly condemned by the general opinion of the world;

Whereas the Geneva Protocol prohibiting the use of biological agents of warfare has been ratified by 42 countries;

It is hereby understood to be the sense of the United States Senate that the United States shall abandon the development of delivery systems of biological agents and shall not resort to the further development or the use of biological agents as weapons for war.

ADDITIONAL COSPONSOR OF A RESOLUTION

Mr. CRANSTON. Mr. President, I ask unanimous consent that, at its next printing, the names of the Senator from Idaho (Mr. CHURCH), the Senator from North Dakota (Mr. BURDICK), the Senator from Alaska (Mr. GRAVEL), the Senator from Oklahoma (Mr. HARRIS), the Senator from Minnesota (Mr. MCCARTHY), and the Senator from Ohio (Mr. YOUNG) be added as cosponsors of the Senate resolution (S. Res. 183) to express the sense of the Senate in opposition to the shutdown of Job Corps installations before congressional authorization and appropriation action.

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

EXEMPTING FROM ANTITRUST LAWS CERTAIN COMBINATIONS AND ARRANGEMENTS NECESSARY FOR THE SURVIVAL OF FAILING NEWSPAPERS—AMENDMENTS

AMENDMENTS NOS. 15 AND 16

Mr. BROOKE submitted two amendments intended to be proposed by him to the bill (S. 1520) to exempt from the antitrust laws certain combinations and arrangements necessary for the survival of failing newspapers, which were referred to the Committee on the Judiciary, and ordered to be printed.

(See reference to the above amendments when submitted by Mr. BROOKE, which appears under a separate heading.)

EXEMPTING FROM ANTITRUST LAWS CERTAIN COMBINATIONS AND ARRANGEMENTS NECESSARY FOR THE SURVIVAL OF FAILING NEWSPAPERS—AMENDMENTS

AMENDMENTS NOS. 15 AND 16

Mr. BROOKE. Mr. President, I rise today because of my concern over a problem that is significant and important to us all. It is so significant that the forces of both the national judiciary and Congress have been brought to bear on its resolution; and it is important because it involves the primary source of information for responsible Americans. I speak of the so-called failing newspaper problem, an issue of tremendous implications for the freedom and vigor of the American press.

Few will deny the independent spirit that has characterized the continuing growth of our great Nation and the competitive quality that has stimulated development of this Nation's economic complex. Competition and relative independence have not only been responsible for technological advances but have provided us additionally with the assurance that the available alternatives have been explored. Any administrative policy, judicial doctrine, or legislative enactment that operates as a restraint on these fundamental forces of legitimate endeavors deserves the closest scrutiny by us all. This is especially true when we are concerned with the integrity of the information process upon which the vast majority of Americans formulate their opinions.

It would be helpful to take a brief look at the history of events that culminated in the Supreme Court's recent decision in Citizen Publishing Co. et al, against United States. Since 1933, 44 newspapers located in some 22 cities have entered into joint newspaper-operating arrangements, ostensibly on the basis of economic considerations. While the agreements vary from city to city, each basically strives to combine all of the business and mechanical functions under some form of joint control while maintaining editorial independence. In theory it permits a community to benefit from competing news and editorial viewpoints even though it cannot economically support more than one newspaper.

In 1965, the Justice Department challenged the validity of one of these arrangements between the Citizen Publishing Co. and the Arden Publishing Co. in Tucson. On March 10, of this year, the Supreme Court affirmed the decision of the District Court for the District of Arizona which will require a divestiture of interests between the two publishing companies. Legislation has now been introduced which would provide an exemption to the antitrust acts for "failing newspapers," as defined very broadly in the bill.

The contentions of the Government and the decisions of the respective courts are based on legislative enactments whose overriding purposes are not in question. Among other things, the antitrust acts strive to keep alive the sparks of competitive endeavor.

At this point, it is worth noting the declaration of policy set out in the proposed Newspaper Preservation Act introduced by our esteemed colleague, Senator INOUYE. That bill states:

In the public interest of maintaining the historical independence of the newspaper press in all parts of the United States, it is hereby declared to be the public policy of the United States to preserve the publication of newspapers in any city, community, or metropolitan area where a joint operating arrangement has been or may be entered into because of economic distress.

When you couple the underlying principles of the antitrust acts with the present judicial doctrine which permits the "failing company defense" in antitrust actions and compare it with this stated declaration it would seem that the proposed legislation and the present judicial policy are not working at cross-purposes. It follows, I believe, that legislation in this area should seek to reconcile differences in the application of the law while adding clarity and certainty to the standards guiding the actions of those newspapers which anticipate entering into some form of joint operating arrangements.

With these thoughts in mind, I would like to express my general support for the legislation that has been suggested by my able colleagues. However, I would like

to submit two amendments for consideration by the appropriate committee.

The first amendment is designed to clarify the definition of a "failing newspaper." The present definition in the bill does not, in my view, lend itself to the establishment of a clear standard. Rather than defining such a publication as one which "regardless of its ownership or affiliations, appears unlikely to remain or become a financially sound publication," I suggest that a failing newspaper be defined as a "newspaper publication which cannot be continued in operation as a separate and independent business enterprise for the following reasons: First, in its newspaper publication operations it has sustained substantial financial loss for an extended period of time; second, its financial resources are substantially depleted; third, its prospect of financial rehabilitation by the proprietors or shareholders thereof is so remote that it is confronted with grave probability of business failure; fourth, its failure as a business enterprise will result in substantial financial loss to its proprietors or shareholders and substantial injury to the community in which such newspaper publication is published; and, sixth, active efforts made in good faith by the managers thereof to obtain a purchaser of such newspaper publication who is willing and able to continue it in operation as a separate and independent newspaper publication have been unsuccessful."

This definition is similar to the one found in the case of *International Shoe Company, Inc.* v. *F.T.C.* (280 U.S. 291). A basic difference exists between the International Shoe case definition as it was applied by the Court in the recent Citizens Publishing Co. case and the one that I have proposed. In my view, the majority opinion placed undue emphasis on the requirement concerning other prospective purchasers when it said:

> The failing company doctrine plainly cannot be applied in a merger or any other case unless it is established that the company that acquires it or brings it under dominion is the only available purchaser.

This places a very heavy burden on a company, and does so with regard to a standard that is by no means an adequate measure of economic distress. The definition that I have suggested provides the assurance of good faith while retaining certain flexibility in an area that may be largely conjecture.

One point is of special importance in this connection. The Court's decision in the Citizen case is not an absolute prohibition of joint newspaper operating arrangements. It may be that some or most of the other arrangements; namely, those in 21 cities across the country, will stand under the Court's doctrine. It is by no means clear that present application of the "failing company" doctrine would rule out all such schemes. Indeed, while I think the Court's extension of the International Shoe criteria is unduly onerous, and while I believe further legislation is appropriate to clarify the antitrust standards in this field, it is important to realize that the Court already has considerable latitude to take account of the special circumstances bearing on each joint arrangement.

We need to be careful not to open undue loopholes in antitrust law. My amendments are designed to meet these concerns.

The second amendment is designed simply to place a time limit on when prior judgments in this limited area may be examined. As the measure stands now, it is technically possible for judgments to be opened up that were handed down prior to 1900. I believe we should explicitly limit this possibility to the period after 1933, when the oldest of the current joint operating arrangements came into being.

It is my hope that the committee and the Senate will favorably consider these amendments to the Newspaper Preservation Act and that the bill will pass. It represents a serious effort to provide relief in an area where sufficient justification exists for legislative action.

Our country has always encouraged diverse thought and opinion. Its legitimate expression is paramount to our continued growth and development. This amended measure will help preserve a vigorous press, one of the essential elements in the life of our Nation.

The VICE PRESIDENT. The amendments will be received, appropriately referred and printed.

The amendments (No. 15 and No. 16) were referred to the Committee on the Judiciary, and ordered to be printed.

NOTICE CONCERNING NOMINATIONS BEFORE THE COMMITTEE ON THE JUDICIARY

Mr. EASTLAND. Mr. President, the following nominations have been referred to and are now pending before the Committee on the Judiciary:

William F. Clayton, of South Dakota, to be U.S. attorney for the district of South Dakota for the term of 4 years, vice Harold C. Doyle;

Sherman F. Furey, Jr., of Idaho, to be U.S. attorney for the district of Idaho for the term of 4 years, vice Sylvan A. Jeppesen, resigned;

Thomas K. Kaulukukui, of Hawaii, to be U.S. marshal for the district of Hawaii for the term of 4 years, vice Wesley H. Petrie.

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, May 6, 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 S. 1072 AND S. 1090 SUBCOMMITTEE ON ECONOMIC DEVELOPMENT

Mr. MONTOYA. Mr. President, I wish to announce that on May 1 and May 14 the Subcommittee on Economic Development of the Committee on Public Works will hold hearings beginning at 10 a.m. in room 4200 on S. 1072 and S. 1090, legislation extending for 2 years the authority of the Appalachian Regional Commission and of the five regional commissions established under title V of the Public Works and Economic Development Act of 1965.

The Federal Cochairman of the Appalachian Regional Commission, Hon. John Waters, has asked to testify on May 1 with respect to S. 1072 as it relates to Appalachia. Hon. Robert A. Podesta, Assistant Secretary of Commerce, and the several regional cochairmen will appear before the subcommittee on May 7.

The subcommittee welcomes the testimony of all Members of the Senate and any interested public witnesses. Those wishing to appear are requested to call Stewart McClure, professional staff member of the subcommittee, extension 6176.

NOTICE OF HEARING

Mr. TYDINGS. Mr. President, the Subcommittee on Improvements in Judicial Machinery will continue its hearings on S. 952 and related bills to provide additional United States District judges, on May 6 and 7, beginning each day at 10 a.m. in room 6226.

THE ABYSS OF CHAOS

Mr. TALMADGE. Mr. President, in the April 25 edition of the Wall Street Journal appeared an excellent editorial on the wave of campus rioting and disorder that has swept the Nation in recent months. It is in fact one of the finest and most forceful statements on the subject I have read.

As this editorial points out, the issue involved in campus revolts is academic freedom—freedom of American colleges and universities to teach and instruct those who want to learn and to maintain law and order at our educational institutions.

The line has now been drawn. There is room for freedom of speech, and there must be a forum for students to seek a redress of whatever grievances they may have. But most of the students we have heard about in these situations do not seem very interested in talking. They are bent on destruction and on creating chaos, and unfortunately, thus far they have done very well at it. University officials must take charge. And there must be more local law enforcement.

I bring this excellent editorial to the attention of the Senate, and ask unanimous consent that it be printed in the RECORD.

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

THE ABYSS OF CHAOS

The issue is academic freedom, not to mention a few other fundamental American rights such as freedom of speech and assembly. The question is whether the nation's colleges and universities are going to let neo-fascistic minorities, Negro and white, dangerously devalue the quality of higher education or indeed destroy the institutions themselves.

The question has poignancy as well as bitterness: Think of the parents now going through the spring agony of acceptance at a good school for their son or daughter; they are prepared to sacrifice to pay $8,000, $10,000, $15,000 for the four years but now must won-

der whether the youngster will get an education worth having or one at all. Think also of the parents who look back on their own college years as a time of hard study but of tranquility as well; the spectacle today is utterly disgusting.

It is a spectacle, needless to say, that has no place on the American scene. The essence of the American political experiment and experience is that one's own rights, one's own freedoms, depend on respect for the rights of others. And that is so because the history of the ages hammers the message that without tolerance liberty is lost.

Yet here we have these totalitarian students, unfortunately with not a few sympathizers and fellow-activists on the faculty, forcibly preventing the majority from getting an education, doing assault to persons and property, in the case of Cornell strutting around armed to the teeth.

Why?

Most Americans have granted from the start that students do have certain legitimate grievances, that a lot is wrong with the structure and conduct of the contemporary university. Very well; grievances can be discussed, defects put right. But these student (and non-student) fascists are not interested in remedies. They are interested in destruction. Given the power they seek, they would not know what to do with it except to destroy the academic tradition, emphatically including academic freedom.

Somewhat paradoxically, it seems to us, the violence they are perpetrating stems from the sentimentality that has imbued much of the nation's political and sociological thinking for a generation or more. In this view, the child is to be "developed" but rarely disciplined (progressive education), the adult's individual responsibility is held to be minimal (society is to blame for aberrant or criminal behavior), and the people generally are to be shepherded and subsidized (the welfare state).

This is not just an instinctual development; it has been preached from many platforms, not least the very colleges and universities now in turmoil. It is not altogether surprising, therefore, that a number of young people flout authority and heap scorn on the pervasive sentimentality that lets them get away nearly with murder. They, you can be sure, are a much tougher breed.

In the special case of attitudes toward Negroes, some administrators and faculty members have expressed the sentimentality in an excess of guilt, trying to do literally anything to make up for past wrongs. Yet, as S. I. Hayakawa of San Francisco State has observed, it is one thing to accept responsibility for the consequences of slavery; it is quite another to go overboard on guilt for what our ancestors did. Guilt, unlike responsibility, can easily become a neurotic emotion.

The whole aura of sentimentality, emotionalism and romanticism helps explain the pusillanimous reaction to the violence on the part of many educators. Confronted with "non-negotiable" demands, they eagerly set up "black studies" courses, even acknowledging that the result is bound to be a double standard for Negroes and whites—what a service to the Negroes to give them an inferior education. Equally eagerly, they cave in to the demands of white militants.

It helps explain; it does not excuse. Those capitulating administrators and professors have demonstrated their abysmal inadequacy. Consider Cornell, where a majority of the faculty have reversed themselves and nullified disciplinary action against five law-breaking Negro students. What kind of way is that to run a university? In the pitiful words of one professor, "We felt we had to draw back from the abyss of chaos."

The abyss is at hand, all right, but capitulation is not how to escape it. The obvious, right, procedure is to keep the classes going, with the aid of police if necessary, and to suspend, expel or otherwise discipline the campus fascists who are making life hell, and education all but impossible, for the many more numerous serious students.

Unless the nation and its educators can overcome their emotionalism and return to common sense, not only the present but the future is full of peril. Education is not everything in life, but in our society it is a great deal.

If America lets the quality of its academic institutions be degraded or destroyed, it will become a second-rate nation, a nation of near-incompetents in the arts and sciences and all else that makes for civilized existence.

PRESIDENT NIXON'S RECONSIDERATION OF DR. LONG TO BE DIRECTOR OF NATIONAL SCIENCE FOUNDATION

Mr. MANSFIELD. Mr. President, President Nixon's personal reconsideration of Dr. Franklin Long, of Cornell University, to be the Director of the National Science Foundation is commendable. I was not shocked at the earlier decision regarding the directorship of the National Science Foundation. That is not to say, however, that I was not concerned. I am impressed now by the fact that the President conceded that he had been wrong not to appoint Dr. Long earlier because of the latter's alleged opposition to the ABM.

It is my understanding that the President, through intermediaries, asked Dr. Long last week whether he would care to have his name submitted for the post of Director of the National Science Foundation. Dr. Long evidently refused because he felt that he did not wish to see the matter reopened which, of course, was his right.

The significant point in this situation is that the President of the United States was prepared to acknowledge an error. Such an admission on the part of the President can, at times, serve as a tonic for what is most human and reasonable in the Nation. The admission helps to clear the decks and promises a great deal in the way of better understanding in the future.

Mr. President, if I may become personal, I knew nothing of the possibility of Dr. Long being considered for the directorship of the National Science Foundation. However, I have known Dr. Long and his family for a good many years. He was born in Great Falls, Mont. He was raised in Eureka in Lincoln County in the northwestern part of the State. In my opinion he is one of the most outstanding scientists on the American scene today.

I again commend the President for what he has done and I think it makes him a bigger man, as well.

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

Mr. MANSFIELD. I yield.

Mr. SCOTT. Mr. President, with reference to the very fine statement which has just been made by the distinguished Senator from Montana, may I observe that to err is human and to forgive is democratic.

THE FIRST 100 DAYS OF PRESIDENT RICHARD M. NIXON

Mr. SCOTT. Mr. President, it has been the fashion for the past 36 years to size up each new American President as he reaches his 100th day in the most awesome job in the world. Now, we assay the first 100 days of Richard M. Nixon, and one could well question why it should be done, since the times are so different and the needs which the President moves to satisfy are so different from what they were in depression-weary 1932.

Comparisons of the times and the men are difficult. But comparisons will be made, and a first 100 days will be analyzed, characterized, and otherwise explored no matter how we in the Senate may restrain ourselves.

We all recall President Nixon before he was elected, as a sporting candidate on a lively television show looking out at America and asking, "Sock it—to me?" Well, he knew that winning the Presidency just sets a man up to have it socked to him—problems at home, crises abroad, challenges of administration, and worst of all, scores of unfounded attacks. We can help to raise a shield against the undeserved attacks, by merely observing aloud just how Richard Nixon has begun his Presidency. There is value in such a review, as long as the right comparisons are made, and the record is faithfully displayed.

To begin to look at this administration, we must examine what met President Nixon's eyes as he took possession of the White House. It was not a pretty picture. In the 8 years since the late and beloved President Eisenhower left office, there had been some good accomplished, but there had been much that was bad which by all odds should have been avoided or turned to good.

On the homefront, there was outrageous inflation which had been accelerating in the past several years, so that a pair of shoes costing $17.50 3 years ago, cost $21 today. The aged and those on fixed incomes were hardest hit. A budget surplus announced by the Johnson administration—designed to curb inflation—was overstated by well over $1 billion. There was no firm belief that Government meant what it said, so few if any voluntary inflation curbs were initiated—or observed when requested.

A rising crime rate and the increasing use of violence as a means of solving problems had so inspired fear in the American people, that a disciple of repression like George Wallace, could garner a horrifying number of popular votes, even in the North, for the Presidency. Government had somehow conveyed an impression of helplessness before the criminal onslaught.

Overeas, America's onetime staunch allies had fallen into disarray and in some cases were distinctly unallied with us. We found ourselves bound up in an Asian land war which grew more horrendous every time we were sure it should abate.

As bad as any of it was the malaise of the spirit. Discontent and distrust reigned. It was fed by a lack of candor over the war situation and budgets, and by overstated promises of goodies at home—some of them impossible to deliver from the outset, and others undeliverable with the machinery of Government asked to do the job. It was sometimes hard, in previous Presidential pro-

nouncements, to separate the needs of the country from the needs of the spokesmen for this or that pressure conglomerate. It all conspired to create a state of low national morale and lack of confidence in Government as it was then conducted.

The job, then, was to restore confidence in Government, create an atmosphere of trust. The job began with the inaugural, and the promise to speak softly enough for words to be heard. There was no promise of drama, but we had, it seemed to most, enough drama to last a long time. Movement, yes. Accomplishment, definitely, and in the accomplishment may lie pleasant surprises instead of the usual disappointment, and thus a drama inherent in its quiet forward movement.

A runaway government makes little progress for the nation it serves. The power of administration must be harnessed, or it will be dissipated and destructive of morale, if not of programs.

Aware of this, the President said even before Inauguration Day, "Let's get organized," and he set out to do it with the orderly manner which is his. He shaped the tools of executive Government to fit his hand, and added tools to meet the repair and construction job he saw before him.

He created an Urban Affairs Council, and within it, a policy for the Nation's cities is evolving. It is a policy that looks ahead, and makes certain that myriad city-oriented cabinet departments and lesser agencies work together under that policy. If there is not enough money for a program today, then the planning of today will make wiser use of the money that is available tomorrow.

In a move close to my heart, the President formed an Office of Intergovernmental Affairs. I am the author of several bills to study and reorganize the complex dealings between Federal, State, and local governments, and to decide who does what with whose money. Thus, I have long recognized that one of the keys to the successes of this Nation will be the way in which President Nixon showed he knew this need, not by rhetoric, but by creating this new office, and putting the Vice President in charge of it. Recognition of a problem, and the willingness to confront it, is the beginning of the end of a battle.

Surely one of the best developments of the new administration's organizational phase is creation of what I call the Herb Klein place. It means a whole new manner in which the news of Government—bad as well as good—has been let out for the public to see and judge. There is, from time to time in any administration, a small embarassment, as one official contradicts another, or as some carefully planned announcement leaks out ahead of time. While previous administrations have limited their information services largely to promoting accomplishments and to guarding against such embarassments, this administration has gone well beyond that requirement to a whole new philosophy of truly open Government. The Wall Street Journal noted in a front page article recently:

> Herb Klein has needled agencies to release facts they have been accustomed to sitting on. He is making good on his . . . modest pledge to "get more information out."

We have every indication from the early moves that the organizational phase is not just another exercise on paper. News stories only 5 days ago suggested that the President might appoint a civil rights coordinator in the White House—a need not apparent until after the proliferation of civil rights laws and administrative rulings, all overdue and critically important, came to be enforced by this administration. Civil rights actions cut across Cabinet departments and require the same overview that urban affairs do, so I hope the President will seriously consider such a move. In doing so, the President will demonstrate a quality that others of his first 100 days' moves have: A willingness to stop and observe a need, then meet it.

President Nixon is a man who deeply believes that an overwhelming and complex job can only be done by assigning priorities to the various parts of the job, and then taking them on in one, two, three order. The alternative is to have events, rather than the President, manage the administration's moves.

It is broadly agreed that President Nixon feels we can move ahead at home only after disengaging ourselves abroad in Vietnam. Thus, priorities led the President to see where America stood among other nations and in Vietnam before looking inward. The early moves reflect this order. While other Presidents of the past 36 years, except perhaps Presidents Eisenhower and Truman, spent their early Presidential days working up legislative boxscore packages to be sent to the Hill, President Nixon looked and moved abroad.

After ordering a thorough review of the Vietnamese situation, the President was off to Europe. The aim was to rally the allies we have, to engage in constructive dialog the allies we have lost, and to open the way for better communication with the Soviet Union. The President's many years of global travel gave him insights that no other new President could have brought to bear on such a trip. Indeed, it was a daring move for a new President, and he carried it off in a way that made Americans take pride in new leadership.

In the recent past, too much of the Nation's foreign policy has been a matter of reaction to crisis, rather than initiative. The President took the initiative with the European trip, in such a way that merely by sticking to his plan to fly to Berlin, he helped to turn aside a potential crisis there. He brought a sense of quiet sincerity to Europeon leaders, and they responded well to it.

The difficult question of Vietnam is not susceptible to the quick and easy solution some are quick to suggest. The hope of settlement would appear to rest with either the public or the private talks in Paris, talks which President Johnson sacrificed his political future to help start. It means that we must reach an understanding with the Government of South Vietnam as to the respective defense roles of our countries and the bargaining stance we will maintain at peace negotiations. There is every sign that President Nixon has made solid moves to achieve the necessary understanding with South Vietnam. He has kept the talks in Paris alive. To have expected an end to the war in 100 days is to expect more than any man could pretend or promise. I believe progress toward the end of fighting has been made, but proof must wait for coming days.

Every nation would like to plan its every move, of course, but sometimes even the most powerful are forced to react to another's reckless push. Currently, the world's foremost unreasoning outlaw nation is North Korea. The outrage of the *Pueblo* incident in the last administration was matched and even excelled by the evil deed perpetuated against the EC–121 reconnaissance plane earlier this month, when 31 technicians and crewmen were killed. Of the options, to scream and bellow and transform the Nation's rage into war, or to show a strong determination to continue reconnaissance, or to back down entirely, President Nixon chose the course commonsense and the deepest mood of the American people urged him to take: The middle course. President Nixon passed a test insolently administered by the rogue nation of North Korea, but graded by a world that judges powerful nations by the restraint they show.

On the foreign front, Richard Nixon is moving with a confidence and skill which is unmatched in a new chief executive since the early days of this century, when a balance of power was reasonably easy to calculate, was easier to manipulate, and was the only key to international relations. Today, with a United Nations still struggling to find its role, with foreign aid still finding its way, with world trade and money exchange an art in itself, and with developing nations playing big powers off one against the other, foreign affairs is hell. We are lucky to have Richard Nixon watching over it.

After organization of his mighty office, and attention to foreign matters, President Nixon felt able to turn toward domestic needs. In this area, the first 100 days have shown the President a leader of order and organization, but with a compassionate feeling for what America needs, and with the rare courage to do what he must. The President moves ahead on the basis of experience, informed expert advice and his own sense of the country's necessities and expectations, rather than on the basis of the noisiest pressures exerted. Indeed, he has begun to bring doubters and some critics into his camp with some of his courageous moves coupled with the persuasion of logic.

President Nixon is very much aware that he faces a Democratic majority of both Houses of Congress and chairmen of the committees. Therefore, he must be more certain that his programs compel a following in Congress on their merits, rather than as a matter of party loyalty or fear. This lends a certain value to his programs from the outset.

President Nixon's moves against inflation reflect an agonizing inner debate over the need to keep the American econ-

omy whole and the dollar sound on the one hand, and the humanitarian needs of the United States on the other. He finally cut Federal spending by $4 billion. In the process, he proposed to continue a controversial $307 million program of aid to families with dependent children, and cut out some favorite congressional spending programs. It took courage to present such a budget, but the President knows that good works cannot be accomplished with bad dollars.

The decision to keep the surtax in effect was another difficult one, but realism demanded it, and the President did what he must.

In this connection, it is my fervent hope that legislative packages which have been sent up in a body near the end of the 100 days, and the others which will follow in days to come, will not be pecked apart, with component limbs left to rot and wither. For it is the whole body which will attract support in many cases.

Take tax reform. It is the reform of taxes which will make the American people believe in the good faith and the genuine intentions of the administration when it asks to keep the odious surtax for the inflation fight. I found myself yielding points on the tax reform package, simply because I believe the package must stay whole, in order to sustain the validity of the argument against inflation.

I believe many Americans joined me in rejoicing at the strong anticrime steps the President has already taken. He has asked for more judges and more policemen for the District of Columbia. He has outlined a major attack on organized crime, which I, as a member of the Senate Judiciary Subcommittee on Criminal Laws and Procedures, can only cheer about. On March 9, 1967, I called for a statute to permit the U.S. Attorney General to grant immunity from prosecution to a witness who could provide testimony essential to the conviction of the accused. This measure could be a valuable aid in cracking the conspiracy of silence enforced by organized crime leaders, and last Wednesday, President Nixon urged its adoption.

Probably the best measure of the President's commitment to fight back at crime, is the fact that the only Department which will have a larger budget by $16 million, than the Johnson budget allowed, and will hire more people instead of cutting back manpower for economy, is the Justice Department, the Nation's chief law-enforcement arm. With more dollars and more manpower committed, there is little reason why we cannot see progress in this war within the next year or so. Congress, I am certain will respond, and will provide initiatives of its own as well. I have, for example, joined to cosponsor Senator MIKE MANSFIELD's bill to increase prison sentences for those guilty of committing crimes with a gun.

If inflation and crime are the two most obvious targets of President Nixon's domestic program in the early days, they are not, by a long shot, the only concerns.

To meet the gnawing poverty which stands out in stark contrast to the general affluence of America, President Nixon is moving deliberately and without fanfare or inflated promises in several directions. His tax reform package asks not only that every wealthy American pay a minimum tax, but that the poor not be made to pay any tax at all.

A shift in priorities has put new emphasis on programs for the child of 5 years and under. An Office of Child Development was set up at the Department of Health, Education, and Welfare to begin pulling together existing programs for the very young, and to initiate new ones. The hope is to break the cycle of poverty, poor education and health, unemployment and dependence on the State, by concentrating on those who can be helped and trying to avoid the "too little, too late," approach that most welfare and care programs currently promote. If this is pragmatism, it is humane pragmatism, and I give it every chance of success.

For many of such programs as child development, the Nixon approach will be to try several programs at once on a low-funding, experimental basis, then expand them if they work. It is caution, but it is the kind of caution that yields results rather than disappointment.

To fight hunger, the President made free food stamps available in South Carolina, and thus committed himself to action where earlier administrations had only voiced concern.

In trying to cure the myriad ills of the cities, the administration is frank to say it does not have the money to do the job it would like to. Indeed, financing is the toughest part of the formula for the cities. It would be my hope that there can be more savings found in the area of defense spending, and more diversion of that money into the cities. But it is unrealistic to look for windfalls while there is a Vietnam war in progress, and while inflation eats away the edge of every dollar bill.

Until more funds are available, there will have to be much planning done for that day, and the President has shown himself behind these efforts. There is much that can be done to streamline the terrible tangle of grant-in-aid programs. There are proposals to let more local governments plan more of how they will use the money they get from the Federal Government. The President has indicated in these first 100 days that he favors such plans. In anticipation, I have already joined one bill to get $3 billion a year of the giant Federal tax bite back to States by 1972, with a portion guaranteed to be passed on to the cities.

Shocked by Federal inaction in cleaning up the rubble of the city riots of the past several years, President Nixon pledged $200 million to restore riot-torn areas in 20 cities. It is an example of the action-not-words approach of the President, and it provides America with a chance to see President Nixon push a brick-and-mortar program to completion. Here again, he has set himself a test, and I am confident of a successful result.

The administration has begun to fight a host of domestic battles, not confined to any one region, over programs which touch nearly everyone.

In education, he is emphasizing preschool work and is experimenting with large "education centers," which will serve the community from prekindergarten through the grades and on to vocational and adult education and college.

In transportation, he has indicated he will propose a comprehensive airport, airways and mass transit bill. Airways legislation particularly interests me, especially since the two crashes in Bradford at the turn of the year, which killed 31 persons and tragically highlighted the need for instrument landing systems in many of our Nation's airports now lacking them.

In conversation, the President has shown a stronger hand in dealing with the Santa Barbara oil leak, with poachers of rare animals and with other matters of wilderness preservation, than most had anticipated. At part of the fight against pollution, the administration signed, in my office last week, a contract to train 80 waste-treatment plant operators to man water pollution control plants in Pennsylvania, 40 in Pittsburgh and 40 in Philadelphia. It is the sort of effort I intend to encourge with legislation I offered, to train about 9,000 such operators, recruited from lower income areas.

In all, the President has begun strongly and surely. He has shown courage in the decisions he has made. Here is the Senate, my Democratic colleagues in the leadership have stated that the early Nixon days were marked by "care, caution, and competence." That is a nice observation. To it, I would add the obvious signs in these 100 days of strength, courage, and quiet imagination. It is a good combination for the first 100 days, and not bad, either, for the remaining days.

We can expect, of course, that there will be harsh critics at work—some we saw only 10 days into the new administration. But we hope the President will let some of us answer such charges. He should not have to consume his time in defensive rhetoric, but should, instead, continue as he has begun.

He has begun well.

VIEWS OF ADM. H. G. RICKOVER ON ABM SYSTEM

Mr. PASTORE. Mr. President, I ask unanimous consent to proceed for 15 minutes.

The PRESIDING OFFICER (Mr. Byrd of Virginia in the chair). Without objection, it is so ordered.

Mr. PASTORE. Mr. President, our people are justifiably confused because of the varying points of view of many of our responsible and respected leaders as to our security—the so-called balance of military power in a turbulent world—the closing of the military gap on the part of our adversaries—the need for an ABM system—and the credibility of our deterrent power in order to avert a nuclear catastrophe.

I want to make it abundantly clear

at the outset that there has been considerable soul searching and sincerity on the part of the proponents and the opponents of these grave issues. For my part, having been intimately concerned with these questions because of my senatorial responsibilities, I sought the views of Adm. H. G. Rickover, a distinguished and dedicated American and father of our nuclear Navy, who in the strict sense of the word is not a militarist—and indeed a man of peace. In fact he has often been critical of the military establishment, so he therefore cannot be characterized as a conformist.

In answer to my inquiry, Admiral Rickover wrote me the following letter which I should like to read in the RECORD. The purpose of this is merely to bring to the attention of our people the views of a responsible and learned citizen. I do not intend in doing this to change anyone's mind or to convince anyone to any particular point of view. I do it merely to bring to our country's attention facts and opinions upon which they themselves can formulate their own independent judgment.

Mr. President, the letter reads as follows:

APRIL 25, 1969.

DEAR SENATOR PASTORE: In your letter of April 15th, you asked me to give an estimate and an opinion as to where we are and where we are going and what needs to be done in a military way in these times of turmoil and peril. There is, as you point out, a division of opinion among the American people regarding the necessity of reinforcing our military strength.

The first point I would like to make is that in judging between conflicting views on this matter, the deciding factor must be their relevance to the world as it is, not as we would wish it to be. Granted the hideousness of modern war, can we deduce therefrom that mankind is now wise enough to forgo recourse to arms? A look at history should put us on guard against those who claim that humanity has now reached a state where the possibility of armed aggression can be safely disregarded in formulating national policy.

I am reminded of the intense opposition to the Navy's 15-cruiser bill in 1929. It was argued by many that with the signing of the Kellogg Peace Pact the year before, it was no longer necessary to build new warships. And this in light of the lessons of World War I which erupted despite the various Hague Peace Treaties! These ships were of inestimable value in helping us win World War II. The war itself was prolonged because Congress—heeding the "merchants of death" argument—in 1939 prohibited shipment of war materials to Britain and France.

Then, too, weight must be given to the credentials of those propounding opposite views. Are they public servants charged with the awesome responsibility to secure our country against foreign conquest, or are they private individuals not accountable for the consequences of their opinions, who feel free to express their personal abhorrence of war and to agitate for a reduction of the financial burden military preparedness imposes on the taxpayer? Would the majority of the electorate accept their arguments that given our unmet domestic needs, we cannot afford an effective defense position vis-a-vis our potential adversaries? Or that war is so horrible that it is better to suffer defeat than to fight?

As for the high cost of preparedness, it is in fact no greater proportional to total U.S. output than 10 years ago—8.8% of total U.S. goods and services. Omitting the costs of the Vietnam War and allowing for inflation, our armed forces have less buying power today than a decade ago. In the Soviet Union, on the other hand—according to the Annual Report of the Congressional Subcommittee on Foreign Economic Policy issued last June—resources have been diverted from the farm sector to defense, where outlays rose dramatically in 1966–67, after remaining static since 1962. The Report talks about their new preoccupation with national security. And you must bear in mind that actual war costs absorb but a small portion of their expenditures while we are spending some two and a half billion dollars a month in Vietnam.

If history teaches anything it is surely that weakness invites attack; that it takes but one aggressor to plunge the world into war against the wishes of dozens of peace-loving nations if the former is militarily strong and the latter are not. Yet there are those who deprecate the need to maintain military supremacy or at least parity with the communist empires, on the grounds that other nations have accepted a decline from first to second or third rank and that we ourselves for most of our history were militarily a second-rate power yet secure enough within our borders. They forget that we then profited from the *Pax Britannica*, even as the former great powers of Europe who have lost their defense capability enjoy political freedom today only because we are strong enough to defend them and ready to do so. What it means to be weak and without American protection should be evident to all as we observe the tragic drama of Czechoslovakia "negotiating" with Russia the continuing subjugation of her people.

As a lawyer, you are familiar with Blackstone's statement that security of the person is the first, and liberty of the individual the second "absolute right inherent in every Englishman." Just so, the first right of every American is to be protected against foreign attack, and the first duty of government is to keep our nation alive. Given the world situation, this calls for maintenance of a defense capability which is adequate to discourage potential aggressors. Said President Nixon, in discussing the Cuban missile crisis, "It is essential to avoid putting an American President, either this President or the next President, in the position where the United States would be second rather than first or at least equal to any potential enemy. . . . I do not want to see an American President in the future, in the event of any crisis, have his diplomatic credibility be so impaired because the United States was in a second-class or inferior position. We saw what it meant to the Soviets when they were second. I don't want that position to be the United States' in the event of a future diplomatic crisis."

There can surely be no doubt that the overwhelming majority of the American people are opposed to relinquishment of our design capability, recognizing full well that there will then be no one left to prevent the takeover by communist power. Whether one takes the optimistic view that a permanent East-West detente can be negotiated, or the pessimistic view that ultimately we shall have to fight for our liberties, this nation has no future if it allows itself to be outmatched militarily.

To turn now to specific matters currently in dispute. There is the ABM system which is under heavy fire on grounds that it (a) will escalate the arms race and (b) will not work. It should be stressed that the Soviets have had their own version of the ABM for several years without inducing us to expand our military power. Just as the Soviet ABM version has not added to the Soviet threat, so our own ABM would not add to ours. The Russians have been singularly silent in this respect; the outcry has come mostly from those in this country who habitually apply a double standard when adjudging military developments in the U.S. and the U.S.S.R. One must ask how can our defensive capability be considered provcative, while theirs is not? Is there not something deeply disturbing when one observes scientists, formerly holding responsible positions in government, advocate policies directly contrary to those they supported when in office? It must not be forgotten that many of our most prestigious scientists were bitterly opposed to development of the H-bomb. Where would we be today had not the Congressional Joint Committee on Atomic Energy and President Truman—who had the responsibility for the safety of the U.S.—disregarded their advice?

As for the assertion that the ABM cannot be made to work, I must disagree. If there is one lesson I have learned in the many years I have devoted to the development of nuclear propulsion plants, it is that, given the soundness of a theoretical concept, it can, with drive and imaginative engineering be *made* to work.

Contrariwise, for a theoretical concept to be translated into reality, it must be *worked* on. Research alone—no matter how prolonged—will not do it. The very act of developing the concept through detailed engineering work produces improvements in the original concept—improvements which would have been neither obvious nor possible without such actual engineering work.

The Soviets are just as adept in research and development as we are. They have amply proved this by their progress in space, in missiles, in aviation, in military equipment, in nuclear submarines. They know full well from their own experience that with research alone—without development engineering—our ABM system or any other system would not be meaningful and could be discounted. For this reason we must guard against those claiming that we can limit ourselves to research—that research alone will suffice.

You also asked me to comment on what needs to be done in these times of turmoil and peril. As I am more familiar with the threat posed by the Soviets to our naval power, I would like to confine myself to this area, and specifically to submarines. But what I say here is valid for our land, sea, and air power as well.

The Soviet Union—

And this is important, Mr. President—

The Soviet Union is embarked on a program which reveals a singular awareness of the importance of sea power and an unmistakable resolve to become the most powerful maritime force in the world. They demonstrate a thorough understanding of the basic elements of sea power: knowledge of the seas, a strong modern merchant marine, and a powerful new Navy. They are surging forward with a naval and maritime program that is a technological marvel.

At the end of World War II, the Soviet Union had a fleet of 200 diesel-powered submarines. They then embarked on a massive building program, producing over 550 new submarines through 1968, at least 65 of which are nuclear-powered. During the same period, the United States built 99 submarines, 82 of them nuclear-powered. The Soviets have scrapped or given away all their World War II submarines as well as some built since. They now have a new submarine force of about 375; we have 143, which includes 61 diesel submarines most of which are of World War II vintage. Thus the Soviets have a net advantage of about 230 submarines. It is estimated that by the end of 1970 they will have a numerical lead in nuclear submarines.

To achieve this the Soviets greatly expanded and modernized their submarine building facilities. Just one of their numerous submarine building yards has several times the area and facilities of all U.S. submarine yards. They use modern assembly-line techniques under covered ways, per-

mitting large-scale production regardless of weather conditions.

In the single year 1968, the Soviets put to sea a new type ballistic missile submarine as well as several new types of nuclear attack submarines—a feat far exceeding anything we have ever done. In looking to the future, it is estimated that by 1974 they will add about 70 nuclear-powered submarines to their fleet, whereas we will add but 26—further increasing their numerical superiority. In the case of the ballistic missile submarine the Soviets have undertaken a vigorous building program to surpass our Polaris fleet of 41. They have completed seven of the new Polaris-type submarines, and have the capability to turn out one a month. We have no Polaris submarines under construction or planned. We must assume that by the 1973–74 time period they will be up to us.

Numerical superiority, however, does not tell the whole story. Weapon systems, speed, depth, detection devices, quietness of operation, and crew performance all make a significant contribution to the effectiveness of a submarine force. From what we have been able to learn during the past year, the Soviets have attained equality in a number of these characteristics and a superiority in some.

In order to achieve the results so far attained in all areas of modern technology the Soviets had to develop their most important resource—technical and scientific personnel. The Soviet educational program enjoys highest national priority. The statistics on the total numbers of Soviet degree graduates are extremely impressive. The U.S. National Science Foundation data indicates that in 1966 alone, 168,000 engineers were graduated; the U.S., on the other hand, produced but 36,000. With specific application to the Navy, the Leningrad Shipbuilding Institute, just one naval institute of several, had over 7,000 students in 1966 studying naval architecture and marine engineering. I doubt we had over 400 enrolled in these subjects in all U.S. colleges.

While we cannot specifically count the number of Soviet scientists and engineers devoted to naval work, it is apparent that they have created a broad technological base. They have committed extensive resources to support development of their naval forces. The steady build-up of the Soviet submarine Navy from an ineffective coastal defense force at the end of World War II to the world's largest underseas navy today deserves admiration; also it should deeply worry every American. By the end of this year we face the prospect of losing the superiority in nuclear submarines we have held for many years. The threat posed by their submarine force—with their new ballistic and cruise missile launchers and new attack types, is formidable. If more sophisticated types are added in the near future, as is likely considering their large number of designers and their extensive facilities, the threat will rapidly increase.

The Soviets have frequently announced their intent to be the pre-eminent world power. Why do we not believe them? Hitler in Mein Kampf plainly announced his intent to dominate the world. We did not believe him either—until it was nearly too late. Admiral Gorshkov, Commander in Chief of the Soviet Navy, said recently: "The flag of the Soviet Navy now flies proudly over the oceans of the world. Sooner or later, the U.S. will have to understand that it no longer has mastery of the seas." And just a few days ago the Russians announced a projected 50% increase in the size of their merchant fleet. These facts should be weighed when assessing the judgment of those who argue for a reduction of American military power while the Soviet military power is rapidly expanding.

The bearer of bad news is always punished. In ancient times, he might be put to death. Today he becomes "controversial" and unpopular. But if there is one subject on which the American people must know the truth, however unpalatable, it is our military position vis-a-vis the Soviets. I believe no one can better inform them than members of the Congress—who have such close ties to their constituents.

I suggest that by keeping secret our knowledge of Soviet strength at this time we may lose more than by confiding the truth of the danger we face to the American people.

Respectfully,

H. G. RICKOVER.

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

Mr. PASTORE. I yield.

Mr. PROXMIRE. I commend the distinguished Senator from Rhode Island for reading the letter into the RECORD. It is an extremely significant letter and it comes, as the Senator has said so well, from a military expert who is not a militarist, a man who has remarkable knowledge of the needs of this country in terms of education and in every other way.

I do not agree with Admiral Rickover on the ABM. However, I must say that what the Senator has given us on the Soviet's submarine fleet deeply disturbs the Senator from Wisconsin and is a point about which all Members of Congress should be concerned.

As I understand it, the Russians are putting their navy under the oceans, where it is likely to be far less vulnerable to attack.

As the Senator has pointed out so well—and I did not realize it fully until he read it into the RECORD—the Russians are building up their navy with great effectiveness and great force.

I am most grateful to the Senator from Rhode Island for calling the matter to our attention.

Mr. PASTORE. I thank the Senator. Mr. President, I shall not take any more time, except to say this: One criticism I have made time and time again that we keep so many of the facts which should be known by the American public undercover, by designating them as classified. Many of those things should be told, because there is no other country in the world where public opinion is so effective as in our own democracy. Public opinion is very effective in guiding the destiny of this Nation and protecting its security. I think the American people need to know and must know what the facts are, and then let them judge.

I do not care who is for the ABM and who is against it. I have positive views of my own, and I spoke out on this subject in September of 1967, long before Secretary McNamara or anyone else discussed the question of the need for the ABM.

All I am trying to do is impress the Senate, the Congress, and the people of the United States that there are many facts which should be better understood by the people, and then we should let them make their judgment.

S. 1997—INTRODUCTION OF THE ALCOHOLISM CARE AND CONTROL ACT OF 1969

Mr. JAVITS. Mr. President, I introduce, for myself, the Senator from Utah (Mr. Moss), and 43 other Senators from both parties, the Alcoholism Care and Control Act of 1969 to undertake a concerted drive against alcoholism, the Nation's fourth more serious health problem.

This bill would:

First. Establish a Division of Alcoholism and Alcohol Problems within the National Institute of Mental Health with broad responsibilities in areas of research, education, coordination, prevention, and support for community treatment and rehabilitation programs.

Second. Provide incentive grants for the construction, staffing, and operation of facilities for the prevention and treatment of alcoholism in order to encourage the establishment of such programs. For this purpose for the next fiscal year, $15 million would be authorized.

Third. Provide grants for alcohol education directed at the general public, school-age children, and special high-risk groups. For the next fiscal year $200,000 is authorized for this purpose.

Fourth. Provide special purpose grants for the development of specialized training programs or materials for the prevention and treatment of alcoholism; research relating to current and project personnel needs in the field of alcoholism; surveys to evaluate the adequacy of programs for the prevention and treatment of alcoholism; and field trials and demonstration programs for the prevention and treatment of alcoholism, such as detoxification programs, court-supervised programs for alcoholics and programs in correctional institutions and aftercare programs for alcoholics. There is $1.25 million authorized for the next fiscal year.

Fifth. Provide fellowship grants to professional personnel for training in alcoholism and alcohol-related problems in order to overcome critical shortages of trained people. There is a $200,000 authorization for the next fiscal year.

Sixth. Establish regional centers for research in alcoholism and alcohol-related problems in order to overcome the longstanding neglect in this field. For fiscal year 1970, $3 million is authorized.

Cosponsoring the bill with Senator Moss and myself are Senators HOWARD BAKER, BIRCH BAYH, ALAN BIBLE, EDWARD BROOKE, QUENTIN BURDICK, ROBERT BYRD, HOWARD CANNON, FRANK CHURCH, JOHN SHERMAN COOPER, THOMAS DODD, PAUL FANNIN, BARRY GOLDWATER, CHARLES GOODELL, MIKE GRAVEL, PHILIP HART, VANCE HARTKE, MARK HATFIELD, ERNEST HOLLINGS, DANIEL INOUYE, EDWARD KENNEDY, WARREN MAGNUSON, EUGENE MCCARTHY, GALE MCGEE, CHARLES MCC. MATHIAS, JR., JACK MILLER, WALTER MONDALE, GEORGE MURPHY, EDMUND MUSKIE, GAYLORD NELSON, ROBERT PACKWOOD, CLAIBORNE PELL, CHARLES PERCY, WINSTON PROUTY, JENNINGS RANDOLPH, ABRAHAM RIBICOFF, RICHARD SCHWEIKER, HUGH SCOTT, TED STEVENS, HERMAN TALMADGE, STROM THURMOND, JOSEPH TYDINGS, HARRISON WILLIAMS, JR., and STEPHEN YOUNG.

Ten of the measure's sponsors are members of the 17-man Committee on Labor and Public Welfare, to which the bill will be referred.

The bill has the active support of the North American Association of Alcohol-

ism Programs, the organization representing State and local government groups dealing with alcoholism, and the National Council on Alcoholism, composed of citizen organizations throughout the Nation in the field of alcoholism.

This legislation is designed to undertake a concerted attack upon what the U.S. Public Health Service and the Crime Commission have described as the Nation's fourth most serious health problem ranking behind only heart disease, mental illness, and cancer. Alcoholism afflicts an estimated 5 million Americans and roughly 250,000 persons join the ranks of alcoholics each year.

As Dr. Stanley F. Yolles, the distinguished Director of the National Institute of Mental Health, has stated:

The misuse of alcohol represents a public health problem of major significance.

The costs of alcoholism run high. It has been estimated that the cost to business and industry from absenteeism, inefficiency, and accidents due to alcoholism runs to some $2 billion annually, earning the label "industry's $2 billion hangover." Today, more than 200 major American companies maintain programs to deal with alcoholism.

Taxpayers, too, bear a burden. One in every seven new patients admitted to a State mental hospital is an alcoholic, an 18-percent increase in 10 years. And in nine of our States, alcoholism leads all single diagnoses in mental institutions.

The Crime Commission reported that in 1965 one out of every three arrests—some 2 million—were for public drunkenness, thus placing a heavy burden on the courts, the police, and the penal system, all of which are already heavily overburdened with the burgeoning crime rates. Lest these sad statistics be misunderstood, it should also be noted that only between 3 to 8 percent of all alcoholics are the so-called skid row types, homeless men without family ties, jobs, or an accepted place in the community.

Traffic accidents cost the Nation some $9 billion annually in property damage, wage losses, medical expenses and overhead costs of insurance, according to the National Safety Council. Alcohol is reliably believed to play a major role in this tragic toll, as the Public Health Service has pointed out, for half of all fatal motor vehicle accidents have some association with alcohol.

Finally, it is estimated that the life expectancy of the alcoholic is approximately 10 to 12 years less than the average.

But incapable of measurement by statistics is the cost of alcoholism to the family and friends of the unfortunate afflicted individual.

This bill, by providing for research and training grants, alcoholism treatment centers, demonstration projects and education programs fulfills recommendations contained in the report, "Alcohol and Alcoholism," submitted by the National Center for Prevention and Control of Alcoholism of the National Institute of Mental Health, Department of Health, Education, and Welfare. It provides, as present law does not, special incentives for community health centers for expanding their facilities and service to include alcoholism care and treatment programs, as this is a new function to be added onto their other facilities. Also, due to acute shortage in almost all areas of health manpower and the pressing need for persons qualified in the treatment of alcoholism, this bill fills a need with an intensified program of manpower and staff training and the improvement of skills of persons already in the health care field. Dr. Marvin A. Block, chairman of the AMA's Committee on Alcoholism states:

With only a few exceptions, most schools devote less than two hours out of a four-year curriculum to the study of normal and abnormal drinking and the treatment of alcoholics.

Thus, students spend more time learning about rare diseases which they may never encounter in their practice than about the Nation's fourth greatest health menace.

Finally, the bill strikes at the very root of the problem through preventive educational programs. There is indeed a need to comprehend the pervasive and deleterious influence of alcoholism in American life and the immeasurable cost to individuals.

Abraham Lincoln, in 1842 said:

In my judgment such of us who have never fallen victim [to alcoholism] have been spared more by the absence of appetite than from any mental or moral superiority over those who have. Indeed, I believe if we take habitual drunkards as a class, their heads and their hearts will bear an advantageous comparison with those of any other class.

There seems ever to have been a proneness in the brilliant and warm-blooded to fall into the vice—the demon of intemperance ever seems to have delighted in sucking the blood of genius and generosity.

The victims should be pitied and compassioned, just as are the heirs of consumption and other hereditary diseases. Their failing should be treated as a misfortune, and not as a crime, or even as a disgrace!

Mr. President, I ask unanimous consent that a section-by-section analysis of the bill be printed in the RECORD as part of my remarks.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the section-by-section analysis will be printed in the RECORD.

The bill (S. 1997) to provide for the more effective prevention and treatment of alcoholism introduced by Mr. JAVITS (for himself and other Senators), was received, read twice by its title, and referred to the Committee on Labor and Public Welfare.

The section-by-section analysis presented by Mr. JAVITS is as follows:

ALCOHOLISM CARE AND CONTROL ACT OF 1969

SECTION 1—SHORT TITLE: ALCOHOLISM CARE AND CONTROL ACT OF 1969

SECTION 2—DIVISION OF ALCOHOLISM AND ALCOHOL PROBLEMS

A Division of Alcoholism and Alcohol Problems is authorized to be established within the National Institute of Mental Health to ensure appropriate attention and to bring about a more coordinated attack on the problem of alcoholism. This Division is to have broad responsibilities in areas of research, education, coordination, prevention, and support for community treatment and rehabilitation programs.

SECTION 3—GRANTS FOR THE PREVENTION AND TREATMENT OF ALCOHOLISM

The Community Mental Health Centers Act is amended to authorize incentive grants for the construction, staffing and operation of facilities for the prevention and treatment of alcoholism in order to encourage professionals and communities to establish programs for the treatment and prevention of alcoholism.

The maximum Federal participation in the costs of construction of facilities for the treatment and rehabilitation of alcoholics is increased from 66⅔ percent to 90%. Operation and maintenance (as well as staffing) costs are made eligible for Federal funding. Currently, only staffing costs are eligible. The maximum percentage and length of time for Federal participation are increased to 90% of the eligible costs of operation, staffing and maintenance for the first two years, and 75% of such costs for each of the next six years. For general community mental health center support, the maximum participation in staffing costs is 75% for the first fifteen months, 60% for the next year, 45% for the third year, and 30% for the fourth year.

An appropriation of $15 million for FY 1970 is authorized for construction, staffing, operation and maintenance grants for alcoholism programs. Although the authority for appropriations under the Community Mental Health Centers Act ends June 30, 1970, it is anticipated that the Act will be renewed and that the following sums will be authorized for the construction, staffing, operation and maintenance of community facilities for alcoholics: $20,000,000 for FY 1971; $27,500,000 for FY 1972; $37,500,000 for FY 1973; and $50,000,000 for FY 1974.

SECTION 4—GRANTS FOR ALCOHOL EDUCATION

The Secretary is authorized to make grants and contracts to public or nonprofit private agencies for (1) the collection and dissemination of educational material, and (2) for the development and testing of programs of alcohol education. These programs will be directed at the general public, school-age children and special high-risk groups. Grants and contracts that deal with the development and testing of alcohol education programs shall be made only after consultation with appropriate State and local agencies.

The following is authorized for grants and contracts for alcohol education: $200,000 for FY 1970; $500,000 for FY 1971; and $700,000 for FY 1971 and FY 1974.

SECTION 5—GRANTS FOR SPECIAL PURPOSES

The Secretary is authorized to make grants and contracts to public or nonprofit private agencies for (1) the development of specialized training programs or materials for the prevention and treatment of alcoholism and for the training of personnel to administer such programs and services; (2) research and study relating to current and projected personnel needs in the field of alcoholism (such a study would include research on the adequacy of education and training resources in the alcoholism field and the availability of specialized training for persons such as physicians and law enforcement officials who deal with alcoholics); (3) the planning and conducting of surveys to evaluate the adequacy of programs for the prevention and treatment of alcoholism; and (4) field trials and demonstration programs for the prevention and treatment of alcoholism (for example, detoxification programs, court-supervised programs for alcoholics, programs in correctional institutions and aftercare programs for alcoholics). These grants for demonstration projects shall be made only after appropriate consultation of State and local agencies.

The following is authorized for grants and contracts for special purposes: $1,250,000 for FY 1970; $2,000,000 for FY 1971; $3,000,000 for FY 1972; $4,000,000 for FY 1973; and $6,000,000 for FY 1974.

SECTION 6—SPECIAL FELLOWSHIP PROGRAM

The Secretary is authorized to make fellowship grants to professional personnel for training in relation to alcoholism and alcohol-related problems in order to overcome the critical shortage of professional and scientific personnel trained to deal with alcoholism and alcohol-related problems. Each applicant shall present a plan for his training that will include appropriate information regarding the participation of the institutions or agencies that would provide the training. Fellowship grants may be made only upon recommendation of the National Advisory Mental Health Council.

The following is authorized for carrying out this fellowship program: $200,000 for FY 1970; $500,000 for FY 1971; and $700,000 for FY 1971 and FY 1974.

SECTION 7—ESTABLISHMENT AND SUPPORT OF REGIONAL CENTERS FOR RESEARCH ON ALCOHOLISM

The Secretary is authorized to make grants for the establishment of regional centers for research in alcoholism and alcohol-related problems in order to overcome the long-standing neglect of this field. Grants under this Section may be made only upon recommendation of the National Advisory Mental Health Council.

The following is authorized for the establishment of regional research centers on alcoholism: $3,000,000 for FY 1970; $5,000,000 for FY 1971; $6,000,000 for FY 1972; $7,000,000 for FY 1973; and $8,000,000 for FY 1974.

SECTION 8—DEFINITIONS

The two terms "alcoholic" and "alcoholism", are defined.

Mr. MOSS. Mr. President, it is a pleasure to again join with the distinguished Senator from New York (Mr. JAVITS) in the introduction of a bill to provide a sound program to combat alcoholism. We are gratified that 42 of our colleagues from both sides of the aisle have joined us in this attack on one of the Nation's most severe medical-social problems.

We made some progress last session when several portions of S. 1508 were included in the amendments to the Community Mental Health Centers Act, and were in the bill which the President signed. Yet we have only begun to do what we must do if we are to provide a strong public health aproach to the growing problem of alcoholism.

I am sure it is impossible for any one person to assess the size and impact of alcoholism on this Nation. We estimate that there are 5 million Americans who are alcoholics. For each alcoholic, several other persons, such as relatives, friends, police, and court workers, are affected. We estimate that more than 10 percent of our population is directly involved in some way with problems of alcoholism. Everyone, of course, is at least indirectly involved. But there will never be a way to assess fully the amount of suffering, heartbreak, crime, child abuse, juvenile delinquence, poverty, divorce, or other problems which can be directly traced to alcoholism. Nor can we ever know in concrete terms the extent of our economic loss from job absences of chonic alcoholics or the impact generally on the community.

In this regard, it is regrettable that the administration's proposed 1970 fiscal year budget does not provide funds for implementation of the Alcoholic Rehabilitation Act of 1968. The community health threat posed by alcoholism and alcohol-related problems has been neglected over the years, and it was through enactment of Public Law 90–574, which includes the Alcoholic Rehabilitation Act, that Congress took a historic first step toward alleviating the social and human distress caused by this disease.

Indeed, while other diseases have been given priority attention by Federal, State, local, and private agencies in this country, alcoholism has now emerged as our third largest health menace.

We have long since launched gigantic programs to find out how to control—and possibly prevent or cure—cancer and heart disease and other chronic illnesses. We spend billions to go to the moon, and we now plan to spend billions more on an anti-ballastic-missile deterrent whose effectiveness will be highly questionable—to say the least. The time is certainly here to step up our efforts to meet and control the tragic medical and social problem which is alcoholism.

Therefore, I urge the President and the Secretary of Health, Education, and Welfare to reconsider the omission of budgetary funding for alcoholism treatment and services as contained in Public Law 90–574.

Our challenge is simply not to treat those who are already the victims of alcoholism, although methods of treatment and facilities in States and communities in which to give this assistance must be of high priority. But to undertake to treat at once all of today's alcoholics with presently known methods would flood our hospitals and clinics and take up practically all of the time of our doctors.

The eventual control of alcoholism must depend primarily on the prevention of alcoholism, and before it can be prevented it must be understood. We must fill in great gaps in our knowledge. We must research the physical, phychological, and social reasons for alcoholism.

Equally as important, we must keep the public informed on what we are finding out. We must particularly tell our young people what we know about alcoholism and the causes of it. We must then know what are the signs that a person may be a potential alcoholic—to the extent that we can define these signs. We must learn more about them, and explain them.

The bill we are introducing today attempts to do some of these things on a scale which will eventually be productive of the results we are seeking. Its cost over a 5-year period—in terms of the cost of other programs we are undertaking and of the results we seek—is modest indeed.

I am proud that in 1965 I introduced specific legislation on alcoholism in the U.S. Senate as a forerunner of the bill we introduce today. That was S. 2657, introduced October 15, 1965. But my interest in the alcoholic and his problems predates by some years my election to the Senate. I sat as a city judge in Salt Lake City, and one of my jurisdictions was the criminal court, the court before which anyone charged with drunkenness is brought for sentencing. During those years, alcoholism, from a legal standpoint, was treated like any other antisocial behavior problem. Many of us realized that it was an illness, but we had no machinery for treating it. All we could do was give anyone who was picked up on a charge of drunkenness a jail sentence.

The two famous court decisions—Driver against Hinnant and Easter against the District of Columbia—which established the principle that an alcoholic is a person suffering from a disease which should be treated medically were very heartening to me. I have been convinced for years that an alcoholic is not a criminal, but a sick man who should properly be the responsibility of health officials, and not the law enforcement officials.

So I repeat, it is a particular pleasure for me to join in sponsoring this bill which we are introducing today. It is one of several bills dealing with alcoholism which I have introduced since I came to the Senate and it undoubtedly is the most realistic and most comprehensive approach which has been made.

I am most hopeful that, in view of the progress we made last session, the growing awareness in the country of the need to combat alcoholism, and the splendid support of our colleagues who have joined us in the cosponsorship of this bill, Senator JAVITS and I will be able to get early action on it in the 91st Congress.

S. 2004—INTRODUCTION OF A BILL TO MODIFY PROCEDURES FOR RENEWAL OF FEDERAL COMMUNICATIONS COMMISSION LICENSES

Mr. PASTORE. Mr. President, I introduce, for appropriate reference, a bill, which has to do with the Federal Communications Act. What it amounts to is an effort to remove the sword of Damocles from over the heads of licensees at renewal time.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 2004) to amend the Communications Act of 1934 to establish orderly procedures for the consideration of applications for renewal of broadcast licenses, introduced by Mr. PASTORE, was received, read twice by its title, and referred to the Committee on Commerce.

Mr. PASTORE. Mr. President, when the Federal Communications Commission was before the Subcommittee on Communications on March 4 and 5 numerous questions were raised with regard to harassment of licensees at the time they file their applications for renewal of their licenses. I questioned the Commission about this disturbing trend and stated at the time that it was my deep-seated conviction that public service is not encouraged nor promoted by placing the sword of Damocles over the heads of broadcasters at renewal time.

A broadcaster must invest considerable sums of money in equipment and qualified professional personnel in order to properly serve the public.

Consequently, if he lives up to the promises and representations he makes to the FCC at the time the license is granted, and abides by the letter and the

spirit of the Communications Act and the communication policies of the Commission, he should not—and I repeat—he should not be placed in jeopardy at renewal time and have his license put up for grabs.

This—to me—is nothing more than equity in justice.

If he has not done the things required of him, then the Commission should take appropriate action and in the event the license is revoked, then and only then should it be made available to all comers.

The reason for this is very simple, in my opinion.

Today, television is a very costly and expanding enterprise. Broadcasters must maintain the best and the most modern equipment and gather together highly qualified professional personnel in order to best serve the public interest.

Therefore, in order to carry out this responsibility the broadcasters must have reasonable assurance that if he does his job—and does it well—that his license will be renewed and that his investment will not go down the drain.

I stated the very same thing to the broadcasters when I spoke at the convention of the National Association of Broadcasters on March 24.

I want to make it perfectly clear that this legislation does not give the broadcaster a license in perpetuity. He must file, as he does today, an application for renewal at the expiration of his license which must be at least once every three years. The burden is his to prove to the Commission that his record conforms to the promises he made and that his representations for future operations are sufficient to satisfy the Commission that a renewal will serve the public interest.

To carry out this purpose, I am today introducing a bill which will accomplish this purpose.

EXPANSION OF CAPITOL REEF AND ARCHES NATIONAL MONUMENTS

Mr. MOSS. Mr. President, when President Johnson issued his proclamations expanding the boundaries of the Capitol Reef and Arches National Monuments in southern Utah, I introduced bills to establish these expanded areas as national parks so that congressional hearings could be held where Utah people could express themselves on the proposals and Congress could have the benefit of these views. It should be noted that President Johnson recommended that these two monuments be made into national parks.

Subsequent to the introduction of these bills (S. 531 and S. 532), I made a study of the monuments as set out in the presidential proclamation and visited the area personally.

Governor Rampton and I flew over both monuments, carefully observing the terrain with the help of the superintendent of each monument. We also pored over maps of the area and have viewed many color slides and pictures. Based on this intensive overlook and review, I now believe that the boundaries can be adjusted in a way which will exclude a number of acres now being used for grazing, as well as acres upon which there may be recoverable minerals. In one or two instances, I believe the boundaries should be extended to include areas of scenic and geological significance left out in the Johnson proclamations.

I plan, therefore, to introduce amendments in the near future to both my Capitol Reef National Park and Arches National Park bills adjusting the boundaries to exclude areas which can be eliminated without doing violence to the scenic and scientific values of the national parks and to add three small tracts where remarkable formations fully worthy of national park designation were not included in the President's proclamation.

At Capitol Reef, the new boundaries which I propose will eliminate 56,000 acres, and will add 29,000 acres, for a net decrease of 17,280 acres. At Arches, the new boundaries will add 1,600 acres, and take out 10,560 acres, for a net decrease of 8,960 acres.

The areas to be added at Capitol Reef include the Temple of the Sun and the Moon, spectacular cathedrals located in a barren and rocky terrain with little or no grazing, and Deep Creek Canyon, where there are remarkable Indian paintings. Capitol Reef extensions will also extend down the Waterpocket Fold to where it passes into the Glen Canyon Recreation Area.

The areas which would be removed from Capitol Reef include the Mount Pennell Quadrangle, deleting 7½ sections of grazing land east of the Waterpocket Fold; the Wagon Box Mesa quadrangle, which will enable the ranchers in the area to keep enough winter grazing in the area to continue operations, and on the west side of which there are some bituminous sands which may have economic value in the future, a total of 18 sections; the Notom quadrangle, where 10 sections which are the center of grazing on the east side of the Waterpocket Fold are excluded.

At Capitol Reef the area which will be deleted also contains the old traditional winter trail for cattle and sheep, used for many years by Utah stockmen, and essential to their operations.

At Arches, the deletions take out a dry mesa used for grazing and two small areas where there are potash claims.

These amendments remove much of the land under grazing permit in both Arches and Capitol Reef which has been the subject of controversy since the proclamations were issued. However, there are still some grazing lands which cannot be deleted without losing important scenic and geologic values, so I shall propose an amendment containing the same grazing provisions of my original bill to establish Canyonlands National Park—that the grazing permits held at the time the acts establishing Arches National Park and Capitol Reef National Park are signed may be continued and be renewed during the lifetime of the holder and the lifetime of his immediate family.

Mr. President, both Arches and Capitol Reef National Monuments are becoming more and more popular with Utahans and with tourists. The number of visits to them increases each year. As now enlarged both are fully qualified for national park status.

Interstate Highway 70, which is scheduled for completion in late 1972, will cross the central part of Utah and bring thousands of tourists every year within close proximity of both Arches and Capitol Reef, as well as other southern Utah scenic wonders. We must authorize the building of scenic park roads which branch off from Highway 70 and take people in and out of the parks. We must make sure also that the road which winds in and out of Capitol Reef along the Waterpocket Fold is improved and kept in good shape, as well as the road which runs parallel to Arches, and has ingress to the monument at several points.

Mr. President, I believe that both Arches and Capitol Reef have national park potentials, and that their spectacular scenery and unusual geologic features in them should be preserved for posterity. But we must be careful not to take away the means of livelihood from many residents of southern Utah in so doing. The amendments I will introduce within a few days will make the best use of all of the land involved—the best scenic use and the best economic use.

ORDER OF BUSINESS

Mr. PROXMIRE. Mr. President, I ask unanimous consent that I may be permitted to continue for 10 minutes.

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

ADVICE AND CONSENT

Mr. PROXMIRE. Mr. President, on January 29 I appeared before the Senate Judiciary Committee concerning the nomination of Mr. Jerris Leonard, of Wisconsin, to be Assistant Attorney General for the Civil Rights Division.

I did not oppose Mr. Leonard's confirmation. But I did say that I thought the committee should ask the nominee a series of questions and that their decision should be based on how well Mr. Leonard answered those questions. I felt that a man going into the position Mr. Leonard was nominated for, should have a very high level of concern and commitment to the job. In the end, Mr. Leonard answered those questions both to the satisfaction of the committee and myself.

I mention this because at that time the senior Senator from Nebraska (Mr. HRUSKA) challenged me when I raised these issues and questions. I informed the Senator from Nebraska (Mr. HRUSKA) that I would make the speech this morning. The Senator was on the floor, but I think he had to leave to attend the Republican policy luncheon.

It was said that such questions should really not be raised. The President has a right to his own men if he wants them, I was told. As my colleague had been in the middle of the fight against President Johnson's nomination of Justice Abe Fortas for Chief Justice, that sounded like a strange argument.

I was told that we should not obstruct the new administration in choosing the

men it wants to hold office. Other arguments, essentially to the point that we should raise few or no questions at all, were made. As the Senator from Nebraska said at the time:

> The question is not whether the nominee is someone that a particular Senator or a majority of the Senate would nominate. Rather, the question is whether the person nominated possesses those attributes which will permit the Senate to consent to his appointment.

The Senator continued:

> Some of those attributes, are honesty, integrity, loyalty, absence of any conflict of interest, and a reasonable degree of competence in his field.

And then the Senator from Nebraska made his principal point, namely:

> Beyond this, it is for the President to determine the particular type of man he wants in the position.

Mr. President, I would like to make one or two points about this matter of advice and consent.

One hundred days have now gone by since President Nixon took the oath of office. Congress has been in session since January 3. In this period according to the best estimate we can make, the Senate has received some 26,971 names for it to confirm for positions in the executive or judicial branches. At the beginning of this week, the Senate had confirmed 19,659 men and women for positions in the executive and judicial branches of the Government. The names of 469 had been withdrawn. Some 6,851 were yet to be confirmed.

If one examines the nominees for civilian posts, 1,761 names had been received. Of these 1,602 were confirmed, 17 withdrawn, and 142 not yet acted upon.

I mention these figures to point out several things. First of all, I personally have hardly been an obstructionist. In the case of Mr. Leonard, I supported his nomination. I have voted against only two of the 19,659 nominations which have been confirmed since January 3.

In the case of one of them, Secretary Walter Hickel, I think that my vote and those of my colleagues, have done more for the cause of conservation than any single act this year.

In the second case, that of Mr. Henry Kearns, there was, in my judgment, the worst case of a direct conflict of interest I have seen in over 12 years in the Senate. Therefore, I think I can say for myself and for my Democratic colleagues in the Senate, that we have not been obstructionists. We have been most generous in confirming those whom the President has proposed. And in only a very limited number of cases have we even raised a question about the nominee's fitness to hold office. Perhaps we have been too uncritical rather than overly zealous in this matter.

But as I collected these figures on the number of nominees we have confirmed in the first 100 days and as I pondered their significance, there was one very striking aspect which thrust itself to the center of my attention.

As I reviewed in my mind the treatment accorded the President's nominees or those whom it was said he was going to propose, it occurred to me that most of the opposition had come from the President's own party and the President's own leaders.

There is the case of the proposed nomination of Dr. John Knowles to be Assistant Secretary of HEW for health and scientific affairs. I am told that the Secretary of HEW wants him. I have heard that the President thinks well of him.

In line with the Senator from Nebraska's admonition "that we can only go so far as Senators. Then we must accord to the President those things which he should take into consideration as President," should his name not be sent to the Senate and confirmed?

So while we on this side of the aisle have accorded the President, in almost every case, the right to have whomever he proposes, there seems to be some difficulties with his own side of the aisle. There are other names which came to my mind as I thought about this matter.

I am told that the nomination of Dr. Franklin Long to head the National Science Foundation was blocked by leading Senators from the President's own party. So far as I know he was not blocked by those from this side of the aisle. As the President said yesterday to a delegation of scientists, he now regrets that he gave in to the pressure.

I am told that the Nixon administration gave very serious consideration to continuing the services of Mr. William J. Driver as head of the Veterans' Administration until members of the President's own party objected to his continuation in that job.

Mr. Driver, who everyone says did an admirable job as head of the Veterans' Administration, was, as we all know, promoted through the ranks on merit to become head of that great agency.

Some of us have been following the advice of the Senator from Nebraska, that beyond determining that a nominee has certain personal attributes and no conflicts of interest "it is for the President to determine the particular type of man he wants in the position."

But it appears that this advice of the senior Senator from Nebraska has not been followed from his own side of the aisle.

The Senator from Wisconsin will watch with continuing interest as names come to the Senate or fail to come to the Senate, to see just how far the President is allowed to choose those he wants to work with him. And it will be especially interesting to note who it is—those from this side of the aisle or from the other side of the aisle—who objects to those the President wants, either before their names arrive here or after their names arrive here.

The Senator from Wisconsin has voted against only one nominee in every 9,829 who have been confirmed since the first of the year.

That, I submit, adheres, perhaps more closely than it should, to the admonition of the Senator from Nebraska, that Senators "have a limited participation in the formation of the Government and that applies to members of both parties."

This Senator, after 100 days of the new administration, can say that it applies to the members of his party. Only the Senator from Nebraska can tell us if it equally applies to his colleagues on the other side of the aisle.

CAMPUS DISORDERS

Mr. ALLEN. Mr. President, the people of Alabama are shocked, perplexed, and disgusted by events taking place on many college and university campuses throughout the Nation. I share this feeling of deep concern. For my part, I am fed up not only with campus riots but also with the excuses, evasions, and the abdication of responsibility by some college and university administrators, and with their mealymouthed excuses for surrendering their prerogatives under intimidation and threats of force and violence and disruption by revolutionaries.

Mr. J. Edgar Hoover has made it unmistakably clear that Communists, anarchists, and other disciples of violence are playing a dominant role in most of these disturbances. Under the circumstances, it is a sorry state of affairs when this Government, which pretends to a competence to regulate our daily lives, from the cradle to the grave, suddenly rolls over and plays dead when it comes to doing something about ridding college campuses of hard-core revolutionaries and troublemakers.

Mr. President, I have much faith in the commonsense judgment of the vast majority of college and university administrators of our Nation. And I have infinite faith in the good sense and sound judgment of the vast majority of college students throughout our Nation. But administrators must assume a responsibility.

To combat these rebellions, the college administrators must adopt stern measures, call in the police where necessary, expel rioters, and show the rioters that the college administration and not the anarchists are running the school. Disloyal faculty members should be fired. Parents should warn their children not to participate in these riots. Students desiring an education should make it clear that they do not sympathize with these rebellions. There should be no giving in to demands of rioters.

In addition thereto, the Federal Government should step in—not to interfere in the administration of institutions of higher education, but to restore the power and authority of the administrator where that is necessary, by ridding campuses of riot leaders who conspire to violate and who do violate existing Federal antiriot statutes. Yes, Mr. President, Federal statutes are being violated and the Executive has a duty to step in and enforce the law and let the ax fall where it may, on student riot leaders or on faculty riot leaders, as the case may be.

Mr. President, it is time for Congress to demand action. It is time that we tell the Department of Health, Education, and Welfare to get off its collective hands and start now—today—to take steps to deny public assistance to student rioters. It is time that we demand that the Attorney General vigorously enforce and prosecute violators of Federal antiriot legislation. It is time that the Executive demonstrate forceful, pos-

itive, leadership to end campus rebellions, for the purpose of restoring to college and university administrators their rightful authority over their institutions.

In this connection, Mr. President, the universally admired Bob Hope has contributed a commonsense commentary on the subject of campus disorders. His remarks were made in a commencement address delivered at Miami University, Oxford, Ohio, and reported in the Washington Evening Star of April 28, 1969. The wisdom of his remarks and their relevance to the problem under discussion leads me to request unanimous consent that his comments be printed in the RECORD.

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

USE SENSE IN DISSENT, HOPE TELLS STUDENTS

OXFORD, OHIO (UPI).—Comedian Bob Hope, addressing commencement exercises at Miami University here, called for "sense in dissent."

Hope told a crowd of about 11,000 at John D. Millett Assembly Hall yesterday, "It's time for the passive majority to assert itself, to speak up and say, 'We've come to school for an education.'

"It's also time for teachers to say, 'We've come here to teach without being bullied, harassed and threatened.' "

THE PLIGHT OF MIGRANT WORKERS—A NATIONAL DISGRACE

Mr. YOUNG of Ohio. Mr. President, the compelling plight of migrant laborers in the United States is a national disgrace that we can no longer afford to ignore. They live in a twilight world of hunger, abject poverty and lack of opportunity in the midst of plenty.

More than 115,000 migrant farmworkers are today laboring in fields across America. That number will swell to almost a quarter million as summer approaches, and before the end of the year 1 million people—men, women and children—will have been so employed. They will work in all of the States and will harvest the crops that will feed Americans for the coming year. They and frequently their wives and children engage in the hardest sort of "back breaking" manual labor.

Migrant farm laborers work an average of 85 days a year and they average a meager total salary of only $922. Their pitiful income is in shabby contrast to the average earnings of American factory workers. Clothing and food consume all of their meager paychecks and more.

In my State of Ohio more than 33,000 migrant workers labor in 24 counties from May through November. For the most part, they harvest tomatoes and sugar beets working long hours on their hands and knees for the lowest wages paid to any sizable economic group in the State. They work an average of 92 days and earn an average of but $980 a year.

In all, nationwide, more than 2 million men, women, and children are caught in this dismal web of poverty and degradation in the midst of plenty.

The real crime is what such an existence does to the children of these hapless, helpless men and women. There is no one to care for them while their parents are toiling in the fields, so many of them work also. Being constantly on the move, the children cannot stay long enough in one place to receive an adequate education. Thirty percent of all migrant children have less than 8 years of education; 40 percent, less than 11 years. If they survive their early childhood they are virtually doomed to repeating the dismal life of their parents.

The fact is that 17 percent of migrant workers today are functional illiterates. Half are under 25 years of age and one-fourth of them are between 14 and 17. Because of their youth or lack of education, most migrant workers and their youngsters have no awareness or interest in the political process. They move from county to county, and from State to State. They have no representatives or senators in the State legislatures or in the U.S. Congress to whom they can turn for help. Theirs are the unheard voices of misery and despair.

Unlike most other labor groups in our Nation agricultural migrant workers are totally lacking in either political or economic power. In contrast to the economic and political weakness of the migrant workers and their families stands the economic and political power of the agricultural growers and processors who purchase their labor. Further legislation by this Congress is necessary to attempt to equalize these two groups.

In the past, only local remedies were sought. State and local governments and private organizations have in many instances acted to aid these people. However, because of the great number of migrant workers and because of their constant movement their plight is a national problem of concern to all Americans.

While the Congress has enacted legislation to alleviate some of the problems afflicting these people, additional action must be taken to allow them and their children to share in the benefits of our society.

First and foremost, migrant workers urgently require coverage under the National Labor Relations Act. They must have the right to utilize the collective bargaining process to improve their economic and social status as industrial workers have for more than 30 years.

In many localities there are legal restrictions against providing public services to nonresidents, therefore, barring the migrant farmer and his family from most of the health and welfare services offered to other citizens. One worker at an Ohio camp had a child who was seriously ill. He was told by local welfare officials to take the child to a public clinic which was open only on Thursday and Friday. Unfortunately, the child was dying on Saturday.

One of the most critical needs of the migrant agricultural worker and his family is for decent housing and sanitation. Programs must be developed to assist in the construction of adequate housing facilities for these workers and their dependents.

The migrant worker faces unemployment with no reserve in the form of unemployment compensation which the industrial worker has long taken for granted. Our unemployment insurance laws must be amended to provide benefits for workers employed on large commercial farms.

At the present time a farmworker is eligible for social security if he receives $150 in cash wages from his employer during the year or if he works for the same employer for cash wages for 20 days or more during the year. Because of their constant movement, short periods of employment, and low rate of compensation, most migrant workers do not meet the requirements to be eligible for social security benefits. Our social security law should be amended by reducing from $150 to $50 the amount which must be earned from a single employer each year by farmworkers. In that one act social security benefits would thereby be extended to 500,000 farmworkers, the great majority of them migrant laborers.

Mr. President, while these proposals recognize the problems of migrant workers and, to some degree, will correct their wretched working and living conditions, they by no means completely solve the problem of bringing the living standard of these forgotten people to the level enjoyed by most other Americans.

In this Congress, as in previous Congresses, leadership in this task has been undertaken by the distinguished junior Senator from New Jersey (Mr. WILLIAMS). I am proud to be cosponsor of legislative proposals which he has introduced to cure many of the ills afflicting migrant workers.

If these proposals are enacted by Congress, we will have removed a system of virtual peonage from our society. In doing so America will once again prove that it is a nation where no one is forgotten, where the young have faith and their elders have hope.

S. 2014—INTRODUCTION OF A BILL—FOOD STAMP REFORM ACT OF 1969

Mr. McGOVERN. Mr. President, for 4 months, the Select Committee on Nutrition and Human Needs have been studying the problem of hunger and malnutrition in the United States. This study long overdue, is being carried forward as rapidly as possible. The committee is instructed by the Senate to complete its work and make its final recommendations before the end of this year. This kind of careful investigation is essential to the development of a full food program adequate to the Nation's needs. There are, however, certain steps we can take now to reduce hunger and malnutrition while the committee continues its studies.

We have already seen more than enough to know that many Americans are hungry now. They have been hungry for years. We can wait until the end of the year for final recommendations which would doubtless mean a delay until 1971 before we actually had an effective program in operation. But if we wait, we should know the price of waiting. Thousands of youngsters will continue to die at birth, many thousands more will suffer irreparable brain damage and stunted overall growth. The inescapable fact is that millions of our fel-

low citizens are caught in the grip of malnutrition now. The cost to our society in blighted lives, in billions of dollars of lost manpower, in more billions of dollars of chronic welfare costs—these costs and others too vast even to estimate are weakening both our economy and our social fabric. We cannot afford any longer the high cost of malnutrition. Considerations both of economy and morality demand that we take steps now to put an end to this enormous waste of life and treasure.

There is one overriding cause of hunger and malnutrition—inadequate income. Eight million Americans now live in families whose total income, including welfare payments, is less than half the Federal poverty level and less than the amount which their own Government estimates they need to meet their food needs alone. Some of these 8 million—no one knows how many—are served by present food programs. None are served adequately. Some scavenge or beg; they are all undernourished. Surely it requires no further study to discern that a person who does not have enough money to buy food is going hungry. Such people live in every part of our country. They live in urban ghettos where high rents and low welfare payments squeeze the food budget. They languish on our Indian reservations or in Alaska. They live in migrant labor camps where backbreaking toil brings them wages far too low to provide a diet adequate to the hard physical labor which they must perform. They live in Appalachia where a changing economy has deprived them of jobs and money. And they live all over a nation whose social security payments are so low that its elderly citizens are often malnourished.

Our present first line defense against this most fundamental cause of malnutrition, lack of money to purchase nutritious food, is the food stamp program. Unfortunately this defense is far too thin. In theory, the food budget supplements which it provides are aimed directly at the problem of insufficient income. In fact, the existing food stamp program is itself suffering from undernourishment. It encourages the poor to hope that their children may receive the food which they so badly need, then dashes this hope on the rocks of legislative restriction, rigid administration and penurious appropriations.

To correct these major deficiencies in our food stamp program I am today introducing the Food Stamp Reform Act of 1969. This bill will amend the Food Stamp Act of 1964 so that it can provide a much more adequate diet for the hungry and malnourished among America's poor.

This bill is not by any means the complete or the only answer to problems of malnutrition. It is not intended to prejudge any issue which the Select Committee on Nutrition is now studying, including the ultimate value of the food stamp program as the answer to the problems of hunger and malnutrition. What it is intended to do is to insure through the use of our current first line of defense against hunger, that no American citizen must go hungry while our studies continue.

It is the declared policy of the Congress that the food stamp program should "safeguard the health and well-being" of the Nation's poor by providing them with "adequate levels of nutrition." This is one "safeguard" system that is desperately needed for the Nation's security and for the proper functioning of our citizenry. Yet, hearings before the select committee have made it perfectly clear that the food stamp program does not effectuate this policy. Studies conducted by both the Agriculture Department and the Public Health Service have shown that the overwhelming majority of those requiring food assistance are not reached by the food stamp program and that those who are reached still are not afforded the resources necessary to purchase a minimum adequate diet.

The reasons for this failure are not hard to find. Any program which hopes to provide adequate levels of nutrition for those in need must meet three obvious requirements. The present program meets none of these.

The first of these requirements is that benefits should be provided on the basis of need. Under the present program, benefits depend on whether or not a hungry person happens to live in a county where local officials have requested the program. The Food Stamp Reform Act will eliminate the patent inequity of this situation. It will strongly encourage local officials to operate a food stamp program, but where the need is clear and where local officials will not accept or properly administer a program, it will permit the Secretary of Agriculture to use private local agencies or other governmental agencies to operate the needed program.

The second obvious requirement of any effective food stamp program is that stamps be provided at a cost which the poor can pay. Under the present program we ask a poor family to pay 30 to 50 percent of its meager income for food stamps, and we require this payment in an "all or nothing" monthly or twice-monthly lump sum. This requirement is in sharp contrast to the 17 percent of personal income which the average American pays in small installments each time he goes to the grocery store. These unrealistic purchase requirements are a major factor in the abysmal participation rates which are characteristic of our existing food stamp program.

The Food Stamp Reform Act will correct this problem by providing stamps at a price which poor families can afford, by providing free stamps for those whose incomes are so low they cannot begin to meet their food needs, and by permitting families to purchase less than a full month's supply of stamps at times and places convenient to them.

The third prerequisite to an effective food stamp program is that it must enable those who do participate to purchase an adequate diet. Under present regulations the very poorest of our citizens are entitled to less than half the stamps which the Department of Agriculture itself says they need in order to obtain a healthy diet.

The Agriculture Department has established the cost of a low-budget diet at about $1 a day for each person in a four-member family. The Army feeds each of its men in uniform at a cost of $1.32 a day. Yet the members of a food stamp family of four with an income of less than $60 a month are expected to eat for 50 cents a day.

Worse yet, we discriminate against the poorest of the poor. The same food stamp family is allowed 83 cents per person each day if its income is $320 a month. The poorer the family, the less it is entitled to eat. The Food Stamp Reform Act will guarantee that every participant in the program receives stamps equal in value to the cost of purchasing a low-cost diet. This will insure that every participant has the opportunity to eat properly and will end the grossly unjust assumption that the very poor can nourish themselves with less than half the food required by the moderately poor.

Mr. President, the authors of the food stamp program promised that it would be a "safeguard" to the health and well-being of the American citizen. It is time for us to fulfill this promise by building a truly effective food aid program around the basically sound concept of stamps as a supplement to the family food budget.

I am well aware that the reforms which I propose do not come free. Safeguard systems never do. But the cost of continued malnutrition is far greater. I have no doubt that even on a dollar and cents basis, it is costing us at least 10 times as much to perpetuate malnutrition as it would cost to end it.

Until last week I hoped that the present administration shared this belief. I was encouraged by the President's statement that "this administration will never turn its back on the growing needs of the American people," by his promise of "vigorous, innovative" action against hunger, and by Secretary Hardin's statement that "we cannot accept hunger as a way of life for millions of our people."

I had hoped that the administration's verbal commitment to the battle against hunger would be followed by strong new programs and funds to combat hunger. But now we find no new initiatives, and not a single additional dollar for the hungry in the President's new budget. We find only the barest nod to the hungry—an increase of $15 million for nutrition aides to teach the poor what to eat. But not one additional dollar to help the poor secure the food they need.

I am well aware of the budgetary problems faced by the President. I agree that peace and an end to inflation should be top priority problems. I have devoted my major energies in the Senate for 6 years arguing that peace must be our first priority. I recognize, too, that runaway inflation could render increases in spending for social welfare meaningless. But I see no reason whatever why these considerations need deter us from providing immediate assistance to any American who is unable to feed his family properly.

Certainly our first objective, peace, need not absorb the funds needed to combat malnutrition. An administration dedicated to peace can and should reduce military expenditures by at least $10 bil-

lion this year. Some of these cuts can be made in Vietnam, where a less aggressive strategy looking toward a political solution of the war would free billions of dollars.

But more important, these cuts must be made in the endlessly expensive military hardware which the Pentagon demands every year. Unless we are willing to curb the Pentagon's insatiable dollar lust, we will find that every penny now being spent in Vietnam has gone to satisfy the military's craving for ever newer, more costly, and highly doubtful weapons systems. Nothing in Mr. Nixon's new budget is more depressing than the fact that 80 percent of the modest reduction he has recommended in Vietnam expenditures will be absorbed by new defense projects. A continuation of this trend will be disastrous. On the other hand, the long delayed arms talks could be encouraged and our domestic needs met if we would put an end to excessive military expenditures. Such a budget would be taken as earnest of our expressed desire for peace. At the same time, it would free moneys which could go to feed our hungry citizens.

Are we to believe that our Nation can afford 11 trips to the moon, a new multibillion dollar manned bomber, and a dubious anti-ballistic-missile system, but that we cannot afford a penny more to feed hungry children because this would cause inflation? This is nothing less than disgraceful—the use of the threat of inflation to persuade a person who is suffering from hunger to wait a few more years for food. To put it bluntly, the budget which President Nixon has sent us taxes the middle income citizen and denies our poor the help they need while preserving an $80 billion defense budget with all its inflationary pressures.

In 1968 the average American was taxed $402.08 for arms. This same American was taxed $2.52 to provide food and nutrition for his fellow citizens. Can it really be argued that the military is more than 150 times as important to our security and well-being as an adequate diet for our citizens?

After years of rising welfare costs and near rebellion in our cities, and at a time when the tragic connection between infant malnutrition and adult dependency is increasingly clear, it should be obvious that military preparedness alone can never guarantee a nation's security. I fear, Mr. President, that the United States is falling into a trap which has brought down some of history's most wealthy and powerful empires—a trap set by overdependence on armed force at the expense of social justice. A nation which falls into this trap will find itself drained of the resources required to preserve its true sources of greatness and strength.

An end to hunger in America will not guarantee this Nation's security. But an end to hunger which stunts the growth of our poor children, robbing them and us of their full potential, will increase our security and preserve our future far more than additional billions of dollars for dubious military hardware or ill-fated ventures into the affairs of the people of Asia.

The food stamp reforms which I am introducing today will increase the cost of the food stamp program by about $1.5 billion in fiscal year 1970, making the total cost of the program approximately $1.8 billion. Of this $1.5 billion would go to provide free food stamps for families earning less than two-thirds the cost of purchasing a minimum adequate diet. There are presently 5.2 million Americans living in such families. The least we can do is provide an adequate diet for these millions whose yearly income is less than the equivalent of $960—$80 a month—for a family of four. This I submit is a minimum prerequisite to any serious attack on hunger. Anyone familiar with the costs of providing housing, clothing, medical care, and all the other needs of a growing family, knows that $80 a month cannot possibly cover these needs and still leave anything for food.

The other $300 million the bill would require during fiscal 1970 would go to raise the face value of stamps issued to all participants to an amount equal to the cost of purchasing a minimum adequate diet. This, too, seems to me to be a minimal requirement of any serious effort to end malnutrition.

In future years, the remaining participants, those who will still be required to pay for their stamps, will be charged as much for their stamps as they can realistically afford to pay. If we are to take all that they can afford to spend for food, then surely we must provide in return stamps which will permit them to fill their minimum food needs. The inability of the existing food stamp program to meet these minimum needs is one of its most serious failures. If we perpetuate this failure we will guarantee continued hunger and malnutrition.

There is just no escaping the fact that nutrition requires food and that food costs money. It is this hard fact which some weeks ago led me to label the present administration's reported $100 million food plan "halfhearted tinkering with the needs of the poor." Now we find that the administration has cut this reported $100 million package to $15 million.

I very much hope that President Nixon will eventually present a food aid program which faces the hard reality of cost. My plan is neither the only, nor the full answer to the problems of hunger and malnutrition. I will be the first to support any vigorous, innovative food assistance effort which is adequate to meet the needs of our hungry citizens. I am not wedded to the specifics of my bill or to having my name on any bill, but I am wedded to the belief that we must open a serious attack on hunger now.

Mr. President, I ask unanimous consent that a brief explanation of the Food Stamp Reform Act of 1969, a section-by-section analysis of the bill, and the text of the bill, which I sent to the desk for appropriate reference, be printed in the RECORD.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the brief explanation, the section-by-section analysis, and the text of the bill be printed in the RECORD.

The bill (S. 2014) to amend the Food Stamp Act of 1964, and other acts, to provide adequate food and nutrition among low-income households, and for other purposes, introduced by Mr. MCGOVERN (for himself and other Senators), was received, read twice by its title, referred to the Committee on Agriculture and Forestry, and ordered to be printed in the RECORD, as follows:

S. 2014

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 Food Stamp Reform Act of 1969

SEC. 2. The Food Stamp Act of 1964 is amended as follows:

(1) Section 2 is amended to read as follows:

"SEC. 2. It is hereby declared to be the policy of Congress, in order to promote the general welfare that the Nation's abundance of food should be utilized cooperatively by the States, the Federal Government, local governmental units, and other agencies to the maximum extent to safeguard the health and well being of the Nation's population and provide adequate levels of food consumption and nutrition among low income households. The Congress hereby finds that increased utilization of foods in establishing and maintaining adequate levels of food consumption and nutrition will tend to cause the distribution in a beneficial manner of our agricultural abundances and will strengthen our agricultural economy, as well as result in more orderly marketing and distribution of food. To effectuate the policy of Congress and the purposes of this Act, a food stamp program, which will permit those households with low incomes to receive a share of the Nation's food abundance sufficient to provide them with adequate levels of food consumption and nutrition, is herein authorized."

(2) Subsection (b) of section 3 is amended by adding at the end thereof a new sentence to read as follows:

"The term 'food' also means such products as the Secretary may determine to be necessary for personal cleanliness, hygiene and home sanitation."

(3) Subsection (j) of section 3 is amended to read as follows:

"(j) The term 'State' means the fifty States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, and the Facific Trust Territories."

(4) Subsection (a) of section 4 is amended by striking out the first sentence and inserting in lieu thereof the following: "The Secretary is authorized to formulate and administer a food stamp program under which eligible households within a State will be provided with coupon allotments of sufficient monetary value to enable them to purchase a nutritionally adequate diet. Such program shall be carried out in any State at the request of the appropriate State agency of such State or pursuant to section 15(c) of this Act."

(5) Subsection (b) of section 4 is amended to read as follows:

"(b) Nothing in this or any other Act shall be construed as prohibiting the Secretary from distributing federally owned foods, under any other federally authorized program, to households in any area in which a food stamp program is in effect."

(6) Section 5 is amended to read as follows:

"SEC. 5. (a) Participation in the food stamp program shall be limited to those households whose income is determined, as provided in this subsection, to be insufficient to permit them to purchase a nutritionally adequate diet. The Secretary shall prescribe, not less often than once a year,

the minimum level of income a household must have in order to purchase a nutritionally adequate diet for the members of such household and be financially able to meet the other normal living expenses of a household. He shall prescribe such level of income for households composed of varying numbers of individuals; but in no case shall the minimum income level prescribed by the Secretary be less for any household than three times the amount necessary to purchase a nutritionally adequate diet determined as provided in section 7(a) of this Act. In prescribing minimum income levels for households under this subsection the Secretary shall take into consideration such relevant factors as he deems appropriate but may not consider the availability or expected availability of appropriations to carry out this Act. Any household with an income below the minimum level prescribed by the Secretary for a household of comparable size shall be eligible to participate in the food stamp program. Notwithstanding the foregoing provisions of this subsection, if the Secretary determines that funds are insufficient for the fiscal year ending June 30, 1970, to permit an increase in participation in the food stamp program by eligible households whose income is greater than two-thirds of the current amount necessary to purchase a nutritionally adequate diet prescribed by the Secretary under this section (7(a) of this Act), he may, by regulation, limit the number of such households which may participate in the program in such fiscal year to the extent that funds are available; but in no case shall the participation of any household be discontinued under authority of this sentence if such household is participating in the program.

"(b) In complying with the limitation on participation set forth in subsection (a) above, each State agency shall establish standards to determine the eligibility of applicant households. Such standards shall include income limitations consistent with the minimum income levels determined by the State agency to be the minimum income required to enable eligible households to purchase an adequate diet at prices currently prevailing in the political subdivision served by the State agency or with the minimum income levels for eligible households prescribed by the Secretary under subsection (a) of this section, whichever minimum income level is higher. Such standards shall also place a limitation on the resources to be allowed eligible households, but such limitations shall apply to the income, if any, realized from such resources and not to any income which might be realized through liquidation of such resources. The standards of eligibility to be used by each State for the food stamp program shall be subject to the approval of the Secretary.

"(c) Minimum income limitations prescribed under this section shall be revised annually to reflect any increase in the cost of living, as determined on the basis of the Consumer Price Index (all items United States city average) published monthly by the Bureau of Labor Statistics, Department of Labor."

(7) Section 6 is amended by adding at the end thereof a new subsection as follows:

"(d) Any household making application for the benefits of this Act shall be certified for eligibility solely by execution of an affidavit, in such form as the Secretary may prescribe, by the members of such household making application. If an error is found in in the income level specified in the affidavit, the level of assistance to which such household is entitled shall be properly adjusted in accordance with the standards of this Act and regulations issued thereunder and no further penalty of any kind shall be imposed on any member of such household."

(8) Subsections (a) and (b) of section 7 are amended to read as follows:

"(a) Except as hereinafter provided in this subsection, the face value of the coupon allotment which is issued to any household certified as eligible to participate in the food stamp program shall be not less than an amount necessary to purchase a nutritionally adequate diet for the members of such household. The amount necessary to purchase a nutritionally adequate diet for households composed of varying numbers of individuals shall be determined by the Secretary and shall be revised annually by the Secretary when necessary to reflect any increase in the cost of living (determined as provided in section 5(c) of this Act). In determining the amount necessary to purchase a nutritionally adequate diet for any household the Secretary shall take into consideration such relevant factors as he deems appropriate but may not consider the availability or expected availability of appropriations to carry out this Act. In no event shall the amount determined by the Secretary to be necesasry to purchase a nutritionally adequate diet for a household be less than the equivalent of $120 a month for a household composed of four persons. A household may, if it so elects, purchase any amount of coupons less than the full coupon allotment it is entitled to purchase. The amount charged any household for any portion of a coupon allotment less than the full coupon allotment shall be an amount which bears the same ratio to the amount which would have been charged such household for the full coupon allotment as such portion of the full coupon allotment bears to the full coupon allotment such household was entitled to purchase.

"(b) Households shall be charged such portion of the face value of the coupon allotment issued to them as is determined to be equivalent to their normal expenditure for food, except that (1) any eligible household whose income is less than two-thirds the current amount necessary to purchase a nutritionally adequate diet prescribed by the Secretary under section 7(a) of this Act shall not be charged any amount for such coupon allotment; (2) any eligible household whose income is less than the full amount necessary to purchase a nutritionally adequate diet prescribed by the Secretary under section 7(a) of this Act but greater than two-thirds such amount shall not, after June 30, 1970, be charged for such coupon allotment an amount greater than an amount equal to 15 per centum of the income of such household; and (3) in no case, after June 30, 1971, shall any eligible household be charged an amount greater than an amount equal to 25 per centum of the income of such household for such coupon allotment. The Secretary shall implement the provisions of clauses (2) and (3) of the preceding sentence prior to the dates specified therein to the extent that funds are available for such purpose."

(9) Section 10(a) is amended to read as follows:

"SEC. 10. (a) The food stamp program shall be administered to insure that participants are afforded the opportunity to receive at schools, at approved retail food stores, in their homes, or at other appropriate places convenient to participants such instruction and counseling as will best assure that they are able to use their increased purchasing power to obtain those nutritious foods most likely to insure that they receive a nutritionally adequate diet. The food stamp program shall also be administered to insure that all households eligible to participate in the program are informed of its existence and given such assistance as may be required to enable them to make application for the benefits of this Act. In addition to such steps as may be taken administratively, the voluntary cooperation of existing Federal, State, local, or private agencies which carry out informational and educational programs for consumers shall be enlisted for the purpose of providing nutrition counseling and home economics services for eligible low-income households using such authorities as may be available to the Secretary, or in cooperation with other agencies of the Federal Government or private agencies. The Secretary is specifically authorized to use the educational potential of the national school lunch program and its extension to introduce better eating patterns and better nutrition to eligible households under this Act."

(10) Subsection (b) of section 10 is amended by striking everything following the colon and inserting in lieu thereof the following:

"*Provided*, That the State agency shall comply with the requirements of clauses (2) and (3) of section 10(e) of this Act."

(11) Subsection (e) of section 10 is amended by striking "(3)" and "(4)" and inserting in lieu thereof "(4)" and "(5)", respectively, and by striking clause (2) and inserting in lieu thereof the following:

"(2) that the State agency shall make every possible effort to insure that all households who meet the eligibility requirements set forth in this Act are certified to participate in the food stamp program; (3) that the State agency shall arrange for the issuance of coupons to eligible households and for the collection of sums required from eligible households as payment therefor through the facilities of United States Post Offices directly or by mail, through the facilities of participating retail food stores or in such manner as shall best insure participation of eligible households."

(12) Subsection (f) of section 10 is amended to read as follows:

"(f) If the Secretary determines that in the administration of the program in any area there is a failure by the State agency to comply with the provisions of this Act, or with the regulations issued thereunder, or with the State plan of operation approved by the Secretary, he shall inform such State agency of such failure and if such failure is not immediately corrected he shall directly administer the program in such area or administer it through any private nonprofit organization or through any Federal, State, or county agency he deems appropriate."

(13) Section 14 is amended by adding at the end thereof a new subsection as follows:

"(e) No person shall be charged with a violation of this Act or of any regulation issued thereunder or of any State plan of operation on the basis of any statements or information contained in an affidavit filed pursuant to section 6(d) of this Act."

(14) The second sentence of section 15(a) is amended by striking out "in subsection (b)" and inserting in lieu thereof "in subsections (b) and (c)."

(15) Subsection (b) of section 15 is amended to read as follows:

"(b) The Secretary is authorized to pay to the State agency of a State any amount not exceeding the total cost of carrying out the administrative responsibilities under this Act in any political subdivision if he determines that such payment is necessary to enable such political subdivision to conduct a food stamp program for eligible households living in such political subdivisions."

(16) Section 15 is further amended by adding at the end thereof a new subsection as follows:

"(c) Notwithstanding any other provision of this Act, the Secretary is authorized, in any political subdivision of a State, to administer a food stamp program in such political subdivision through any private nonprofit organization or through any Federal, State, or county agency he deems appropriate, if (1) the appropriate officials of such political subdivision or the State fail to request a food stamp program for such political subdivision after the Secretary has made an offer of Federal payments authorized by sub-

section (b) of this section, or (2) he determines that such a program is necessary in such political subdivision to accomplish the purposes of this Act or to alleviate severe undernutrition or malnutrition."

(17) Section 16(a) is amended to read as follows:

"(a) There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act. Such portion of any such appropriation as may be required to pay for the value of the coupon allotments issued to eligible households which is in excess of the charges paid by such households for such allotments shall be transferred to and made a part of the separate account created under section 7(d) of this Act."

(18) Subsection (b) of section 16 is amended to read as follows:

"(b) Upon written notification to the Congress of his intent to do so, the Secretary is authorized in any fiscal year to obligate sums in excess of the sums appropriated for such fiscal year pursuant to subsection (a) of this section, if such excess obligations are necessary to meet unanticipated increases in participation as the result of a change in economic conditions, or as the result of other unforeseeable circumstances, as determined by the Secretary. In no event shall the amount of excess obligations in any fiscal year exceed an amount equal to ten per centum of the sums appropriated for such fiscal year pursuant to subsection (a) of this section. The amount of any excess obligation incurred in any fiscal year shall be paid for out of funds appropriated to carry out this Act in the succeeding fiscal year."

The material, presented by Mr. McGOVERN, follows:

BRIEF EXPLANATION OF FOOD STAMP REFORM ACT OF 1969

The bill would make the following major reforms in the Food Stamp Act:

Free food stamps would be made available to the lowest income families.

The purchase price of stamps would be lowered for those who pay.

The total stamp value would be increased so that all participants are able to purchase an adequate diet.

PARTICIPATION, PURCHASE PRICE AND BONUSES

Participation in the program and the value of stamps received by participants are both based upon the fact that an American family must have a certain amount of money to spend in a year in order to purchase an adequate nutritious diet.

The Secretary of Agriculture would first prescribe, each year, the minimum cost of a nutritionally adequate diet. This could be not less than the equvalent of $120 per month for a family of four (the amount presently set by the Department of Agriculture under its low-budget food plan).

Participation in the Food Stamp Program would be limited to households whose income is less than three times that amount. For example, if the Secretary established the cost of a nutritionally adequate diet at the stated minimum of $120 per month for a family of four or $1440 per year, participation would be limited to households earning less than $4320 per year.

The State, however, could establish a higher maximum income for participation than that prescribed by the Secretary. Present State limits run as high as $5400 for a family of four.

All participants in the program would receive stamps having a face value equal to the prescribed cost of a nutritionally adequate diet.

The provisions for free stamps and the lowering of purchase prices are phased into operation during the next three fiscal years so that the new formula is designed to help the poorest of the poor first.

In Fiscal Year 1970, those families whose income is less than ⅔ the cost of a minimum adequate diet will receive their stamps free. Thus, for example, if the cost of a nutritionally adequate diet for a family of four prescribed by the Secretary is set at the $120-a-month minimum, or $1440 per year, and the family's income is less than $960 per year, it will receive free food stamps.

In Fiscal Year 1971, participating families whose income is less than the prescribed minimum cost of a nutritionally adequate diet but more than ⅔ that cost would be charged no more than 15% of their income. Therefore, again using the same example, a family whose income is between $960 and $1440 a year would pay no more than 15% of their income for stamps.

In Fiscal Year 1972, all other families, those whose incomes are above the prescribed minimum cost of a nutritionally adequate diet would be charged no more than 25% of their income for food stamps.

PURCHASE OF LESS THAN FULL AMOUNT OF STAMPS

Any family required to pay for their stamps would have the option of purchasing less than the full amount for which they are eligible. A proportionate reduction in total stamp value would then be received by the family.

COMMODITIES IN FOOD STAMP COUNTIES

The Secretary would be authorized to distribute surplus commodities in any area in which a food stamp program is in effect thus permitting a commodity distribution program and a food stamp program in the same county.

PURCHASE OF SOAPS AND OTHER SANITATION PRODUCTS

Recipients of food stamps would be permitted to purchase products necessary for personal cleanliness, hygiene and home sanitation.

COUNSELING, OUTREACH AND AVAILABILITY OF STAMPS

All participants would be given an opportunity to receive instruction and counseling on the purchasing and use of food. Administering agencies would be required to insure that eligible households are informed of the program; and stamps would be made available through the mails, at grocery stores or in some other manner to assure continued participation of certified households.

STATE AND LOCAL ADMINISTRATION

While the bill retains existing requirements that food stamp programs be operated through State and local welfare departments, the Secretary would be authorized to administer the program in any area through any Federal, State or county agency or through a private non-profit organization if he finds the State has failed to comply with the Act or regulations under the Act, if the State or local officials fail to accept a food stamp program, of if necessary in a particular area to accomplish the purposes of the Act or to alleviate severe undernutrition or malnutrition.

FINANCING

There would be authorized to be appropriated such sums as necessary to carry out the Act. The Secretary would be authorized to obligate an amount equal to 10% of the amount appropriated in any fiscal year to meet unanticipated increases in program participation.

COSTS

In order to implement the provision for free food stamps to the lowest income families and to raise food stamp values for all participants in Fiscal Year 1970, an appropriation of approximately $1.8 billion would be necessary. This is approximately $1.5 billion above the present level of food stamp program expenditures. This amount would enable every family eligible for free food stamps to participate in the program (2.3 million households). It would also enable all present participants in the food stamp program not covered by the free food stamp provision to continue to participate at present purchase requirements but with the increased stamp value sufficient to enable them to purchase an adequate diet.

Total participation in Fiscal Year 1970 could be as many as 8 million persons (3.6 million who are presently on food stamps plus 4.4 million new persons not now participating but eligible under the bill for free stamps).

FISCAL YEARS 1971 AND 1972

Additional appropriations required after Fiscal Year 1970 will depend upon the number of households and persons eligible to participate at the various income levels. This, in turn, would depend upon the income eligibility levels prescribed by the Secretary of States. the number of households with incomes below that level, participation in the commodity distribution program and other economic and program factors. These variables make it impossible at this time to estimate costs for 1971 and 1972. However, with a reasonable increase in participation each year by households paying for their stamps as the price of stamps is lowered, increased appropriations of between $500 million and $1 billion could be anticipated.

SECTION-BY-SECTION ANALYSIS OF THE FOOD STAMP REFORM ACT OF 1969

(1) This amendment declares that it is the policy of Congress that the food stamp program should provide adequate levels of food consumption and nutrition to this nation's low income households. It amends the present law which aims only to "raise" levels of nutrition among low income households.

(2) This amendment permits participants to use their food stamps to purchase items necessary for "personal cleanliness, hygiene, and home sanitation." Present law permits purchase of food items only.

(3) This amendment would extend the food stamp program to Puerto Rico, Guam, and other Territories over which the United States has direct authority.

(4) This amendment provides for the issuance of coupon allotments of sufficient monetary value to permit recipients to purchase a nutritionally adequate diet. Under the present law, coupon allotments need only provide recipients with "an opportunity more nearly to obtain a nutritionally adequate diet."

(5) This amendment removes the existing limitation on distribution of federally owned foods in areas where the food stamp program is being operated.

(6) This amendment contains the following provisions respecting eligibility to participate in a food stamp program:

(a) State agencies retain their authority to establish income standards for the purpose of determining eligibility to participate in the program. In setting these standards the State agency is to consider income levels required to permit a household to purchase a minimum adequate diet at currently prevailing local prices.

(b) The Secretary is directed to establish a national income standard. This standard is to be no less than three times the cost of purchasing a minimum adequate diet. All households whose incomes fall below this standard would be eligible to participate in the food stamp program. Participation standards set by the State agencies must permit participation by all households whose incomes fall below the standard set by the Secretary, but may permit participation by households whose income is above this standard. The Secretary is required to make an annual revision of the income standard to reflect changes in the cost of living.

These changes are designed to guarantee that no needy family shall be denied the

opportunity to participate in a food stamp program, while retaining local authority to establish eligibility requirements consistent with local conditions.

(7) This amendment provides that certification of eligibility to participate in the food stamp program shall be granted upon execution of an affidavit by a member of the applicant household. Any error subsequently found in this affidavit will result only in an adjustment of the assistance granted to the applicant household.

(8) This amendment makes the following provisions concerning the face value of coupon allotments and the charges to be made for these allotments:

(a) The Secretary is directed to establish the minimum cost of purchasing a nutritionally adequate diet which must be not less than $120 per month for a family of four (or its equivalent for families of varying sizes). All participating households are entitled to receive a coupon allotment equal in value to this cost.

(b) Households are permitted to purchase all, or any portion of the coupons to which they are entitled. Should they purchase less than their full allotment the purchase price will be reduced proportionately. This provision is designed to permit a family which is temporarily unable to pay the cost of its full coupon allotment to receive some benefits by purchasing as much of their allotment as they can afford.

(c) The price to be paid by a household for its coupon allotment is determined as follows: Any household whose income is less than two-thirds of the minimum cost of purchasing a nutritionally adequate diet will receive its coupon allotment free; no household whose income is less than the minimum cost of purchasing a nutritionally adequate diet will pay over 15% of its income for its coupon allotment (effective 6/30/70); no participating household will pay over 25% of its income for its coupon allotment (effective 6/30/71).

These changes are designed to insure that every needy household is able to participate in a food stamp program at a price which it can actually pay and that each household will receive stamps which will permit its members to meet their minimum food needs.

(9) This amendment requires that maximum effort be made to insure that needy persons are enabled to participate in the program and that participants in the food stamp program receive the instruction they require to insure that they are able to purchase nutritious foods with the coupons they receive. These efforts are to be undertaken by the administrators of the food stamp program in cooperation with other Federal, State, local, and private agencies.

(10), (11) These amendments strengthen #(9) by authorizing the issuance of coupons, and the collection of charges for coupons, through the facilities of the United States Post Office or through the facilities of participating retail food stores.

(12) This amendment permits the Secretary to administer any food stamp program where the local administering agency has failed to comply with the provisions of the Act. The present law punishes the poor for the failures of a State agency by terminating any program which does not comply with the law.

(13) This amendment gives effect to #(7).

(14) (15) These amendments authorize the Secretary to reimburse a State agency for costs incurred in the administration of a food stamp program if the Secretary determines that such payments are necessary to the operation of that program.

(16) This amendment permits the Secretary to operate a food stamp program directly or through any private, local, State, or Federal Agency if local officials refuse to operate a program after being offered the payments to which they are entitled under #(13) and (14) above. Under the present law, local officials, either because they oppose a program, or because they cannot afford to operate one, can deny needy residents of their area the opportunity to participate in a food stamp program.

(17) This amendment authorizes the appropriation of such sums as may be necessary to carry out the provisions of this Act. It removes the present dollar ceiling on appropriations for Fiscal 1970 and the first half of Fiscal 1971.

(18) This amendment permits the Secretary to obligate up to 10% more than the amount appropriated during any Fiscal Year. This excess must be repaid during the following year. It provides the flexibility needed to meet unanticipated costs which could arise out of relatively minor changes in the unemployment rate.

FOOD STAMP REFORM ACT OF 1969

Mr. WILLIAMS of New Jersey. Mr. President, I am pleased to join in the sponsoring of the Food Stamp Reform Act of 1969 which is being offered today. We are no longer free to ignore or even be ignorant of the plight of hungry Americans. We must face up to and remedy our "Biafran conditions" at home. We spend billions of dollars on space research which includes the manufacturing of synthetic food for astronauts. Yet, we spend only tokens on real food for our people here on earth. And while millions go hungry, we pay our farmers not to grow food.

We must now come to grips with this outrageous situation and accept Margaret Mead's challenge before the Select Committee on Nutrition and Human Needs:

> We need to face the simple facts: the American people are less well-nourished as a whole than they were 10 years ago. Those with the fewest resources and least education, those who live in the worst areas and belong to the most disadvantaged groups, are suffering the most. Their need is urgent. The national need is urgent.

Recent studies have shown that only 45 percent of the families presently receiving aid to dependent children under the welfare program are receiving food stamps or commodities. Even in the relatively few areas where food programs are available, only 50 percent of families living in those areas receive such assistance. The amount of money received is blatantly inadequate. For instance, some families receive only $8 or $10 per month for each child and there is not a soul who could live on such a meager sum, yet many try to struggle by at these miserable levels.

The poverty index classifies a family of four with less than $2,200 as "hard-core" poor. There are an estimated 12 to 15 million hard-core poor in our country. Minimal food needs are at least $1,100 per year for a family of four and $700 per year for housing the high costs of living. And even for the very poor, these living costs are getting higher every day. Therefore, it is easy to visualize the frustration and desperation this group of people must feel.

Mr. President, the distinguished junior Senator from South Dakota (Mr. McGOVERN) has championed the causes of the poor in America with a passion and dedication which will not soon be forgotten. He has shown us the need and now it is our job to show that we care. The hard-core poor are located in every State in almost every county of our country. So the problem is far from regional. Testimony has revealed that New Jersey has up to 500,000 hard-core poor and yet in January 1969 only 75,870 people received any sort of food stamp at all.

We should not allow public assistance programs to cover only 40 percent of the poor. The Food Stamp Reform Act of 1969 will provide: free stamps to poor families with incomes of less than $50 a month; lower the purchase price of stamps for poor families earning over $80 a month by 15 to 30 percent; raise to the value of $120 per month—which reflects the Department of Agriculture's estimated cost of a nutritionally adequate diet for a low-budget family—the value of stamps received by all participants; authorize distribution of surplus commodities to families where the food stamp program is in operation; provide for the administration of local voluntary agencies to administer the food stamp program where State or local welfare departments fail to accept responsibility for administering the program. Under this bill, even the poorest of families will be assured purchasing power for enough nutritional food.

During the past 10 years, while I was chairman of the Senate Migratory Labor Subcommittee, I saw hunger among the poor. That is one reason I feel so deeply that we must arrest the injustices of malnutrition and hunger. It is one of the most terrible footnotes to the American epic to see a litle girl of 10 whose teeth have already started to corrode, or a young man whose hands are disfigured from malnutrition. And yet this is what I saw on the numerous field trips I made. For example, on one trip to my own home State of New Jersey, within sight of the Princeton University towers, I saw a migrant labor camp with families gravely underfed and malnourished.

The real strength of our country is in the health, intelligence, and skill of our citizens. If we are willing to spend billions for defense, we must recognize that no better defense expenditure can be made than to improve the abilities of the people of this country. If we are willing to spend millions on welfare, we must realize that adequate food is a prerequisite to success in employment, housing, education, and health.

Because the existence of hungry Americans represents a strain on the self-respect of the Nation, we must act immediately to end this stigma. Because malnutrition is such a stubborn link in the poverty cycle, we must work hard to break this link. Because of the great return resulting from a small investment in health and nutrition programs, we must help reduce social dropout rates and enable hungry people to make the contributions of productive citizens. Because the real costs of our inaction are a high infant mortality rate, birth diseases, physical disabilities and a shortened life expectancy, our action is long overdue. Because we can expect that an individual who is hungry will be listless, apathetic, distrustful, frustrated, and alienated, we must act before the in-

justice of hunger in this rich land produces social unrest and chaos.

Michael Harrington asserted in his troubling book, "Another America," that there are two Americas: one made up of the middle and upper classes and "another" America of the poor and the indigent. The middle and upper classes are comfortably sheltered and are rarely aware of the poor and indigent America. They have their modern highways which conveniently by-pass the ghetto areas. They have their suburbs which neatly avoid the migrant farm areas. And they have their immaculate high rise apartments and shopping centers which have clearly forced the relocation of shacks. But how long can the existence of 22 million poor be systematically denied?

Mr. President, the solution cannot be found by turning away to a more pleasant question. We can no longer tolerate "another America" if we are to be a strong and healthy country. Freedom depends on free people, but hunger and malnutrition will keep our poor in bondage unless we act now to end the crisis.

DEATH OF REPRESENTATIVE ROBERT A. EVERETT, OF TENNESSEE

Mr. EASTLAND. Mr. President, the 91st Congress lost an outstanding Member in the passing of Robert A. Everett on January 26, 1969.

The middle South, the area he knew and loved so well, will miss him, for he epitomized public service and the cause of good government in its finest sense.

He visited me in my Senate office on January 4. It was the last time I was to see and talk with him. Even then, his zest for life made a deep impression on me.

His congressional service had its mark of greatness: concern for the disabled veterans, flood control from Minnesota to Louisiana, cotton research—and the tireless, devoted service to the needs of constituents will long be remembered.

I shall remember his smiling face, booming voice, counsel, and good fellowship.

To his wonderful mother I extend my deep and heartfelt sympathy.

It was that which he sought for others, that which he found, and that which he shared as he made his way to God.

ABM CAN HELP ARMS CONTROL NEGOTIATIONS

Mr. JACKSON. Mr. President, as the Senate is aware, the Committee on Armed Services, under the chairmanship of the distinguished Senator from Mississippi (Mr. STENNIS), conducted public hearings last week on the anti-ballistic-missile defense system. These hearings were held in connection with the yearly legislation authorizing funds for fiscal year 1970 for the procurement of aircraft, missiles, ships, and research and development.

On April 22, Hon. Paul H. Nitze, former Deputy Secretary of Defense and now chairman of the advisory council at the Johns Hopkins School of Advanced International Studies, expressed to the committee the view that in negotiations with the Soviet Union on the limitation and control of offensive and defensive weapon systems, the executive branch has the best chance of arriving at an agreement satisfactory to the United States if Congress approves the administration's request for authorization and appropriation for the ABM Safeguard system.

I commend Mr. Nitze's opening statement before the Armed Services Committee to the attention of Senators, and ask unanimous consent that it be printed in the RECORD.

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

STATEMENT OF THE HONORABLE PAUL H. NITZE, BEFORE THE U.S. SENATE COMMITTEE ON ARMED SERVICES, APRIL 22, 1969

Mr. Chairman: It is a privilege to appear again before this Committee on a matter of national importance, the ABM issue.

My first involvement with the nuclear question was in 1945. At that time, as Vice Chairman of the U.S. Strategic Bombing Survey, I was charged with the supervision of the group of scientists and engineers who conducted a survey of the effects of the nuclear weapons used at Hiroshima and Nagasaki.

In 1949 I participated in the reevaluation of U.S. policy which followed on the first testing of a nuclear device by the Soviet Union.

In 1958 I was one of the co-authors of a study entitled "The Impact of Technology on Foreign Policy," done at the request of the Senate Foreign Relations Committee.

In 1961 and 1962 I participated in the work of the Executive Branch on the Berlin and Cuban missile crises.

In 1963 I was among those involved in the successful effort to arrive at a limited test-ban treaty with the Soviet Union.

In 1967 I participated with Mr. McNamara in the development of the Sentinel Program.

In 1968 I testified before the Senate Foreign Relations Committee in favor of the nuclear non-proliferation treaty.

Since January 20th of this year I have been enjoying the freedom of a private citizen.

I wish today to support two propositions: The first is that negotiations be entered into promptly by the Executive Branch with the Soviet Union on the limitation and control of offensive and defensive nuclear weapons systems. The second is that the Congress support the request of the Executive Branch for Fiscal Year 1970 authorization and appropriation in the amount of $490 million Total Obligation Authority for investment in the Safeguard system. I believe these two propositions are not in conflict and, in fact, are mutually supporting.

It is my view that just as the world would be a far better place if nuclear weapons had not been technologically possible, so it would be a better world if neither MIRV's nor ABM's were technologically feasible. Unfortunately they are feasible.

It is also my view that the U.S.–U.S.S.R. relationship is not symmetrical. The Soviet Union has professed to be on the political offensive in respect to the non-communist world. The West has been, and is on, the political defensive. During the years when the United States was the only nation to possess nuclear weapons, we offered to share them with other nations under the Baruch plan. That plan was rejected by the Soviet government. At no time was our monopoly of nuclear weapons a threat to the integrity of other states. I am not one who believes that the reverse situation, one in which the Soviet Union is assumed to have held a monopoly on nuclear wepaons, would have had the same result.

Once the Soviet Union developed a substantial nuclear force it became evident that the relationship between us could develop in a more, or in a less, dangerous manner depending on the course which the United States followed. In the 1958 study on the impact of technology on foreign policy, to which I referred earlier, we emphasized the desirability of striving for a U.S. deployment which contributed to the stability of the nuclear relationship rather than to instability. We believed this could be done by developing mobile, dispersed or hardened systems which would not be excessively vulnerable to a first, or a pre-emptive, strike. This program was subsequently carried out with the deployment of the Polaris system, hardened Minuteman ICBM's and dispersed or air alert bombers.

I find it useful to look at the U.S.-Soviet nuclear relationship since 1957 in two distinct time periods. The first period was that from 1957, the year in which the Soviet Union launched Sputnik, to 1962, the year of the Cuban missile crisis. The second period is that from the Cuban missile crisis to the present time. During the first period the United States was deeply concerned that Soviet technology had in some important respects over-leaped that of the West. Great efforts were made, with the full support of the scientific community, to develop rapidly the secure second strike nuclear deterrent capabilities to which I earlier referred.

The Soviet Union, on the other hand, relied more on claims of technological progress and a wide ranging series of threats of nuclear destruction against other nations. Their actual deployment of ICBM's, as opposed to medium and intermediate range missiles largely directed against Europe, turned out to be slower than had been estimated by the intelligence community. At the time of the Cuban missile crisis the United States had, and the Soviet Union knew the United States had, a clear predominance in land based ICBM's and submarine based missiles, as well as long-range bombers. This fact, coupled with local superiority in the immediate vicinity of Cuba on the part of the United States, enabled President Kennedy to take a firm position in the Cuban missile crisis and caused Chairman Khrushchev to withdraw.

During the period since 1962 the United States has continued to perfect its second strike deterrent capabilities. The U.S.S.R. has, however, changed its declaratory policy; that policy has no longer been characterized by threats and unsubstantiated claims of technological progress. The Soviet Union's action policy, however, has been to increase greatly its efforts in the nuclear field. The result has been to change the situation from that existing in 1962 to one approaching overall parity.

A matter of particular concern to the United States has been Soviet developments in the ABM field. They started in 1962 with the deployment of a first generation ABM system around Leningrad and ABM related nuclear tests just prior to the limited nuclear test-ban treaty. The Soviets continued with a second generation system around Moscow and with the Tallinn system, which was considered by U.S. experts to have limited ABM capabilities. They are continuing development work on a more advanced system.

The Leningrad system was abandoned. The Tallinn system is now believed to be primarily directed against bombers but it is not certain that it cannot be upgraded so as to have an ABM capability. The Moscow system by itself does not appear to be a serious threat to our deterrent capabilities; it can be penetrated with high assurance provided a sufficient number of weapons are allocated to this purpose. The major concern is a more advanced Soviet ABM system deployed in large numbers for city protection. The Poseidon and Minuteman III programs are, in my view, of high urgency to protect our deterrent

against this possibility. The lead time between first obtaining evidence that a more advanced ABM is being deployed, and a substantial deployment in being, is so short that long lead time systems, such as Poseidon, cannot safely be delayed.

The more difficult issue is whether the United States should now abandon work on any deployment of an ABM system. In Fiscal Year 1968 the Congress authorized and appropriated funds for the deployment of such a system. Further authorizations and appropriations were included in the Fiscal Year 1969 budget. To terminate the program now and restart it again at a later time would involve a delay of one or two years from the date it was decided to resume and an extra expenditure of several billion dollars. In my view a long term relationship in which the Soviet Union proceeded with successive generations of ABM's and we did not could well result in an unstable situation with consequent grave dangers not only to the United States but to the rest of the world.

It is of the utmost importance that a way be found to halt the further evolution of strategic armaments. I see no way in which that can be done other than through reciprocal or parallel action by the Soviet Union as well as ourselves. The assumption that if we refrain from taking an action, the Soviets, in the absence of an agreement to do so, will refrain from taking a similar action is not supported by any experience we have had in the past or any reasonable forecast of Soviet action in the future. I see no alternative to taking all the actions necessary to give us unquestioned assurance of deterrence in the absence of an agreement with the Soviet Union for reciprocal limitations on offensive and defensive nuclear systems.

At the time of the Glassboro Conference in 1967, Mr. Kosygin was not prepared to initiate discussions. Subsequently, after the decision to go forward with the Sentinel system, the Soviet Union indicated it was prepared to initiate talks. The announcement of agreement to talk was to have been made on the day that the Czechoslovakian invasion took place.

Agreement now to initiate talks would not have the effect of appearing to condone the Czechoslovakian invasion. As I understand it, the Executive Branch believes it would be in a much stronger position in any talks on limitation of offensive and defensive systems if it had the backing of the Legislative Branch on its Safeguard program. I believe that position has merit. Negotiations with the Soviet Union are always difficult, long drawn out, and the subject of the most careful examination of all possibilities for relative advantage. If our negotiators are faced with a situation where the Soviet negotiators believe time is running on the Soviet side, our negotiators may be up against extremely adverse odds.

To arrive at successful and mutually advantageous agreement will, in any case, be extremely difficult. Under our Constitution the President is charged with the conduct of foreign affairs. I strongly urge the Legislative Branch to put him in the position he believes to be best to conduct those negotiations.

In Summary: I believe the Executive Branch should promptly enter into negotiations with the Soviet Union on the limitation and control of offensive and defensive nuclear weapon systems. I believe that the Executive Branch has the best chance of arriving at an agreement satisfactory to the United States in negotiations which are bound to be of extreme difficulty if the Legislative Branch has approved the request being made for authorization and appropriation for the Safeguard system.

ARMS CONTROL

Mr. CASE. Mr. President, when the Secretary of State appeared before the Committee on Foreign Relations last month and was questioned about the wisdom of deploying an ABM system at this time, I observed that "our biggest concern is with its effect on the escalation of the arms race itself and bringing us to a higher level of armaments on both sides." The reason for this concern, I said to Mr. Rogers:

> We will then be much less able to negotiate effective arms limitations because at a higher and more sophisticated level of armaments on both sides we will be unable to be sure, without the kind of inspection that the Russians will never permit, that they are abiding by their agreements.

We who have opposed ABM deployment at this time are no less concerned by the implications for arms control of another impending development—the deployment of Multiple Independently Targetable Reentry Vehicles, or MIRV's. Deployment of these multiple warheads may well be the "point of no return" in the arms race, at which time we might be unable to trust to national inspection systems to verify compliance with a strategic arms freeze. And when I recently asked the Secretary of Defense how soon we might reach this "point of no return," he replied:

> Not in the too distant future.

The urgency of this matter was underscored last week by the junior Senator from Massachusetts (Mr. BROOKE) in a most lucid and forceful address to the American Newspaper Publishers Association. I commend his analysis to the attention of all Senators. I very much hope that his suggestion for a negotiated freeze now on further MIRV air tests will be given the full and quick consideration by the administration that it deserves. I ask unanimous consent that the full text of the address be printed in the RECORD.

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

A CHOICE OF RISKS: THE DILEMMAS OF NATIONAL SECURITY

(Statement of Senator EDWARD W. BROOKE, American Society of Newspaper Publishers, New York, April 24, 1969)

I am pleased and honored to be with you today. This is a welcome and appropriate forum to discuss a question of supreme importance to the future well-being of the American people and the prospective tranquality of the world at large. That question concerns the likely course of the global arms race, and that course depends heavily on the actions which the United States and the Soviet Union, as the principal nuclear powers, elect to follow in the next few months.

These issues are esoteric and controversial. They evoke passionate comment more often than reasoned analysis. But if the United States is to exert the enlightened leadership which these issues require, we in government, you in journalism, and the citzens of this country are going to have to do a better job of understanding precisely what is at stake and what the options are in this complex area. It can never be said too often that, in matters of high policy, emotion is no substitute for insight, and commitment to an ideal is no guarantee of competence in reaching it.

Decisions on strategic weapons are inherently complicated. The relevant information is often classified or too voluminous for most of us to digest, even if it is not beyond our comprehension.

Still more important, these decisions are never static. They depend on what other countries have done and will do, and the decisions themselves will influence the behavior of those other countries. Largely because of this interdependence, strategic decisions are marked by extreme uncertainty, uncertainty about what effects they will have, about what actions potential adversaries may be able to take, about whether they will take steps of which they are known to be capable, and about a host of other factors which bear directly on the wisdom or unwisdom of the particular decision.

For these reasons decisions on strategic policies pose an extraordinary challenge to a democracy. How can a nation be said to govern itself if its people are unable to make a meaningful judgment on such paramount issues? The only answer I can conceive of is that the people's representatives, especially those in Congress, must devote the utmost energy and intelligence to probing strategic problems. Without critical and diligent evaluation by both the Executive and Legislative branches, the tendency of technology may well be to sustain that "mad momentum" of the arms race which Robert McNamara so vividly described.

Too often in the past it seems that military technology has been allowed to proceed without adequate political guidance. Vast programs have been undertaken too hastily and with too little scrutiny. Dangerous and unreliable innovations have been begun without sufficient appreciation of their likely consequences.

These concerns, together with the conviction that imperative investments at home will be delayed or curtailed until we get better control of the defense budget, prompted me to seek assignment to the Senate Armed Services Committee. In my first weeks on the Committee, I have become increasingly aware of the decisive significance of the strategic decisions which we and the Soviets are now making. It is no exaggeration to assert that these decisions, even more than the outcome of the struggle in Vietnam, will shape this country's vital interests for years to come. As horrendous as the costs of the war in Southeast Asia have been, in both human and material terms, they will seem paltry indeed if mis-steps in the Soviet-American strategic relationship should lead to a breakdown in stable nuclear deterrence.

I say this not to dramatize my remarks but to stress the necessity for a proper perspective on relations between Moscow and Washington. Our preoccupation with Vietnam, however justifiable, must not lead us to neglect the impending issues between the United States and Russia. We must overcome the familiar tendency for the urgent to displace the important.

We have reached a unique juncture in the arms race between ourselves and the Soviets. We face a crisis in the dual sense conveyed by the Chinese symbol for the that term, a symbol suggesting a condition of both danger and opportunity.

A combination of political and technological developments has brought us to an unprecedented situation. It is now clear that the great powers will either devise ways of limiting the growth of nuclear arsenals or they will plunge ahead into a costly and dangerous competition in strategic weapons with unforeseeable consequences for the peace and stability of the world.

There have been previous escalations of the arms race, to be sure, but not quite like the one now looming. For the first time both sides have expressed serious interest in seeking to limit additional deployments of strategic forces. The leaders of the Soviet Union have now come to recognize what responsible officials in this country have long declared, that there can be no winner in a nuclear war and that a rampant arms race will leave both countries much poorer but also less secure. Whatever else may be said

of Nikita Khrushchev, he brought essential realism to the Soviet Government when he abandoned the Marxist-Leninist doctrine of the inevitability of war between Capitalism and Communism.

Furthermore, the prelude to the present dialogue has seen substantial achievements in more limited realms of arms control. The Partial Nuclear Test Ban, the Treaty prohibiting deployment of weapons of mass destruction in outer space, the Non-Proliferation Treaty, the "hot line arrangement", and other measures of restraint have shown that the Soviet Union and the United States can carve out significant areas of agreement in such difficult and delicate areas. These are historic accomplishments. They augur well for further efforts to find mutually acceptable means of insuring both nations' security.

Of equal importance is the fact that the last few years have seen the evolution, through a combination of U.S. restraint and continued growth in Soviet missile forces, of a kind of rough strategic equality between the two sides. The most astute students of Soviet behavior have welcomed this development, because of the evident reluctance of the Soviets to enter wide-ranging arms limitation arrangements so long as they were militarily inferior.

A central factor in the less heated strategic atmosphere which has emerged durng the nineteen sixties has been the rapid advance of the technology of surveillance. Both major powers, but especially the United States, have devised unusually effective means for observing and monitoring the strategic inventories of the other side. Rising confidence in these techniques for determining force levels in the Soviet Union has permitted the United States to avoid repeating the massive over-expansion of offensive weapons in which it engaged in the early sixties.

These new technologies have also afforded hope that compliance with certain arms control agreements could be verified without the kind of local inspection to which the Soviet Union has consistently objected. It has seemed possible that we might escape that cycle of suspicion which Roswell Gilpatric once characterized by saying that "the Soviets are forced to react to what they *know* we are doing in response to what we *think* they are doing."

These were some of the trends which began to give a degree of assurance that the balance of terror might become less delicate, and that meaningful arms control was more than merely conceivable. Unfortunately, other trends have been at work to frustrate these hopes.

Contrary to widespread opinion, deployment of anti-ballistic missile systems is by no means the most significant of these trends. In fact, while ABM is hardly a trivial matter, it is clearly a subordinate part of the larger strategic problem. The more sinister elements in the situation, the ones which pose the gravest threats to the stability of the strategic balance and to the possibility of effective arms limitations, are pending innovations in the offensive forces of both sides. Developments now under way on both sides raise the likelihood that the level of offensive weaponry available to the Soviet Union and the United States will rise rapidly in the next few years.

I refer, of course, to the multiple warhead technology on which both the United States and the Soviet Union are working. The so-called MIRV concept, in which a number of independently targetable warheads are mounted on a single launcher, is undoubtedly the most disturbing breakthrough in strategic weapons since the advent of intercontinental ballistic missiles. Not only does it mean that a given rocket force may be modified to throw several times as many warheads, but it creates what could be insurmountable problems for inspection of an arms control agreement.

Together with the possible development of mobile land-based missiles, a technology of special interest to the Soviet Union, the deployment of MIRV systems would open large opportunities for evasion of any arms agreement which did not provide for extensive, on-site inspection. Disagreements over inspection of that kind have always been a major barrier to successful negotiations. But, if MIRV is actually deployed by either side, it will be virtually impossible to rely exclusively on the means of national verification which otherwise might be adequate to monitor a freeze on strategic forces.

What this means is that the present opportunity for strategic arms control is highly perishable. Indeed, it is measured in months. It now appears that, however justified the last Administration may have felt in postponing the arms negotiations with the Soviet Union, however outraged we and our allies may have been over Soviet ruthlessness in Czechoslovakia, the delay in the arms talks has been most adverse to their chances for success.

That sober view is based on the conclusion that, if MIRV is not controlled prior to deployment, it will probably not be controlled at all. And if MIRV is not controlled, other limitations will be even more difficult to achieve than otherwise.

In my judgment the most urgent task is to limit further operational testing of multiple warhead missiles. Once testing of these provocative systems is completed, it will be unlikely that either side will believe the other is not deploying them.

On the other hand, there are several major factors suggesting the desirability and feasibility of controlling test activity of this kind. First of all, without extensive tests it is doubtful that either side would have sufficient confidence in these complex systems to deploy them heavily. Secondly, unlike a ban on deployment, an understanding to forego operational tests of this kind lends itself to verification by the kinds of surveillance capabilities which both sides already possess. In addition, there is much to be said for seeking an exchange of observers at the small number of facilities where such full-scale tests could be conducted. Since such an exchange would not involve the widespread intrusion required by more elaborate schemes, an agreement might be facilitated. An exchange of this kind could be invaluable in providing experience in mutual observation and could help lay the foundations of trust which will be essential if more extensive inspection arrangements are to be accepted.

Obviously, any suspension of operational tests of MIRV is at best a stop-gap. It can only buy time for more elaborate arrangements to be negotiated. A ban on MIRV tests, as a means of impeding deployment of such dangerous systems, can only stand if both parties respect it and if they promptly move forward on a number of other agreements. For example, such a suspension must be conditional upon mutual limitation of ABM deployment and an understanding on the total number and size of strategic launchers which both sides will have. If ABM defenses for cities were deployed without limitation, or if the number of delivery vehicles continued to grow much beyond the present levels, there would be irresistible pressure to proceed with MIRV either as a penetration device or as a means of multiplying retaliatory capacity in general.

But an initial suspension of MIRV tests could be the critical lever on the arms race. By curbing the immediate need for deployment of both new offensive systems and ABM, it could create an environment for success in the more detailed and elaborate arms control discussions which must follow.

I believe there is a growing appreciation of the perils of further delay in the proposed arms talks and the need for prompt and bold action to initiate them. Secretary Rogers struck a heartening note when he announced that the talks should begin in the next two or three months. If they are not begun quickly, mankind's technological capacity will once more have outstripped its political capacity to build a safer and more rational world.

The President's proposal to deploy a modified ABM system must, of course, be evaluated in this larger context. And in that context I believe it should be seen for what it is, a dependent variable.

I have voted against every appropriation for ABM deployment. I remain skeptical. In the Armed Services Committee I am developing the most intensive interrogation I can concerning the so-called Safeguard system. There are a great many technical, political and strategic questions which would have to be answered satisfactorily before I could consider supporting deployment at this time.

Yet I believe it is vital that the President have a fair hearing for his recommendation before the Congress and the country exercise their responsibility to pass judgment. This is a matter in which we need to muster the most balanced and objective view of which we are capable.

I find it distressing that the President's recommendation was caught up in a flood of opinions and emotions related to the earlier Sentinel proposal. The ABM discussion had already acquired such momentum that it has been difficult to examine the new recommendation strictly on its merits. The result has been as Meg Greenfield so well portrayed it in the Washington Post, "a ragged non-debate on the ABM." If the nation is to make the hard decision which this question deserves, it will have to examine what the President has in fact proposed—not what others say he has proposed, not what his predecessor proposed, not what some wish he had proposed.

In particular it just will not do to have this matter descend into a narrow political contest, in which either partisan or personal advantage becomes a consideration. Whatever others may imply, I do not for a moment believe such factors influenced the President's decision. In fact, had they done so, he had every incentive to postpone or reject an ABM deployment. I am utterly confident that Mr. Nixon did not make his proposal on this basis. Those who charge that the President's decision was politically inspired reveal more about their own motives than about his.

Nor will it do merely to ignore the potential vulnerabilities which intense technological competition may create for strategic forces. Some observers have blithely proposed that the simplest and most effective way to deal with a potential threat to Minuteman would be to adopt a "launch on warning" policy. That is, if the radar screens showed what appeared to be an attack, the Minuteman force should be fired in a volley.

Apart from the technical uncertainties of such a scheme, this ill-conceived proposal completely ignores the requirements of stable deterrence. The entire effort of the past decade has been to construct secure second-strike forces which did not have to be launched on warning. It has been recognized by both the United States and the Soviet Union that the creation of such hair-trigger forces is a sure recipe for heightened tensions and fears, and for increasing the propensity to nuclear war at times of extreme crisis. I urge those who have been attracted to such a proposal to consider the implications of what they are suggesting. I, for one, do not propose to replace a strategy of questionable wisdom with one of obvious lunacy.

My plea today is that we get our priorities straight. The over-riding strategic problem of our time is to limit the multiplication of offensive weapons which increase the chance

that a nuclear exchange might actually be initiated, not so much through a calculated first strike out of the blue as through a preemptive strike generated by fears that multiple warhead technology and other devices might be used to destroy or defeat a country's retaliatory capability. As I have stressed, the next few months are especially critical and the problem of controlling further development and deployment of multiple warhead technology is especially vital. Only by pressing forward urgently with strategic arms control efforts to deal with these problems will we find a lasting means of preventing or limiting ABM deployment.

The risks of an uncontrolled arms race are frightening to contemplate. They include not only increased danger of a nuclear holocaust, though that is ample reason to seek to curb this deadly competition; but the profound dangers of continued neglect of social needs in this country and elsewhere. Even a small fraction of the nearly 200 billion dollars which the world is spending on armaments could make an inestimable contribution to relieving hunger, rebuilding cities, educating children, and to performing all the other humane missions which are now desperately starved for resources. Unless we can begin to reduce international tensions and to substitute programs of security through negotiation for the elusive quest for security through competition, the prospects for meeting the human needs of this planet are dim indeed.

These, then, are the real stakes in the decisions we and the Soviets face in the coming months. More than at any time in the postwar period, it may be possible for us and the Soviets, acting together, to choose the risks we will bear, to ease the strains on our societies by reducing the burdens and hazards of unending strategic competition. The moment is opportune, and the opportunity is too precious to lose.

CONSUMER PROTECTIONS

Mr. MAGNUSON. Mr. President, a recent issue of the CWA News, the official national newspaper of the Communications Workers of America, AFL–CIO, contained a comprehensive roundup of consumer protections that this Congress must face up to. Interest in these issues is widespread—and it should be, for they directly affect every citizen. I ask unanimous consent that the article, entitled "Let the Buyer Be Protected," be printed in the RECORD.

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

LET THE BUYER BE PROTECTED

(NOTE.—The beginning of 1969 brought a new President, a new Congress and presumably new attitudes in many corners of the U.S. But the nation's interest in one old thought—consumer protection—was heightening.

(Almost certainly, the old axiom of Caveat Emptor, "Let the Buyer Beware," will be removed from American usage. Aroused U.S. citizens will not suffer much more abuse.

(Action may not be swift. But as long as pressure is kept on via public exposure, action will come.

(The last days of 1968 brought two examples of the kind of commentary that will keep the pressure on:

(Betty Furness, President Johnson's adviser on consumer affairs, wrapped up her work with a parting blast at manufacturers' warranties, which she described as "more garbage than guaranty." She also decried the apparent attitude of President-elect Nixon, who, "in effect said he felt consumer protection should go back to each of the Federal agencies. In theory, that's a marvelous idea, but in practice that isn't the way it works."

("Nader's Raiders," a group of seven young lawyers assembled by Ralph Nader, a guiding light in exploration of consumer protection, released a study made last summer of the Federal Trade Commission. It amounted to a scathing denunciation of the FTC and its chairman Paul Rand Dixon in such terms as "inept" and "anachronistic." Such charges as "cronyism" have been refuted by Dixon, but even if the truth lies somewhere between, the report still has the effect of focusing attention on consumers' needs.

(While support of consumer protections is wholly predictable from such sources as Betty Furness and Ralph Nader, support also came from surprising sources, such as George R. Vila, chairman and president of Uniroyal Inc.

(Implying that industry was getting what it deserved, Vila laid part of the blame on intensive TV and other advertising. As a result, Vila said, "The consumer—already suffering from a sense of alienation—is constantly bombarded by 72 fiercely competing advertising claims. Is it any wonder he winds up with a feeling of hostility and suspicion?

("We cannot ignore what is happening," Vila concluded. "We care not to merely confront it with blind resistance. Consumerism will not disappear.")

TAX REFORM

Perhaps fundamental to the whole question of the U.S. consumers' needs is the right to an equitable tax structure which leaves the U.S. working men and women paying their fair share—but only their fair share—of the costs of operating the Federal, state, and local governments.

The benefits from a redistribution of the tax load are many and obvious. First, a fair redistribution would leave the working man more money. Second, the increased revenue when previous freeloaders assumed their fair share would provide the kind of expanded services the working man has a right to expect, all the way from highways to low-interest housing loans.

But, unfortunately, the U.S. tax system is not equitably distributed. Even the National Observer, a weekly newspaper published by the Wall Street Journal—credentials that hardly qualify the Observer as a friend of the working man—has gotten on the bandwagon, citing these glaring examples of inequity:

—A wealthy widow with an annual income of $1.5 million in interest from tax exempt municipal and state bonds pays nothing in federal income tax—in fact, she doesn't even file a return. Yet her gardener, who makes $5,000 a year, must pay $350 in income taxes.

—An apartment building owner has earned $7.5 million in personal income in the past seven years. This should put him in the 70 percent tax bracket, or about $5 million income taxes. But by carefully using the "fast depreciation" loophole, he paid only $800,000 over the seven years. That's the same rate, 11 percent, paid by a man with a $10,000 a year income and two children.

—A man purchased $10,000 worth of stock, which he kept until his death, when it was worth $100,000. It passes to his heir and there will be no income tax—then or ever—on the $90,000 in capital gains. That case history of a loophole was cited by Rep. Henry Reuss (D-Wis.), who estimates that $2.5 billion is lost in Federal income taxes each year because of failure to tax inherited gains.

Other examples are legion. Some of the foremost examples of tax loopholes feature depletion allowances on oil and other minerals, exemptions for charitable deductions and tax-free "non-profit" foundations.

The charitable contributions can be experty employed. For instance, one aspect of the Federal law provides that if in 8 of the previous 10 years a person's charitable contributions plus his federal income tax payments add up to 90 percent of his taxable income, he can deduct an unlimited amount for contributions to charity in the present year.

The tax-free state and local government bonds may be the most galling to the working man of all the tax loopholes. Originally intended to help state and local governments provide schools and other public services, studies by the AFL–CIO reveal that in many instances, "This federal subsidy has been perverted into a tax loophole promoting plant piracy, enticing runaway shops when many communities used tax-free bonds to build plants for private use and private profit."

Obviously, the plugging of just a few of the more glaring loopholes would allow raising of the current $600 per dependent exemption to $1,000.

AUTO INSURANCE

One of the hottest items in the current consumer cauldron is the issue of inordinate rates paid by U.S. drivers for often inadequate amounts of automobile insurance protection.

For the long run, the issue evolves around the Keeton-O'Connell plan. Strongly endorsed by the CWA Executive Board when it was first introduced, the Keeton-O'Connell plan calls for the elimination of the long and costly process of establishing blame in auto accident cases with losses of under $10,000. Devised by two young law professors, the plan would revolutionize the whole concept of auto insurance—and drastically reduce costs to the consumer.

Meanwhile, such groups as the Ohio State AFL–CIO have come up with some startling inadequacies in current protections. For instance, the Ohio AFL–CIO study shows that auto insurance rates have risen a startling 25.8 percent in the past three years. That compares with an over-all increase in the state's economy (consumer price index) of barely 11 percent.

And what are auto owners getting for the increased premiums?

Not much, according to the AFL–CIO findings in Ohio.

A December report revealed case after case of policy holders being canceled without apparent cause, then being re-classified as high risks, with astounding premium increases. In the case of one 27-year-old Youngstown man, it meant annual premiums of $700 instead of the $110 he had paid before the cancellation.

A startling, uncomplicated answer on just how the insurance companies can get away with such a stunt emerged last summer from hearings conducted by Sen. Philip Hart's Senate Antitrust and Monopoly Subcommittee.

The crux is that insurance companies can get away with premium hikes as long as the company shows small profits. The trick, Sen. Hart revealed, is that the companies mix their figures to show only profits and payments on underwriting auto liability insurance. Massive profits from investing the premium money don't show.

"What bothers me most is the plea of poverty based on underwriting results only," Sen. Hart says. "For instance, the underwriting and investment income results of the Stock Property and Casualty Industry from 1958 to 1967 show a statutory underwriting loss of over $731 million, which, when adjusted becomes a $413 million profit.

"During this same period, their net investment income was over $7 billion. When someone turns one pocket inside out to show you how empty it is, but has $7 billion in the other pocket, it is difficult to take their claim of poverty too seriously," Sen. Hart concludes.

The big stock companies, such as Aetna, Travelers, etc., have been losing money to the mutual and direct-writing companies such as Allstate and State Farm, which have lower rates. Naturally, the stock companies are willing to overhaul the system.

Their group, the American Insurance Association, has come up with such an overhaul plan—and it's similar to the Keeton-O'Connell plan to eliminate fault.

INTEREST RATES

The Truth-in-Lending Bill passed by Congress in 1968 was a milestone in consumer legislation, culminating eight years of work by trade unions and others since former Sen. Paul Douglas (D-Ill.) first introduced the measure.

The 1968 bill, which goes into effect July 1, 1969, calls for a clear statement of finance charges in both dollars and cents and in percentage on any rate where the charge is $7.50 or more. It calls for the same disclosures on revolving credit accounts offered by department stores and central credit agencies.

In 1968 one state went a constructive step further—to limiting the amount of interest—when the Washington State Labor Council, AFL–CIO, spearheaded the passage of Initiative 245. It was a year-long effort from the gathering of signatures on the petition to the eventual 90,000-vote victory on Nov. 5.

Initiative 245 limits the maximum retail credit interest rate to 12 percent. That sounds like a modest limit, but it's a major achievement in view of the fact 18 percent was the previous maximum rate in the state and that 18 percent, disguised as 1½ percent per month before the disclosure required by Congress, is the going rate for retail credit across the country.

One comment by Joe Davis, Washington AFL–CIO President, after the victory, makes an interesting point for all consumer affairs. "We might not have won," Davis said, "if it weren't that the opposition, conservative papers and business concerns, really committed overkill. They spent far too much on the campaign to stop us."

Davis' analysis suggests that the opposition really helped, simply by calling more attention to Initiative 245. Almost anyone would vote for such a measure if he were aware of it—it's apathy, not the public's judgment, that keeps many other constructive consumer measures from passing.

MEAT INSPECTION

Fish are next.

First came the Meat Inspection Bill in 1967, which gave states three years to come up to the tougher U.S. inspection standards. Previously, the U.S. inspected only meat that crossed state lines, leaving the states to regulate meat raised and consumed within one state.

Next came the Wholesome Poultry Products Act, the intra-state loophole after studies showed up to 30 percent of the poultry raised and consumed within one state did not meet federal meat inspection standards. The new law took in about 1.6 billion pounds of poultry products that are sold every year but do not cross state lines.

A measure to cover fish died without action in 1968 after a subcommittee of the Senate Commerce Committee held hearings on a bill that would give authority to the Secretary of the Interior to set sanitary standards for fish similar to those enacted for red meat. Since virtually no fish inspection exists, there are high hopes that the legislation will be revived in the 91st Congress.

AUTO REPAIRS

A natural outgrowth of automobile safety—one of the daddies of the current upswing in consumer awareness—the cost of auto repairs has come under close scrutiny from a Senate subcommittee.

One shocking revelation was that the cost of auto parts increased 52 percent between 1960 and 1967. As a result of various increases as well as out-and-out gouging by repairmen, U.S. car owners now spend $20 billion to $25 billion a year for repairs.

That compares with $29 billion annually for the purchase of brand new cars.

If anything, the costs are increasing even more rapidly. Last year, consumers spent $1 billion more on auto repairs than in the previous year.

POWER RATES

Thanks to the work of Sen. Lee Metcalf (D-Mont.), more and more power company overcharges for electricity are coming to the public eye. (Overcharge is the title of the comprehensive book on subject co-authored by Sen. Metcalf).

Since power companies are a public trust, they are subject to a regulatory commission, the Federal Power Commission. The FPC sets rates of fair return on utilities.

"Theoretical 'allowed' rates of return are meaningless," the Senator says. "One must look at the actual earnings to arrive at the facts."

Look he does. And instead of finding the "reasonable rate" of 6 percent prescribed by the FPC, he finds rates of 12.15 percent in New Mexico, 12.14 in New Orleans, 10.66 in Montana, 10.43 in North Carolina, 10.29 in Texas, 10.15 in Massachusetts, 10.13 in Iowa, 10.01 in Rhode Island and 14 more companies in seven states with rates of 9.0 or better.

MEDICAL-DRUG COSTS

"There is not a major industry in the United Stats that is more socially irresponsible than the large pharmaceutical manufacturers who promote the sale of brand name prescription drug products."

That statement by the AFL–CIO Executive Council in February, 1968, typified the outrage felt in many quarters by the price mark-ups on drugs.

The staggering mark-ups, sometimes over 1,000 percent of the cost of production, were revealed soon after the documentation of how much doctors fees and other medical costs have risen since the advent of Medicare four years ago.

Unfortunately, the sky-high prices of prescription drugs remained a major unresolved issue in the 90th Congress.

OTHER

Among the many other measures to protect the U.S. consumer on which discussion and/or action has been taking place:

Warranties—All the way from tooth brushes to automobiles, most current warranties many of them highly bally-hooed, put the burden of proof of defects, time of purchase, etc., on the consumer instead of on the manufacturer. As a result, countless obstacles and requirements often block the effectiveness of such warranties.

Door-to-door sales—An AFL–CIO-supported bill would protect consumers from high-pressure salesmen by allowing the customer to cancel a sale within two days afterwards.

TV radiation—A law to set safety standards for television sets to protect viewers from radiation emission was enacted last year, but failed to include protection for workers who make the sets and face the greatest potential danger.

HINDSIGHT AND FORESIGHT IN THE WORLD ECONOMY

Mr. KENNEDY. Mr. President, the current issue of Columbia Forum contains an eloquent article written by Miss Barbara Ward. It raises a number of broad questions about international economic development and the adequacy of existing programs for assistance to undeveloped nations.

In the course of her article, Miss Ward draws some interesting parallels between world conditions today and conditions in France, Russia, and China before their revolutions. She emphasizes, however, that as a matter of history, national development has taken place not only by violent revolution but also by peaceful evolution, and that the factors for peaceful change in society have often been rooted in enlarged economic opportunity.

Miss Ward's message is clear. She asks the developed nations of the Atlantic community to recognize that the basic principles of their own domestic economic progress can and should be validly applied to world development. She urges the Atlantic community to initiate a coordinated program of joint economic assistance to underdeveloped nations. It is through this sort of "international Marshall plan," she suggests, that we can avoid the severe economic and political crises that threaten to engulf the world in the decade of the seventies and beyond.

Mr. President, I believe that Miss Ward's remarks will be of special interest to all of us in Congress and elsewhere as we seek to establish new priorities for our economic and social programs, both at home and abroad. I therefore ask unanimous consent that her article be printed in the RECORD.

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

HINDSIGHT AND FORESIGHT IN THE WORLD ECONOMY

(By Barbara Ward)

(NOTE.—Barbara Ward is Albert Schweitzer Professor in Humanities at the Columbia University School of International Affairs.)

It is difficult to read the pre-history of any great catastrophe without wondering why the protagonists were so blind or, if not blind, so powerless to act. How could the ministers of Louis XVI hope, in 1789, to summon a peaceful and cooperative Estates General with the political system undermined by almost a century's radical criticism, the country in the grip of a severe economic crisis and the peasantry in a mood of violence and despair? How could the Czarist Government delay so long in granting reforms to a countryside which, half liberated by the abolition of serfdom in 1860, had still discovered no workable or acceptable pattern of peasant farming nearly half a century later? The portents were there—protests from the intellectuals, explosions of violence, a steady growth in the blind, undirected resentment of the masses. But in the vast revolutionary upheavals that followed, one has the irresistible impression of men overcome by events, of remedies applied too late, of initiatives taken just half a decade beyond the chance of effectiveness. In fact, it is precisely this contrast between policies that might have worked if applied in time and the gathering onslaught of uncontrollable events that gives to the great explosions of history a tragic Greek sense of human fallibility and ineluctable fate.

But in the Atlantic world today, we should probably not spend too much time wondering why our forefathers lacked skill and foresight. It would be more profitable to ask whether we ourselves may not be working up to another of the vast blind explosions that convulse human history and whether once again men of intelligence, insight, and resources are not failing to discern the portents of disaster and failing to act upon them far beyond the point of political no-return. There are, after all, a number of facts about our contemporary situation which might be thought to be as evident and inescapable to present observers as was the condition of

French society in the late eighteenth century or of Russia before the First World War.

In the first place, the whole of humanity is engaged in the process of transforming all of its methods of producing, working, and indeed living, by the application of science and technology. No one escapes. Either as actors or as passive receivers and sufferers, all the earth's people are drawn into the new system. But within this material, if not moral, neighborhood, the processes of change go forward at unequal speeds. The developed nations, largely around the North Atlantic, have sufficiently mastered the workings of their new scientific and technological system to be reasonably sure of increasing their already considerable wealth by some 4 per cent a year and often by more. The two thirds of humanity still living in pre-technological societies face, on the contrary, the prospect of stagnation or even progressive impoverishment as birth rates of 2 or 3 per cent surpass attainable growth rates in the local economy and humanity edges up toward the limits of currently available supplies of food.

Between rich and poor, therefore, the gap is widening. This fact already stirs emotional protest among peasants and peons, among fellahs and coolies, among Negro migrants and ghetto dwellers. It already underlies the violence of post-colonial protest in Southeast Asia and Arabia, or the anti-feudal stirrings in Central America and along the Andes. It has already been absorbed into the latest Maoist version of the Marxist faith and appears as Lin Piao's challenge to the world's poverty-stricken rural masses to encircle and destroy the White urban citadel of bourgeois-revisionist wealth stretching from Los Angeles to Vladivostock.

All these are obvious, incontrovertible facts that can be picked up from any tabloid newspaper or news program on television. They are more rather than less obtrusive than the facts of proximity, injustice, and protest that preceded open violence in France or Russia. But, on the evidence available today, future historians, looking back on our generation, will have to marvel all over again at man's blindness, at his inertia, complacency, and inability to act in time.

For consider the nature of our present response. Little or nothing has been done to apply the recommendations made at the U.N. Trade and Development Conference in New Delhi. The commercial bias against the developing world and the tilting of the whole system of international trade toward the interests of the rich have not changed. The tariffs affecting them are not much lower, in spite of the Kennedy Round; nor is their discrimination against manufactured exports from poor countries. Apart from coffee, sugar, and some first steps for cocoa, no new agreements to give greater stability to primary prices have been negotiated. Nor have European governments lessened internal taxes on coffee or cocoa or tea. The developing world has been rigidly excluded from all discussions of world liquidity. Such promising initiatives as the Stamp Plan or the modifications of the Triffin Plan, designed to give poorer countries first access to new working capital for world trade, have withered under the austere orthodoxy of the Group of Ten who accept added incomes from primary producers only when they appear as the uncontrollable by-product of war—long recognized, of course, as mankind's most "orthodox" activity.

Above all, the pledge given by the rich governments in Geneva in 1964 and again at New Delhi in 1968 to try to bring up the levels of genuine economic assistance to one per cent of their national income now looks simply laughable. Every year, since 1964, the Atlantic nations have *added*, on the average, about $50 to $60,000 millions to their national incomes. In round terms, they are about $300,000 millions better off than when the Geneva pledge was made. But the level of genuine economic assistance has stuck fast at about $6,000 millions a year and the average percentage of aid-giving is now not above 0.5 per cent of national income. The wealth of the Atlantic world has thus grown steadily. Its help to the poor nations has not. One is reminded irresistibly of the occasion when Marie Antoinette remarked: "Let them eat cake."

The analogy is not irrelevant. What nations do is determined by what nations think and many of the attitudes that paralyzed effective action before earlier catastrophes can be discerned in Western public opinion today. The Marie Antoinette class in our Western society are the indifferent who, absorbed in the new expanding wealth of the mass consumption economy, simply do not see the misery piling up beyond the charmed frontiers of their Atlantic citadel. The fact that at least half the citizens in the Atlantic world now enjoy better health, food, and comfort than the aristocrats of two centuries ago only makes the spread of indifferent affluence more all-embracing and deprives radical protest of much of its local pressure.

Our contemporary failure to discern the times is not only the result of callousness or indifference. It can also come from misjudging the full scope of the crisis. Men of good will can be mistaken too. In 1789, among the lawyers, the solid citizens with positions and titles in the Civil Service, the heirs of Diderot and Voltaire who answered the summons to the Estates General, there were many who were neither illiberal nor unconcerned. On the contrary, they believed themselves to be legislating an outmoded aristocracy into oblivion and declaring a new dispensation of human rights and dignity. Like the anti-colonialists and the anti-imperialists of Europe and America after the Second World War, they genuinely sought to redress old wrongs, liberate mankind, and achieve a new birth of freedom. But the chief reason why the euphoria of 1789 had degenerated into a bloodstained Terror within a couple of years lay above all in the disproportion between political hopes and economic realities.

With "liberty, fraternity, and equality" replacing an incompetent monarchy and a fading feudalism, society should, in the minds of the people, have been working better—with more jobs, more opportunities, brighter hopes. But in fact it was worse. The economy had collapsed. Credit was exhausted, the coffers were empty, capital had gone underground. Workless, breadless men streamed into Paris where demagogues turned them first into the implacable mob and then into the irresistible army. Liberals died on the guillotine not for any lack of faith in liberty but for their complete inability to revive the economy. Once again, can we be sure, as the old imperial powers withdraw from their colonies all round the world in the name of liberty and equality, that the anger and disillusion of the vast colored majority may not turn to violence if all the glorious dawn of independence brings is fewer jobs, less food and fading hopes?

We can, of course, reassure ourselves with our overwhelming military strength. But the Americans do not find Vietnam a costless war. Nor have we yet seen the potential havoc of nuclear mini-bombs in the hands of desperate men. It is not alarmist to point to such risks. It is not Cassandra-type gloom to ask whether the sixties may not be just a peaceful lull between the liquidation of Empire and the full onslaught of disillusion in the post-colonial continents. On the contrary, such warnings spring from a realistic sense of how history has dealt with similar crises in the past. For, as Santayana once reminded us: Those who will not learn from history are destined to repeat it.

There is another reason why historical experience is relevant to a fuller understanding of the world's creeping crisis. In the last 150 years, the upheaval of moving from a static, pre-technological society into a modern dynamic market system has not always been accompanied by revolutionary breakdown. There are success stories, too, and they, surely, are relevant to the world's search for peaceful transition in the still unmodernized sectors of the planet. The British survived the Luddite protest in the 1820s and the Chartist movement of revolt in the Hungry Forties by widening the franchise, providing poor relief, shortening working hours, improving conditions in factories and mines, and beginning the policy of cheap food through free trade. Thereafter they widened the franchise further, introduced compulsory education, put public money into houses and health, introduced the income tax and, in the twentieth century, moved on to the formal pursuit of full employment.

One can follow a similar rolling adjustment to the pressures of the new system across the Atlantic. It is, of course, true that the United States is a very special case. It began life as a liberal state without feudal encumbrances. Only in the South did slavery represent the attempt to adapt a pretechnological institution to modern needs and there, significantly, war was needed to break the obstacle. Elsewhere, vast physical resources, free land, a good climate and large-scale immigration made for unprecedented conditions for rapid modernization.

Even so, American society bore strong marks of crisis toward the end of the nineteenth century. Anarchism grew among the labor unions, the farmers of the West turned to radical Populism; riots in the cities and violence on the farms seemed to be increasing and nervous property-owners cried out that the Republic was in danger. But in fact safety valves were at work. America's tradition of public education helped to give the country a better trained, skilled, and hence rewarded labor force than in any other community. The Homestead Act had opened the land to the small farmer and had defeated attempts to set up a new landed feudalism of large financiers and railway magnates. And after 1900, first Theodore Roosevelt, then Woodrow Wilson, curbed industrial power, introduced federal income tax, and laid the foundations of later social advance in the New Deal, the New Frontier and the Great Society.

In Western Europe, in spite of the desperate waste of war and the right-wing revolutions of Fascism and Nazism, a long view over the century and a half of modernization reveals something of the same pattern of continual readjustment—through popular education, the recognition of unions, growing welfare, income tax, social insurance and finally, since 1945, the acceptance of full employment.

One can even follow something of the same pattern in Japan's forced-draught modernization in which a complete abolition of feudalism, a doubling of farm income, and the introduction of universal education were critical factors in the early breakthrough to economic growth.

In other words, the kind of revolutionary explosion induced by the forces of change in France, Russia and China is not inevitable. Societies have coped with the problems of transition by other means and recent history does not give us only warnings. It gives us examples as well. We can, if we will, learn from them some of the ingredients in successful strategies for growth and change. And then, if we have the wisdom and vision, we can apply them to the two thirds of our world still standing hopefully but impatiently on the other side of the threshold of modernization.

One can argue that in all the success stories the essential ingredient has been the enlargement of opportunity—morally and intellectually through education, politically through wider enfranchisement and, under-

pinning both, economically through the growth of *shared* resources. It is surely significant that the first really radical critic of the new technological society, Karl Marx—who prophesied its downfall in a series of French-type revolutionary catastrophes—based his forecast on the structural inability of early industrialism to extend the opportunities and purchasing power of the mass of the workers. Under private ownership, he maintained, wealth must be channeled to the privileged few and the new system's massive and growing powers of production would never be matched by an equally massive extension of purchasing power. Constant crises of "overproduction"—which would be in reality crises of underconsumption—would rattle the whole system to destruction and collapse.

But in the century since *Das Capital*, three profound changes have nullified the Marxist critique. All of them have, in one way or another, increased economic resources and hence social and political elbowroom. Income tax, steadily rising to higher levels in the developed West, has transferred wealth from rich to poor and hence indirectly increased mass consumption. Its use for education and health has directly increased energies, and hence earning capacity and skills.

This in turn has affected the second change—the end of subsistence wages. Rising payment for rising productivity, trade union defense of bargaining positions, enlightened management's realization that well-paid, well-educated workers contribute more to profits—in short, the whole revolution in the distribution of purchasing power through the market system of which Mr. Henry Ford, paying five dollars a day and selling his cars to his wage-earners, was an early and revolutionary symbol. A foreshadowing of the future mass market of high consumption could be seen in America in the 1920s and it spread to Europe after the Second World War.

The reason for its extension brings us to the third element in Marx's miscalculation. He believed the government would not intervene to widen the economic opportunities of its people, since it was itself a prisoner of wealth and privilege—"the managing committee of the bourgeoisie." In fact, the critical discovery of the mid-twentieth century, made largely in the wake of the vast arms effort of the Second World War, is that government *can* help, by wise fiscal and monetary policy, to secure rising demand and thus balance the machines' fabulous productivity with rising purchasing power. "Demand Management," the effective commitment to full employment, has been practiced not only by Atlantic governments acting separately but also in new collective action. Twenty years ago, the Americans successfully applied its principles to European recovery by supplying essential purchasing power through the Marshall Plan. From it flowed the Common Market and the pursuit of a joint strategy of growth. As a result, depressions and slumps—the old crises of "overproduction"—have been brought to an end and the Atlantic world has achieved its steady 4 per cent growth rate for over two decades.

Thus taxes redistributing income, the market sharing it more widely, and public policy ensuring adequate and rising demand make up a trinity of policies which have converted the old crisis-ridden Atlantic economy into the wealthy stable community of today.

Thus history has its victories. There are successful patterns inside domestic society which a functioning international system can follow. A cataclysm in the seventies, bred of world-wide despair and envy, is not inevitable. On the contrary, each of the tactics that have made a strategy of growth in the Atlantic world is fully applicable to our wider planetary economy.

1. Economic assistance could become a world development tax, beginning, say, at the level of one per cent of national income, contributed through international agencies—the World Bank, the IDA—through regional banks and multilateral consortia to the appropriate elements of a development strategy. Education, health, power, transport, agricultural extension and credit, industrial investment—the mixture of these elements will vary from region to region. But the fundamental aim—that of completing the modernization of the planet—would be the same.

2. Better distribution through the market could be secured by stabilizing primary prices, giving the poor nations easier access to developed markets and a wider share in the earnings of foreign investment, and the "middleman services" such as banking, insurance and shipping.

3. Last of all, a Kenynesian concept of demand management on a world scale might be introduced if the developing nations received, in economic assistance and in early access to new sources of liquidity, the flow of resources needed to balance the world's growing capacity to produce goods, particularly the capital goods demanded by all large-scale transformations of transport, power, farming, and manufacture.

Thus if history is any guide—and have we any other?—the Atlantic world today is poised between two variants of its own future. It can follow the route of drift indifference, complacency, and inaction, and watch the world's crises slip beyond the point at which rational solutions can still be applied. This is a perfectly possible route. The past is strewn with the wreckage of regimes that followed it. Or the Atlantic powers can take thought and action in time, looking carefully at the policies and expedients that have helped them to avoid disaster in the past and adopting the strategies that permit human society to secure control of its own destiny. This, too, is a possible route, since in spite of all its past errors and disorder, the Atlantic world today is more stable, more open to human opportunity, wealthier, more competent than would have seemed conceivable even 20 years ago.

But which route will be taken? In 1969 it is a matter of choice just as it was, 22 years ago, when in 1947 the United States Government, through General Marshall, made its first tentative commitment to European recovery and 19 European nations responded with the effort to look at their problems jointly and to make joint recommendations—through the Franks Report—for a cooperative and coordinated program. In 1947, the Americans could have decided not to act, the Europeans not to respond. In which case, the next historical catastrophe would undoubtedly have occurred in Europe.

In 1969, the potential shape of crisis takes the new form of the gap between developed North and aspiring, poverty-stricken South. Its pattern is clear, its threats increasing, its locus could be the whole of human society. What is lacking is any sign of a new "Recovery Program" to give the next 20 years the vigor, direction, and success of the last.

LOYALTY DAY A TIME FOR REDEDICATION

Mr. RANDOLPH. Mr. President, springtime is traditionally a time of renewed vigor as the earth begins to come back to life after the long winter's hibernation. The stirrings in the soil are encouragement to us to renew our faith in the eternal continuity of mankind.

It is also proper that this is a time for all Americans to renew their dedication to their country and the principles on which it was founded and on which it has grown strong.

On May 1, Mr. President, we will observe Loyalty Day, a yearly opportunity for this reaffirmation of faith. Loyalty Day was started several years ago by the Veterans of Foreign Wars as an American counter to the May Day celebrations of Communist nations.

It has now become a major event on our calendar, a time for vigorous American patriotism to bloom anew along with the spring flowers.

Loyalty Day is a reminder that we as Americans must be ever mindful of our heritage and jealous to guard our freedoms and rights. True patriotism is more than flying flags and marching bands, although these demonstrations of patriotic feeling can be a proper part of the expression of devotion to country.

Loyalty Day reminds us that we can practice meaningful patriotism every day of the year by making adherence to the precepts of Americanism the foundation on which we build.

The positive patriotism advocated by the Veterans of Foreign Wars in its Loyalty Day observance is an admirable starting place for renewing our love for our country.

PRESIDENT NIXON'S MESSAGE ON ORGANIZED CRIME

Mr. MUNDT. Mr. President, I invite attention to one part of the President's excellent message on organized crime. I refer to the section dealing with the new proposed legislation which I am cosponsoring.

Organized crime is a topic which can call forth quite a bit of emotional fervor. But emotional fervor, as we have seen, is not enough. Rational and deliberate legislative action is also needed. It is in this area that I am convinced the President has made his greatest contribution to the war against crime. The proposals dealing with witness immunity, wagering tax amendments, corruption of law-enforcement officials, and illegal gambling businesses are, it seems to me, needed and worthy of the attention of Congress and of the American people.

It is, after all, law that is the issue in the fight against organized crime. It is fitting that the legislative process, embodying as it does reason and trust and openness and concern for human dignity, should be a major part of a battle against the elements in our society which mock those qualities and seek to destroy them. The legislative program presented by the President is, in my opinion, a worthy one. I know it will meet with the approval of Congress.

ADDRESS BY SENATOR RANDOLPH AT THE MINING ENVIRONMENTAL CONFERENCE

Mr. EAGLETON. Mr. President, my distinguished colleague and chairman of the Public Works Committee, Senator JENNINGS RANDOLPH, visited my home State of Missouri last week to speak on the enormous problem of environmental pollution.

Speaking to the Mining Environmental Conference at the University of Missouri-Rolla last Wednesday, Senator RANDOLPH vividly illustrated the problem when he stated:

We are reaching the limits—and in many areas have dangerously passed the limits of our environment to absorb and assimilate the wastes of man's activities. It is estimated that at the present rate of population and industrial growth, by 1980, the pollution load will consume, during the low-flow summer months, all the available oxygen in all of the river systems of America. This is an appalling prospect, and the trend must be sharply reversed *now* if we are going to maintain an environment suitable for human life.

To do this will require a massive commitment from private and public enterprises and from government at every level. This is the challenge to each of us. If we meet this challenge, we will have the gratitude of our children and future generations.

I would like to echo Senator RANDOLPH's sentiments and express my gratitude for his fine speech.

I ask unanimous consent that the remarks of Senator RANDOLPH be entered into the RECORD at this time.

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

NEW TASKS AND NEW CHALLENGES

(Keynote address by Senator JENNINGS RANDOLPH, chairman, Senate Committee on Public Works, before the Mining Environmental Conference, the University of Missouri, Rolla, Mo., April 16, 1969)

It is a privilege to be in the "Show me" State. Senators Stuart Symington and Thomas Eagleton are my friends—one for many years in the Congress and the other as a newcomer to the Hill. In fact, Tom is a valued member of the Public Works Committee. Stuart is giving service of the highest order to his State and Nation.

And I know your fine Governor Warren E. Hearnes. The Lt. Governor is here today, and we are grateful for the presence of William S. Morris.

The productive power of industry and the variety of goods and services produced in our economy attest to the achievements of the engineering profession in America. These are achievements in which you can take justifiable pride.

The engineer has been the problem solver in industry. It has been your function to develop new methods and new processes for producing goods. It has not been your concern to think of the social consequences of some of the technologies you have devised. Today, however, the quality of our life is seriously threatened by the waste products of the same productive system that has made possible the marvels of modern civilization. We are fouling the air we breathe, the water we drink, and the land on which we live.

Today's United States population of 200 million probably will grow to 250 million by 1980, and likely will grow to 320 million or more by the year 2000. With the continuing trend of urbanization, our present 145 million urban residents probably will increase to nearly 200 million by 1980. And, unless trends are radically altered there will be perhaps as many as 270 million persons on little more than one percent of our land area only 30 years hence.

Speaking of only one of the many important facets of the future of the American society, in order to meet the energy demands of the population as projected, and to meet the requirements of an expanding technology, electric power generation, for example, must triple by 1980 and double again by the end of the century. Even if nuclear sources of power generation expand to provide half of the generating capacity, we still will have a three-fold increase in the combustion of fossil fuels.

The minerals and fossil fuels industries must expect equivalent increase in their production if they are to keep pace with our population growth in a constantly expanding technology.

The massive increases in production will require evermore stringent efforts to prevent and abate pollution of our environment. Even today, the minerals industry generates approximately 1.1 billion tons of solid waste annually—or some 30 pounds per person per day. Not only does this mounting pile of waste scar the landscape, but it is a major contribution to water pollution in many areas. For example, acid mine drainage from underground and surface mines as well as strip mines, from coal mines and copper mines, pollutes some 11,000 miles of streams. We may expect the problem of preventing water pollution from the solid wastes of the mining industry to become even more aggravated in the future. For as the ingenuity of your industry is expressed in an advancing mining and minerals processing technology, we see the mining and processing of increasingly lower grade ores. Thus, the amount of waste per ton of refined ore is greater than it was in a more primitive technology. For example, in the copper industry ores averaging 15 pounds of copper per ton are frequently mined and smelted. The mining process produces 2 tons of waste per ton of copper. Therefore, approximately 400 tons of waste material are produced per ton of copper. As I mentioned earlier, this is not merely a problem of solid waste and pollution of the landscape, but unless preventive measures are taken it also becomes a major factor in water pollution.

It is apparent therefore that modern technology increasingly has the power to disrupt and destroy the natural environment and the ecological balance on which much of life, and possibly even human life, depends.

We have recently witnessed a dramatic example of this in the oil well blowout in Santa Barbara. Though that was a relatively low producing well, we will not know for some time what the effects of the oil spill have been on the local marine ecology. And one hardly dares to contemplate the effects of a major off-shore oil well blowout.

In testifying before our Senate Subcommittee on Air and Water Pollution shortly after the Santa Barbara incident, Secretary of the Interior Walter Hickel referred to a major gas well blowout that occurred on the Alaskan Continental Shelf while he was Governor of Alaska. The Secretary stated that it took 14 months to extinguish the fire, which could be seen from a distance of 150 miles. The Secretary then publicly speculated on what the results would have been, had this blowout been a major oil producing well of 10,000 or 15,000 barrels a day. As he stated before our Subcommittee "we would have oil from the Arctic to the Antarctic." This is but one of the most dramatic of the potential dangers of our advancing technology. Perhaps of greater real danger to the quality of our environment are the less dramatic but more pervasive contributions to water pollution.

What are some of the specific pollution areas in the minerals industry of which mining engineers must become more aware, and toward which we must make greater efforts at pollution prevention and control?

Copper mining and processing;

Uranium mining and mill wastes;

Phosphate extraction and the consequent danger of overenrichment or eutrophication;

Oil field wastes from well drilling, brine disposal, and oil pipelines;

Taconite in Wisconsin and Upper Michigan;

Disposal of solid, liquid and gaseous wastes and dredging of wastes from steel mills, for instance;

Salt loads involved in mining;

Potential pollution and wastes from oil shale development.

I would particularly make reference to the problems of oil shale development, because since the gasoline shortage during the early part of World War II, I have maintained a keen interest in the development of our western oil shale lands. It is my understanding that it is not yet commercially feasible to develop these oil shale lands, but I have little doubt that at some time in the future the United States will need to turn to this as a source of energy. And the potential pollution problems of mining and processing oil shale make our present problems minute by comparison. This is an instance of where we must, in order to prevent total ruination of the environment, solve the pollution problems of oil shale mining before rather than after commercial development begins.

Let me assert certain basic principles which should guide our efforts in preventing and controlling environmental pollution. First, man is a part of nature and must learn to live in harmony with nature, with the recognition that any industrial activity to some degree despoils the natural environment and this despoilation must be minimized to the greatest degree possible; second, the Nation's water resources are a valuable national asset, subject to many uses, and that the whole Nation has a vital interest in their protection and enhancement; third, that our water resources are being degraded and that this degradation poses a threat to the wellbeing to the Nation and to our potential for long-term economic growth.

Acknowledgment of these principles brings us to recognition of the need for a three-pronged effort in the conservation and enhancement of the quality of our water resources.

First, reducing our water withdrawals keeps pollutants at a minimal level in our lakes and rivers. Such reduction of withdrawals applies not only to industry but to agricultural and municipal uses as well and may require reduction of the right to withdrawal in certain areas. For example, irrigation use in the southwest United States is the largest consumptive use of water in the area, and with the expanding population of that region municipal and industrial uses may in the future require higher priority than agricultural uses.

Secondly, we must maximize the use of that water which is withdrawn by developing industrial processes of more intensive use and reuse of water. The pulp and paper industry, and certain segments of the steel industry have made dramatic strides in this respect and I would hope that the minerals and minerals processing industry would do the same.

Finally, we must reduce to an absolute minimum the discharge of contaminated effluents into our water courses, and this requires not only greatly expanded plant treatment facilities but also greater effort toward developing in-process changes which reduce pollutants.

With respect to the minerals industry, acknowledgment of these principles must specifically concentrate a greater effort on the design and construction of mining sites to prevent soil erosion, disposal of mine spoil, use of impoundments and backfill, and prevention and control of acid mine drainage through water flow by recontouring and grouting and by flooding and air sealing.

I am aware that the mining industry is engaged in research in some of these areas of activity, and that certain of the suggestions I have made are considered matters of good mining practice. However, such practice is generally on a voluntary basis and is followed with varying degrees of diligence.

The Water Quality Standards Act of 1965, which was drafted in large measure by our Senate Subcommittee on Air and Water Pollution, will make these practices more uniform. In the last two years the States have submitted to the Department of the Interior

the water quality standards which were required by that Act, and the Secretary has approved most of the standards and the Department is now reviewing the exceptions.

In order to extend the technology of prevention of acid mine drainage, I authored an amendment to the Water Quality Act of 1968. This legislation died in the closing days of the 90th Congress, but it had been incorporated in the separate water pollution control measures passed in both the Senate and the House of Representatives. Consequently, my acid mine drainage provisions are incorporated in the pending legislation in both the Senate and the House of Representatives in the 91st Congress. These provisions would establish a demonstration program to test the technological and economic feasibility of controlling mine pollution within an entire watershed or drainage area. The program would be funded at a level of $15 million on a 75–25, Federal and State matching basis. Our Senate Subcommittee on Air and Water Pollution will meet in Executive Session this week on S. 7, the Water Quality Improvement Act of 1969, which incorporates my amendment. The Committee on Public Works of the House of Representatives has already reported similar legislation, and we anticipate House action this week. I am hopeful that the acid mine drainage demonstration program authorized by this legislation will be the basis for new advances in pollution abatement technology in the minerals industry.

There is another provision for research and development in existing water pollution control legislation to which I would draw your attention. In the Clean Waters Restoration Act of 1966 we established a new program of contract and grant research to develop more efficient and economic techniques and technology for pollution control and prevention. This program authorizes grants to industry, totalling $20 million a year, to aid in finding new and improved ways to treat and prevent industrial wastes, with a maximum Federal share of 70 percent of project costs. I am led to believe that the applications for research grants and contracts from the mining industry have not been overwhelming in number. I urge those of you representing both private and public enterprises to give consideration to this provision of the existing statute.

We are reaching the limits—and in many areas have dangerously passed the limits of our environment to absorb and assimilate the wastes of man's activities. It is estimated that at the present rate of population and industrial growth, by 1980, the pollution load will consume, during the low-flow summer months, all of the available oxygen in all of the river systems of America. This is an appalling prospect, and the trend must be sharply reversed *now* if we are going to maintain an environment suitable for human life.

To do this will require a massive commitment from private and public enterprises and from government at every level. This is the challenge to each of us in this room. If we meet this challenge we will have the gratitude of our children and future generations.

BOHLEN WARNS ON SOVIET INTENTIONS

Mr. DODD. Mr. President, for almost three decades Charles E. Bohlen was considered one of the foremost experts in our Foreign Service on the Soviet Union and Communist affairs. He has served as counselor of the Department of State, Ambassador to Moscow, and Ambassador to France; and when he retired this last January 20, he was the highest ranking career diplomat in the Foreign Service.

Mr. Bohlen, moreover, has had a consistent reputation as a moderate in the field of foreign policy and as one who believes that we should do everything in our power to reach meaningful agreements with the Soviet Union. Indeed, there were many who felt that he was, if anything, too prone to believe the best about the Soviet Union and to urge concessions in the interest of detente.

That Mr. Bohlen still hangs on to certain vestiges of his previous attitude is clear from the fact that he believes our bombing of North Vietnam was a mistake. However, it appears that Mr. Bohlen has recently taken a harder look at the Soviet Union, based on his many years of experience and, no doubt, on numerous disappointments.

I invite the attention of Senators to the report of a lecture which Mr. Bohlen delivered at Columbia University on April 12. According to the report, Mr. Bohlen said that the Soviet Union is still in the grips of a Stalinist system and that it will move toward meaningful detente only when the Communist Party is removed from power.

He also said that the present Soviet regime is just as bent on conquest as it was in the days of Stalin.

I ask unanimous consent that the report on Mr. Bohlen's speech, published in the Washington Post of April 13, 1969, be printed in the RECORD.

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

SOVIET UNION STILL STALINIST TO BOHLEN

(By Jim Hoagland)

NEW YORK, April 12.—Icicles still hang on his words when Charles E. Bohlen talks about the Cold War. The Soviet Union is still in the grips of a Stalinist system, he feels, and will move toward meaningful detente only when the Communist Party is removed from power.

In an unusual public review of his 40 years as a key figure in American-Soviet relations, Bohlen last week rejected reports of the demise of the Communist monolith, and depicted it as alive, well and bent on conquest.

Bohlen, who was the highest ranking career diplomat in the Foreign Service when he retired Jan. 20, made these assessments in three lectures at Columbia University.

The diplomat's lectures dwelt on Yalta, Potsdam and other events that occurred before many of the students were born. The questions they asked him after the final lecture centered on Vietnam, the "military-industrial complex" and arms control.

Bohlen referred only briefly to Vietnam, but his remarks on Soviet intentions there stood in contrast to his otherwise unrelieved condemnation of the Russians for provoking conflict with the West.

It was American bombing of North Vietnam that drew the Soviet Union into a heavy involvement that "was not really in the Soviet interest," said the former Ambassador to the Soviet Union and France.

He raised the "inference" that it was only after the bombing was halted that the Russians "felt free to use any influence they had" to get Hanoi to talk peace.

"It would have been simplest for the Soviet Union to stay out" of Vietnam, Bohlen said. But the Russian decision to send Hanoi $1 billion a year in supplies "was entirely dictated by ideological considerations" stemming from the bombing.

"Once we began to bomb North Vietnam, they decided to go in. . . . From the Communist point of view, if the Soviet Union turned its back on a small nation" fighting the U.S., the Russians "would have lost considerable standing."

Some other points Bohlen made in the lectures, sponsored by Columbia's School of International Affairs, and which are due to be published in book form:

There is "very little chance" that the U.S. will be able to reduce military spending, because the Russians show no sign of reducing theirs.

The Nixon Administration should "hurry up" on arms control talks, to test Soviet intention on disarmament.

THE BREZHNEV DOCTRINE

Mr. TOWER. Mr. President, last summer we saw the dissolution of the popular image of Soviet mellowing. The illusion of detente was resoundingly shattered by the armed aggression of the Soviet Union against the people of Czechoslovakia. The right of a sovereign state to self-determination has been seriously abused and peace in Europe has been threatened. I, for one, am not content to let this unconscionable act pass without notice. This resolution firmly states the opposition of the United States to this flagrant exhibition of tyranny.

President Nixon has said:

America's correct reaction to the Soviet thrust against Czechoslovakia is not some rash response—but rather a realistic reappraisal of the assumptions and the premises that underlie American policy toward the Soviet Union.

The resolution introduced here today serves as a reminder of recent events in Eastern Europe and, while appealing to the Soviet leaders to reconsider their course, advises our caution in future dealings with them.

The Brezhnev doctrine, calling for Soviet intervention in any socialist country when conditions in that country pose a threat to the cause of socialism, sets a precedent with grave and far-reaching implications for the political independence and the territorial integrity of the nations of Eastern Europe. The ursine shadow of Soviet Russia has darkened the prospects of freedom and self-determination which were just beginning to come to light in Czechoslovakia. We must make it very clear that we do not accept the Brezhnev doctrine, that we hold the implementation of that doctrine to be a gross breach of international law and a threat to peace and national sovereignty wherever it is carried out.

Only by clearly delineating our views in regard to the aggressive policies of the Soviet Union can we begin to negotiate with that government from a position of strength and solidarity.

RURAL JOB DEVELOPMENT ACT DRAWS BROAD SUPPORT

Mr. PEARSON. Mr. President, I am continually impressed and very much gratified by the attention and the favorable public support which has been accorded the Rural Job Development Act since it was first introduced in 1967. The bill's objective—the expansion of job opportunities in rural areas providing those who prefer to do so the freedom to remain in the smaller communities with-

out being forced to migrate to the already overcrowded, overburdened cities—is widely endorsed by rural and urban groups alike. Mr. President, an article published in the April 15 issue of Farmland analyzes the bill, its support, and its prospects. I ask unanimous consent that it be printed in the RECORD.

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

INTEREST REKINDLED IN PROPOSAL TO CREATE MORE RURAL JOBS

(By Jay Richter and Martin Schubkegel)

The landscape of rural America is due for a facelifting if the Rural Job Development Act of 1969 becomes law. The Act aims to breathe new life into small towns by providing business with the needed incentives to settle there—investment credits on machinery and equipment (double the 7% now in effect) . . . accelerated depreciation allowances . . . and tax write-offs for employee-training equal to 50% of wages paid.

The big idea is to slow the forced migration of country folks to urban centers, where growing population pressure—perhaps more than any single factor—has spawned the urban crisis. More than 20 million persons since World War II have gone this path out of economic necessity. Meanwhile, surveys report fully half of our city dwellers would prefer country living if it offered the same economic and social opportunities.

The implications for farmers aren't clear-cut, but indications are they would be helped more than hurt by spurred business activity locally: a bigger demand for their products, perhaps higher net income.

Author of the Rural Job Act, Sen. James B. Pearson of Kansas, thinks industry currently faces real deterrents to getting established in rural areas. He cites the high transportation costs to market, shortage of skilled manpower, and inadequate and expensive public services.

"We don't attempt to claim this bill would change this," he says, "but it will at least serve to stimulate a new questioning and debate among the directors of private enterprise."

Given that initial encouragement, they might be stirred to find the ways to overcome the glaring obstacles, the senator feels.

The link between urban problems and waning rural economies came into sharp focus during the demonstrations in Watts, Los Angeles, a few years back, Sen. Pearson told Farmland.

"A great proportion of the rioters consisted of migratory farm workers in search of jobs . . . but not prepared to do anything."

Pearson in 1967 drafted his first Rural Job Development Act, which was not much different from this year's proposal. Companion legislation—to rectify the situation in cities—was concurrently being presented in a bill to Congress by the late Sen. Robert Kennedy.

The Rural Job Act never even got to hearings. The chief reason, say the proponents, was that Congress was in no mood to make concessions to business at a time when a tax surcharge was being hotly debated.

"That surcharge overwhelmed the Rural Job Act," said a spokesman for Sen. Fred Harris of Oklahoma, who joins Pearson in promoting the bill in the Senate. "But attitudes have changed," he added. The 1969 version has 36 sponsors in the Senate plus broad-based support of rural/urban organizations and state officials. In the House the bill has been introduced separately by at least six Congressmen.

Pearson is "hopeful" for hearings on his bill this year, but this "is keyed on whether the administration finds the bill to be acceptable."

President Nixon, from every indication, favors some kind of program to stimulate economic growth in the countryside. "Almost everything has conspired to prevent the creation of jobs in rural areas," he said recently.

Atop the list, he put federal farm programs and the diminished requirements for farm labor; next, deficiencies in the communities, and an urban-minded industry that "has not sought sufficiently to decentralize."

Solutions Nixon sees: comprehensive land use plans; local, state and national tax policies to provide economic incentives; dispersal of government contracts into rural areas; and better education and job training.

At presstime Secretary of Agriculture Hardin hadn't yet taken a position. A USDA official, however, said Pearson's bill "is being studied." USDA endorsement is thought to be vital to getting the bill into law, inasmuch as it is USDA that's been charged with the details of administration.

The Secretary of Agriculture would first designate the rural areas qualifying under these criteria:

A county which has no city of more than 50,000 population, and at least 15% of families with incomes under $3,000.

If not meeting the 15% requirement, a county with employment declining by 5% or more during the past five years, or which stands to lose population due to curtailment of defense expenditures.

Indian reservations, with the approval of the Secretary of Interior.

Besides a 14% investment credit for machinery and equipment, the bill gives a 7% credit on land and buildings. In both cases, the credits are increased by 3 percentage points if the job area has fewer than 25 persons per square mile.

Accelerated depreciation is for two-thirds of normal, useful life for machinery, equipment, and buildings. All credits, along with deductions for employee training programs, may be carried forward for 10 years or backward for 3 years.

Not any business can accrue the benefits. The enterprise must create at least 10 new jobs at the beginning of the operation, and must show a "reasonable" ratio between capital invested and jobs created.

At least half of the original working force must be residents of the area or within easy commuting distance.

The employer must maintain the same working force he began with.

Senator Pearson emphasizes, "This is not a rural poverty program as such. We're not talking about slum or ghetto situations, rather about depressed areas." He wants to keep his bill clear of the "catch-all programs that are suffering in popularity among members of Congress."

He looks askance at some relief programs now operating. The Job Corps, e.g., in his view "isn't working well and is not making a good record" based on costs to train the participants.

Why delegate major responsibility to USDA to administer the law as opposed to, say, Health, Education, and Welfare or the Department of Labor? Replied the Senator, "We ran into flak on this one," mainly a resistance to an activity not related directly to agriculture. But, in the end, "the USDA people seemed to be the only ones making an endeavor in this area."

USDA, in Washington, D.C., operates a Plant Location Center as part of its Rural Community Development Service. Any businessman wishing to settle in a rural area can get statistics on the nation's smaller cities, towns, and countryside—the services available, taxes, markets, etc.

Says Plant Location Center's chief, John R. Fernstrom, "The truth is that industries are not easily lured by communities these days. Decisions to build are often based on considerations that cannot be factually stated." Attitudes of the people in the community, for instance, are just as important.

Some of Fernstrom's correspondence comes from people who write merely to show their concern over the migration to the cities. "This is a personal thing with them" he says. Families write that they don't want to break up and ask USDA to create opportunities to make staying at home possible for their children.

Fernstrom has strong convictions about the conservation of human resources, which he feels "are the most neglected and most poorly utilized." People invest a third of their incomes in raising children, he explained, "Then this human material, much of which is produced in rural America, is exported to the cities."

The Rural Job Act, along with bipartisan backing of legislators in Congress, has been endorsed by a special task force of the GOP Coordinating Committee, state directors of economic development, the National Rural Electrification Association, the National Farmers Union, and more.

But the powerful American Farm Bureau Federation has reservations. At its last annual convention, the stand adopted on tax incentives to rural business is that they are preferable to grants or loans. Yet, "this is an area to be approached with caution," believes AFBF. The Bureau called for more analysis . . . or else, a spokesman told Farmland, "if we once begin to use tax credits widely, we might have to increase tax rates."

Major opposition to anything like the Rural Job Act revolves around its cost to taxpayers and the Treasury. Nobody, including Sen. Pearson, seems in a position to estimate the charges, which would depend on numbers of industries participating, jobs created, etc. Pearson, though, stresses that the 1964 tax cut and various tax incentive programs "all presented growth of revenues in the final analysis."

Outright critics think the net effect will be rising real estate prices that would make farming an uneconomic proposition. But USDA's Fernstrom says "It's a buyers' market." Attempts by communities to ask unreasonable prices would cause the interested industry to bypass the community asking the prices. "The only real threat is to the community with a motive of speculation," he said.

What about competition for workers between farm owners and industry?

Although labor costs would trend to rise, there would also be some offsets, say the proponents of tax incentives. Overall economic growth in the communities would accelerate the demand for food, possibly result in better prices to farmers and higher net incomes. Supplies for farmers would become more available—and cheaper to buy—owing to agribusiness locating near point-of-production. And, over the long pull industry would be training workers for agriculture—at no charge.

The Rural Job Development Act offers but one approach to revitalizing rural America. Sen. Karl Mundt of South Dakota, for example, advocates a National Committee on Balanced Economic Development. Its main task would be in analyzing and evaluating development schemes and the conditions for development. Seventeen Senators are cosponsoring Mundt's bill, which he says "has strong support from every corner of the United States."

Two years ago former Secretary of Agriculture Orville Freeman called for studies on tax incentives for rural industry. "The whiplash of economic necessity which today," he said, "relentlessly drives desperate people into our huge cities must be lifted from the bleeding back of rural America."

PLAIN DEALER POINTS OUT NEW OIL TAX LOOPHOLE

Mr. PROXMIRE. Mr. President, I am pleased that crusading journalism is not dead. The Cleveland Plain Dealer in a series of articles has exposed the manipulations of the oil companies in their incessant and successful quest to escape taxation. In effect, the Plain Dealer, at great financial risk, is standing up to the oil companies' great power.

Few reporters could do justice to a complex tax loophole such as carved out production payments used by the oil companies to avoid paying taxes.

I commend Don Barlett of the Plain Dealer for his courage and perception. To quote the Plain Dealer:

> It is particularly important to present such an analysis at a time when Congress is engaged in the most extensive overhaul of the federal income tax system in history.

Only through public understanding and public pressure will these loopholes be closed. It is through the courage of the press that this public understanding and pressure will occur.

I ask unanimous consent that the article be printed in the RECORD.

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

OIL FIRMS CARVE OUT NEW TAX LOOPHOLE

(By Donald L. Barlett)

WASHINGTON.—The petroleum industry has zeroed in on a loophole in the nation's federal income tax laws that opens the door to a billion dollar tax dodge.

Once perfected, the loophole—virtually unknown outside the minerals industry—can enable an oil company to avoid payment of all federal income taxes.

The tax gimmick already is being used by some oil companies to escape the brunt of the 10% surcharge and income taxes running into the hundreds of millions, a Plain Dealer investigation disclosed.

The loophole involves a transaction known as a carved out production payment.

It is used in a complex bookkeeping system in which income is shifted from one year to another to create special tax advantages.

The accounting device gives a company an inflated income one year and a self-induced loss the following year.

Unlike the long controversial 27½% oil depletion allowance, a tax-saving benefit that was granted by Congress, the production payment is a tax-avoiding device.

When used in conjunction with the depletion allowance, the production payment allows an oil company to:

Increase the value of the depletion allowance above the level intended by Congress when the depletion law was enacted.

Create self-induced paper losses through bookkeeping manipulations that reduce and eliminate federal income tax liability.

Lower the income tax payments of other businesses owned by the oil company, giving these firms a subsidized advantage over competitors.

Growing use of production payments was found in a continuing Plain Dealer inquiry into the federal income tax status of the oil industry.

Although aware of the tax-avoidance technique, federal agencies are just beginning to compile figures on the scope of production payment sales.

U.S. Treasury aides call the payments a "tax abuse" and Congressional tax reformers label them a "tax dodge."

A production payment is similar to a loan, with the oil in the ground serving as collateral. The oil company borrows money from a lending institution and repays the loan as oil is produced and sold.

It is a transaction that is unique to the petroleum and minerals industry in that the proceeds of the loan are treated as income for tax purposes by the oil company. This may sound like a disadvantage but it works to the company's benefit at a later time.

This special tax treatment stems from court decisions and private rulings issued by the Internal Revenue Service (IRS).

The Treasury Department, in its preliminary study, estimates the government lost a minimum of $350 million in tax revenue in 1966 as a result of the production payment loophole.

A Capitol Hill tax expert places the potential loss to the government at more than a billion, noting that oil companies started using production payments to escape income taxes only in the last few years.

The practice is spreading—on a much smaller scale—to other mineral businesses such as coal and cement.

The only government statistics available on the subject are based on a limited Treasury survey.

These figures show that the sale of carved out production payments soared 150% from 1965 to 1966, rising from $214 to $540 million.

But the Treasury figures appear to be on the conservative side.

A Plain Dealer study showed that:

Ten large and small oil companies alone sold production payments totaling $217.4 million in 1967—the last year for which complete statistics are available.

Of the 10 companies, four reported owing no federal income tax at all, while recording combined profits of nearly $140 million.

A projection of production payment sales, based on these 10 companies, places the total for 1967 in excess of $1 billion. There are dozens of major and large independent companies, thousands of smaller firms, partnerships and individuals—all eligible to sell production payments.

Preliminary figures for 1968—based on company reports still being issued—indicate a continuing rise in sales.

Use of production payments is widespread, with a sizable majority of the major and large independent oil companies reporting the transactions.

Some oil companies conceal the actual production payment figure, lumping it with other income in their financial statements.

A production payment may be compared with a home mortgage loan transaction in which an individual borrows money from a bank to purchase a house.

The bank, in return for the money it lends, receives a claim (mortgage) against the property.

In the case of the production payment, the oil company obtains a loan from the bank, which receives a claim against the company's untapped oil reserves.

The loan usually is for one year, at a fixed rate of interest, and repaid out of the income from oil or gas produced and sold in the following 12 months.

Unlike such dealings in any other business production payment is considered as income rather than a loan.

The courts have ruled the buyer is purchasing an economic interest in the mineral in the ground—making the income of the production payment subject to the 27½% depletion allowance.

This inflates an oil company's income for one year, causing a mismatching of income and expenses over two years—a bookkeeping practice frowned upon by many professional accountants.

The mismatching occurs when the company reports the income from the production payment one year and the expenses incurred in extracting the oil the following year.

Under the depletion allowance, a company pays no federal income tax on 27.5% of its income from wells.

But the tax-free sum—according to the depletion statute—may not exceed 50% of a company's net income.

By selling a carved out production payment, the oil company bypasses the 50% limit imposed by Congress.

Using a fictitious firm, here is how the percentage depletion allowance was intended to work:

Cuyahoga Oil Co.'s income from wells was $10,000,000 for the year. Deductions for business expenses and costs totaled $8,000,000, leaving a net taxable income of $2,000,000.

Income from wells	$10,000,000
Business expenses	−8,000,000
Net income	2,000,000

The depletion allowance is based on gross income from the wells—27½% of $10,000,000. This represents $2,750,000 in tax free income.

Income from wells	$10,000,000
Depletion allowance	×.275
Tax free income	2,750,000

However, this deduction may not exceed 50% of the company's net taxable income, which in this case is $2,000,000. Fifty percent of this figure is $1,000,000.

Net income	$2,000,000
Depletion limitation	×.50
Allowable depletion	1,000,000

The maximum allowable depletion deduction then is $1,000,000, or $1,750,000 less than the full depletion allowance.

Net income	$2,000,000
Allowable depletion	−1,000,000
Taxable income	1,000,000

This leaves $1,000,000 on which Cuyahoga Oil Co. must pay federal income tax. At the corporate rate of 52.8%, the company pays $528,000 in income tax.

Taxable income	$1,000,000
Corporate tax rate	×.528
Federal income tax owed	528,000

Using the same figures over a two-year period, Cuyahoga Oil Co. would pay a total of $1,056,000 in federal income taxes.

Through a carved-out production payment, the company avoids federal income taxes in the following manner:

The company sells a production payment to a bank, foundation, insurance company or some other lending institution.

In this case, the production payment amounts to $8,000,000.

Added to Cuyahoga Oil Co.'s original $10,000,000, this increases the firm's income from wells to $18,000,000 in the first year.

Deductions for business expenses remain the same as before, $8,000,000, but now the net taxable income is $10,000,000.

Income from wells	$18,000,000
Business expenses	−8,000,000
Net income	10,000,000

The depletion allowance is based on gross income from the wells—or 27½% of $18,000,000. This represents $4,950,000 in tax-free income.

Income from wells	$18,000,000
Depletion allowance	×.275
Tax free income	4,950,000

Now Cuyahoga Oil Co. may deduct the full depletion allowance because it does not exceed 50% ($5,000,000) of its net taxable income.

Net income	$10,000,000
Tax-free income	−4,950,000
Taxable income	5,050,000

Taxed at the corporate rate of 52.8%, the company pays $2,666,400 in federal income tax in the first year.

Taxable income	$5,050,000
Corporate tax rate	×.528
Federal income tax owed	2,666,400

The following year the company's income from wells remains the same—$10,000,000. However, the company deducts as an expense, the funds used to satisfy the production payment (loan) of $8,000,000 leaving a balance of $2,000,000.

Income from wells	$10,000,000
Production payment	−8,000,000
Balance	2,000,000

The company's business expenses for the year still total $8,000,000, creating a self-induced paper loss of $6,000,000 and eliminating any federal income tax liability for the year.

Balance	$2,000,000
Business expenses	−8,000,000
Self-induced loss	(6,000,000)

Cuyahoga Oil Co. then applies the $6,000,000 loss in the second year as an operating loss carryback, collecting a refund from the government of the $2,666,400 paid in federal income taxes in the first year.

The $6,000,000 paper loss offsets the $5,050,000 income the first year, leaving $950,000 to be carried forward or back to other years.

Self-induced loss	$6,000,000
Prior taxable income	−5,050,000
Unused loss	950,000

Thus Cuyahoga Oil Co. eliminates payment of federal income taxes over the two years totaling $1,056,000 ($528,000 each year if no production payment), while showing a book profit of $2,000,000.

The company may repeat this cycle every two years, perpetually avoiding payment of any federal income tax.

The unused loss of $950,000 also may be used to reduce the tax liability of subsidiary businesses.

HOW CARVE OUTS CUT TAXES

[Dollar amounts in thousands]

	Production payments sold	Net income before taxes	Federal income tax owed	Percent of profit owed in tax	Profit after taxes
Atlantic Richfield Co	$56,325	$145,259	None	0	$130,005
General Crude Oil Co	609	5,500	None	0	5,500
Aztec Oil & Gas Co	2,200	2,516	None	0	2,510
Wilshire Oil Co. of Texas	284	392	None	0	392
Amerada Petroleum Corp	8,407	103,979	$887	0.9	58,461
Pennzoil Co	28,000	16,296	337	2.1	15,959
Union Oil Co. of California	26,626	163,820	10,400	6.3	144,963
Sinclair Oil Co	18,500	130,017	10,585	8.1	95,372
Tenneco, Inc	71,541	159,812	13,604	8.5	146,208
Continental Oil Co	4,900	241,362	30,031	12.4	148,962
Total and tax average	217,392	968,953	65,844	6.8	748,332

Note: This table is based on financial information obtained from reports filed with the U.S. Securities and Exchange Commission in Washington, D.C. The table, for the year 1967, shows value of carved out production payments sold, net income before taxes, Federal income tax owed, the tax rate and profits of 10 large and small oil companies. In some cases, the above figures for production payments sold are lower than the actual amounts because the companies reported the sales net of deferred income tax.

For example, Cuyahoga Oil Co. may own a publishing firm that reports net taxable income of $3 million.

The $950,000 paper loss is deducted from the $3 million. Instead of paying income tax on $3 million, the publishing company pays tax on $2,050,000.

This procedure is followed when the oil company files a consolidated tax return that includes all its subsidiaries.

One of the issues raised by production payment critics is the unorthodox accounting system that mismatches income and expenses over the two years.

The oil companies are so sensitive to the unique accounting procedure that it is never made public.

An oil company reports the mismatching of income and expenses only on its tax return—a secret document.

In its annual report to stockholders—a public record—the company lists the income from the production payment in the same year the oil is produced.

The dual income reporting system means two sets of financial books: one for the tax man and one for the public.

The use of production payments to elude payment of income taxes has received little publicity outside the petroleum and securities industries.

Even some members of Congress, who profess to be familiar with petroleum tax laws, seem to be unaware of the tax-avoiding potential.

Last February, Sen. William Proxmire, D-Wis., alluded to a tax loophole (production payments) which permits an oil company to use the depletion allowance to offset income from other sources.

His statement brought an immediate response from a colleague who observed that he was certain Proxmire was mistaken and added:

"It is (my) understanding . . . that the percentage depletion deduction is only available with respect to oil properties, or the income from oil properties. . . . I would have to have powerful evidence to the contrary.

"Before I came to the Senate I prepared tax returns involving oil operating interests and never have I heard that percentage depletion could be offset against anything except oil production.

"Furthermore, as the Senator (Proxmire) has accurately pointed out, it cannot exceed 50% of net income, and that net income is from the oil property or the oil income and not from other income.

"This is a technical area of the tax law and I can understand how one could be confused over it."

As one tax reformer put it:

"This is a very complex issue and most people don't understand it.

"It was only a few years ago, after some court and IRS rulings, that the tax lawyers found the loophole and said, 'Oh, boy, here we go.' "

A Treasury aide told The Plain Dealer that some farsighted oil companies sold production payments to reduce or eliminate the impact of the 10% surcharge.

The companies shifted income from 1968—the year the surcharge went into effect—back into 1967.

This was accomplished by selling a huge carved out production payment in December 1967.

The Plain Dealer study of production payments showed that oil companies from the smallest to the largest utilize the tax dodging technique.

The amounts of the production payments sold varied widely.

Aztec Oil & Gas Co. of Dallas, with a net income of $2.5 million, sold a production payment for $2.2 million—nearly the full amount of its profit in 1967.

In the same year, Atlantic Richfield Co. of New York had a net income of $145.2 million and sold future production amounting to $56.3 million.

Atlantic Richfield reported owing no federal income tax from 1962 to 1967—while registering total profits of nearly a half-billion dollars.

Complete financial statistics are available only for 1967. But incoming reports for 1968 indicate another increase in production payment sales.

General Crude Oil Co. of Houston—another firm that has owed no income tax in recent years—sold a production payment for $609,000 in 1967. In 1968, the figure rose to $6 million.

The Signal Companies, Inc., Los Angeles, sold a $7.7 million production payment in 1967 and a $19.8 million payment in 1968.

Observes a Congressional tax reformer:

"Sales of production payments are increasing in geometrical proportions each year.

"As more people learn how to use production payments, they eventually will result in a greater tax loss than the depletion allowance.

"It's another example of the oil companies finding a crack in the tax laws and widening it until it reaches the proportions of a chasm."

TIGHTER TAX LAWS FAVORED

A majority of 300 top corporation executives surveyed by a leading business magazine favor closing of loopholes in the nation's federal income tax laws.

Results of the survey—published this month by "Dun's Review Magazine," showed that most business leaders favor:

Reducing tax shelters such as the 27½% oil depletion allowance.

A closer look at some of the exemptions currently enjoyed by tax-free foundations.

Eliminating some deductions now used by individuals and a lowering of the over-all tax rate.

Taxing at least half the income of every individual—regardless of the source of the income.

Commenting on the poll, the magazine stated:

"Amid this swelling bipartisan support for an overhaul of the tax laws, perhaps the most surprising aspect of the survey of business leaders is the growing sentiment it discloses for reducing the availability of tax shelters."

OIL FIRMS LOST BATTLE, WON WAR

WASHINGTON.—The government tried to plug a petroleum industry income tax loophole back in 1958 and the big loser was the U.S. Treasury.

The reason:

In a successful legal battle to close one loophole, worth a few million dollars to oilmen, the government opened another loophole worth an estimated billion dollars or more to the same oilmen.

Looking back on the legal proceedings, a Capitol Hill tax expert says:

"It is the most expensive victory the government ever won."

The unusual victory came in a decision handed down April 14, 1958, by the U.S. Supreme Court in a case known as the P. G. Lake Case.

For the oil industry, it was a landmark decision that opened the door to a billion dollar tax dodge through the use of carved out production payments.

The issue then before the court was this: Should the proceeds of a production payment be taxed at the low capital gains rate of 25% or at the ordinary income tax rates that ranged up to 91%?

Until 1958, lower courts and the U.S. Tax Court had held that the sale of a carved out production payment constituted the transfer of a capital asset.

Using this interpretation of a production payment, the lower courts said the proceeds from the transaction should be taxed as a capital gains.

The Lake case was a consolidation of five separate cases, four involving oil production payments and one dealing with sulphur.

The lower courts had sustained the taxpayer's argument that the production payment represented the sale of a capital asset and thereby the lower tax rate.

In appealing the case to the Supreme Court, the government contended that the payments were merely an assignment of future income subject to taxation as ordinary income and not capital gains.

The Supreme Court upheld the government, moving The New York Times to report the following day:

"The Supreme Court held unanimously that payments for rights to future oil profits are taxable as ordinary income, not as capital gains.

"The ruling was a blow to what has become a widespread practice in the oil industry, so-called 'in-oil payments.'

"Forty-three cases are pending before the Internal Revenue Service and officials have said 'many millions' in tax revenue are at stake.

"In the government's view, the disputed practice was a way to anticipate future income and avoid paying full income tax on it."

As a result of the court's decision, the production payment device has been used by the oilmen not to "avoid paying full income tax"—but to avoid paying any income tax, as explained.

The decision paved the way for an oil company to create self-induced paper losses that may be used to reduce or eliminate the income tax payments of not only the oil company but its subsidiaries.

In the Lake case, the legal issues considered by the Supreme Court were quite narrow and did not involve the propriety of selling production payments to reduce taxes.

But the Tax Court, other lower courts and the Internal Revenue Service (IRS) all have issued similar opinions on techniques employed to lower income taxes.

Typical is a decision handed down by the U.S. Court of Appeals, Fourth Circuit, which states:

"The legal right of the taxpayer to decrease the amount of his taxes, or altogether to avoid them by means which the law permits, cannot be doubted.

"If, upon careful scrutiny, the transaction has real substance and is not a sham, it matters not whether the taxpayer's aim was 'to avoid taxes or to regenerate the world' . . ."

In private rulings, the IRS has expressed the same opinion on production payments, saying they are proper as long as there is a bona fide transaction.

There is nothing new about the sale of carved out production payments—only the purpose of the transaction has changed over the years.

The use of production payments in the petroleum industry dates back to the turn of the century—years before the United States had an income tax.

At that time, a wildcat oil operator would grant a production payment to a landowner in exchange for the right to drill on his property.

This concept later was expanded and the wildcatters gave the production payments to drilling companies—instead of cash—for their services.

The final refinement came in the last few years when tax experts found a way to reduce and often eliminate an oil or minerals company's federal income tax liability through the sale of a production payment.

ABM NEEDED TO PROTECT U.S. DETERRENT

Mr. JACKSON. Mr. President, as Senators know, the Committee on Armed Services, under the able chairmanship of the Senator from Mississippi (Mr. STENNIS), held 2 days of public hearings last week on the proposed anti-ballistic-missile defense system. The hearings were held in connection with the yearly legislation authorizing funds for fiscal year 1970 for the procurement of aircraft, missiles, ships, and research and development.

On April 22 the distinguished scientist, Dr. William G. McMillan, professor of chemistry at the University of California at Los Angeles and noted specialist on such strategic nuclear matters as reentry vehicle vulnerability, penetration aids, nuclear weapons effects and missile vulnerability, expressed to the committee his views in support of early deployment of the Safeguard ABM system as an essential part of maintaining the viability and credibility of our strategic deterrent.

I wish to commend to the attention of this body Dr. McMillan's opening statement given before the Armed Services Committee and ask unanimous consent that it be printed in the RECORD.

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

STATEMENT BY DR. WILLIAM G. MCMILLAN, BEFORE THE SENATE ARMED SERVICES COMMITTEE, APRIL 22, 1969

Mr. Chairman, and members of the Committee, your invitation has provided me a welcome opportunity to offer my views on the issue of ballistic missile defense.

Since this is my first appearance before your committee, I thought I should begin by sketching my technical background and experience.

BACKGROUND AND EXPERIENCE

I received my doctorate at Columbia University during World War II in that hybrid field known as chemical physics. Immediately thereafter I joined the Columbia University branch of the Manhattan Project as a member of the Chemistry Division, where we were deeply involved in the design of the gaseous diffusion plant for the production of U^{235}. After the war, I spent a year as a Guggenheim Postdoctoral Fellow in theoretical physics at the University of Chicago. In 1947 I joined the faculty of the Department of Chemistry at UCLA, where latterly I served six years as Department Chairman. I have also taught at Harvard and Columbia Universities.

During the 50's I served as consultant to the Engineering Department of Brookhaven National Laboratory and to the Lawrence Radiation Laboratory in Livermore. Since 1954 I have been a part-time member of the Physics Department of the Rand Corporation, where my work has been concerned primarily with such strategic nuclear matters as reentry vehicle vulnerability, penetration aids, underground nuclear testing and test detection, nuclear weapons effects and missile vulnerability.

In mid-1961 in anticipation of the Soviet abrogation of the nuclear test moratorium I was charged with forming the Scientific Advisory Group on Effects to advise the Director of Defense Research and Engineering and the Defense Atomic Support Agency. This group played a large role in designing the U.S. nuclear test programs aimed at exploring many of the strategic nuclear problems mentioned above.

In 1963 I was asked to chair a study group on missile vulnerability for DDR&E, the Air Force and the Navy. This group, which is still in existence, greatly extended our understanding of missile vulnerability and sponsored far-reaching changes in the design of our strategic missiles.

With the support of DDR&E and the Advanced Research Projects Agency, I founded in 1964 the Defense Science Seminar aimed at getting new young scientific talent in the Defense advisory business. This seminar ran for three successive summers, with a total attendance of about 120 individuals. In 1965 I helped establish the Defense Intelligence Agency Scientific Advisory Committee, which I have since served as Vice Chairman. Also in 1965 I chaired a study for the JCS on the technical-military implications of possible extensions of the Limited Nuclear Test Ban Treaty. In 1966 I participated in a related study for the Arms Control and Disarmament Agency. Most recently from October 1966 through December 1968, I served in Viet Nam as Science Advisor to COMUSMACV.

THE THREAT

As Mr. Nitze so ably described, the intransigence of the Soviet Union after World War II left us no alternative to the development of a strong nuclear deterrent. The hope that the Soviets would join with us under the Baruch plan for sharing the great potential of the nuclear age was shattered with the first Soviet atomic explosion in 1949. Similarly the national debate over the decision to develop thermonuclear devices was punctuated emphatically by the first Soviet thermonuclear explosion in 1953.

Our policy of nuclear deterrence, which came to maturity under President Eisenhower, has I believe served us well. There are, however, two current Soviet developments that threaten the survivability and credibility of our deterrent: their ballistic missile defense systems; and their counterforce efforts.

For some years I have followed closely the growth of the Soviet ABM systems. By my reckoning there have been three systems involved: the first, partially deployed around Leningrad and then apparently abandoned; the second, deployed around Moscow and now approaching operational status; and the third or Tallinn system, very extensively deployed throughout the Soviet Union, and which appears to me likely to have a considerable ABM potential.

I find very unpersuasive the argument that the Soviets are building in the Tallinn development yet another SAM antiaircraft system to the neglect of a defensive system aimed at what they must surely regard as the more current threat of ICBM's and SLBM's.

By the counterforce effort I refer to the current Soviet development of multiple warheads for their SS–9 missile. To me the evidence as I understand it points very strongly, if not unequivocally, towards a MIRV—i.e., a multiple independently targeted reentry vehicle-system designed against the U.S. land-based Minuteman system.

To impart some feeling for the strength of my conviction on these two Intelligence issues, I would strongly support spending a substantial fraction of our Defense budget to assure that neither of these Soviet developments be allowed to degrade our strategic deterrent.

Put differently, I am most certainly not willing to gamble the survival of our Minuteman force that such an interpretation is wrong.

In addition to the question of capability, Intelligence must concern itself with the question of intent. Here the writing of such high-level Soviet military planners as Marshal Sokolovsky abound with references to the need for a preemptive strategic first-strike capability. They tell themselves they must develop it, and now we see that development in progress. How much more notification do we need?

In this focussing on the survivability of Minuteman one often encounters the rebuttal—"Well, there is always Polaris." This seems to me a hazardous position. The whole point of the mix of strategic weapons systems—Minuteman, Polaris, Poseidon, B52 Bombers—is to have such diversification that our deterrent could never be totally negated. I am sure that if we are willing to write off Minuteman as a component of our deterrent forces, we would not have any difficulty inducing the Soviets then to focus their full counterforce genius against our submarine and bomber forces. In fact, I fully expect there has already been long established a Soviet group charged with developing specific means of countering each element of our deterrent. To them, Polaris may not look like 600 missiles, or 6,000 warheads if given a ten-fold MIRV multiplication, but rather as only 41 boats to be neutralized. Certainly we know the Soviets are engaged in large-scale ASW developments. And our 600 B–52 bombers may be viewed as a much smaller number of airfields to be attacked—for which they may think their Fractional Orbital Bombardment System (FOBS) is well suited.

Turning to the Chinese Peoples Republic, it is no secret that their progress in the development of atomic and thermonuclear weapons has been spectacularly rapid. While their missile program has been less spectacular, there can be little doubt that they are striving to achieve an ICBM capability. Now who will those ICBM's be aimed at? It should be a sobering thought that no Chinese ICBM's would be necessary if only the Soviet Union were their target.

As to intent of the CPR, we have the wonderfully-candid statement of Marshal Lin Piao, Minister of Defense, in September of 1965. This document developed the theme that the U.S. nuclear capability is a paper tiger, and "cannot save U.S. imperialism from its doom." It also laid out a blueprint for what Marshal Lin euphemistically termed "peoples wars of national liberation," a blue-print that is being followed by the North Vietnamese in their invasion of South Viet Nam.

Thus, while I had no part even as an advisor in the Sentinel deployment decision, which occurred while I was on overseas assignment, it did seem to me a prudent move to anticipate a CPR ICBM threat.

TECHNICAL FEASIBILITY

It has been argued that even if there were a sound military requirement for the Safeguard ABM System it wouldn't work anyway. The technical reasons adduced for this view include:

1. It is too complicated.
2. There is insufficient reaction time for human decision-making.
3. It was designed for another purpose ("thin" defense of cities against a CPR attack) and is thus unsuited for the defense of Minuteman.
4. The radars can be blacked out.
5. Cheap and simple decoys can saturate the defense.

Before commenting on these points I must emphasize that I have no special expertise in the engineering of either missiles or radar—although I have studied Professor Panofsky's excellent book on Electromagnetic Theory. But we have all seen some other fairly complicated systems built by our aerospace industrial complex that work, and work well; for example, the Exployer, Surveyor and Mariner space shots, topped by the magnificent performance of the Christmas round-the-moon Apollo excursion. The use of solid state electronic components, which were invented only a few short years ago, has made possible a vast improvement in reliability. It would, of course, be folly to expect no difficulties, no start-up bugs in any new system. But both the Spartan and Sprint missiles have been successfully flown many times. At Kwajalein there has been constructed a Missile Site Radar (MSR) that will soon be tested in operational launches, and somewhat later in actual ICBM reentry-vehicle intercepts. Already in operation are numerous phased-array radars employing the same basic principles as the Perimeter Acquisition Radar (PAR). The computer required is well within the state of the art. The nuclear warheads are either already developed or can be tested underground. In other words there is a justifiably high confidence that each and every component is completely feasible.

The short time in which an ABM system must react is indeed a severe problem. But it seems to me far better to place that burden upon a defensive system which would not trigger a nuclear exchange, rather than upon our ICBM's which certainly would if they had to be launched on warning.

Since the new Safeguard deployment has brought into question the rationale behind the original Sentinel deployment, I believe it may be useful to quote an important part that seems to have been overlooked in Secretary McNamara's San Francisco address on 18 September 1967. He said,

"Further, the Chinese-oriented ABM deployment would enable us to add—as a concurrent benefit—a further defense of our Minuteman sites against Soviet attack, which means that at a modest cost we would in fact be adding even greater effectiveness to our offensive missile force and avoiding a much more costly expansion of that force."

This statement is, of course, borne out by the proposed Sentinel deployment, in which 4-face MSR's along with complements of both Spartan and Sprint missiles were to be collocated at both Grand Forks and Malmstrom, the same two Minuteman bases to be given priority protection under the Safeguard proposal. In other words, the difference between the two deployments is more one of emphasis than of kind.

Of course, many other approaches to hard-point defense have been examined, but precious—perhaps even critical—years would be lost in starting over at this point.

A blackout attack, like that of a direct attack upon the radars—the eyes and ears of the ABM system—is of course a possible enemy option, but is neither simple, guaranteed to work nor cheap in ICBM's and nuclear warheads. To be sure, any defensive system can be burned through with enough concentration by the offense, but this absorbs time that would upset a concerted attack, and absorbs warheads that could have caused great casualties elsewhere.

Any nation, like the CPR, who can produce ICBM's and nuclear warheads can of course also develop penetration aids—given time. In my view we can only hope to buy time, time to give our political colleagues and their foreign counterparts an opportunity to realize a workable arms control agreement based upon mutual concern, mutual restraint and mutual dedication.

ALTERNATIVE COURSES

In his San Francisco speech, Secretary McNamara made clear that intensive consideration was being given to others means of protecting our land-based deterrent: mobility, super-hardening, etc. It is strange to find some of those individuals who most strongly oppose ABM deployment because of the risk of escalating the arms race now advocating proliferation of our Minuteman system to assure its survivability.

In previous hearings of this Congress some have even suggested launching the Minuteman force on warning as a tenable course, or undertaking a preemptive strike against the CPR if their ICBM threat becomes intolerable.

I want to go on record as unalterably opposed to any intentional action—or intentional lack of action—that would maneuver the United States into such a position that only a strike-first option remained.

INTERNATIONAL OVERTONES

One of the most often expressed arguments against ABM is that it will inaugurate a new cycle of escalation in the arms race. Some of this fear may have been allayed by the reorientation of Safeguard to the defense of our deterrent forces. But it is noteworthy that the Soviets first formally announced their interest in arms limitation shortly after the U.S. decision was reached to deploy the Sentinel System. The Safeguard deployment in no way reduces the deterrence inherent in the Soviet retaliatory capability. That the Soviets understand the desirability and innocuousness of such a defense is illustrated by Premier Kosygin's declaration that their ABM system is a threat to no nation and does not contribute to an arms race.

Personally I should be sorry to see even the thin city defense permanently rejected. I believe such a defense might serve to dampen an unwelcome CPR adventurousness, and thus to maintain for us a wider class of options and more room for political maneuver.

Finally, I believe the maintenance of the credibility of our deterrent—to which Safeguard would contribute—is absolutely essential in our relations with NATO and our other allies around the world.

CONCLUSION

There are two additional reasons, which may even be the strongest of all for an early deployment of the Safeguard system. First, a review of the Soviet ABM programs indicates that they have for a number of years been gaining operational experience from actually deployed systems, whereas we have not. We can ill afford to allow an important gap to develop in the learning process concerning such an important capability. Second, it is only through the actual deployment of the major system elements that we can learn with certainty how to cope with the problems that will surely arise in command, control, communications and the inter-action and internetting of the radars with each other and with the rest of the system.

I believe that the great majority of the American people, with their down-to-earth commonsense, are having as great a difficulty as I am in swallowing the sophisticated arguments that conclude it is somehow bad to defend ourselves. I simply do not understand why it is provocative for the U.S. to deploy an ABM system as we are here considering today, but not provocative of the Soviet Union to have already deployed two ABM systems; nor why it would be provocative of us to defend our Minuteman forces against a developing Soviet preemptive first-strike capability, whereas it is not provocative of the Soviets to develop that destabilizing capability. We are told, in effect, to stop our provocative action of punching the Soviets on their fist with our eye. I sincerely hope that such an inverted Alice-In-Wonderland view of the world will not be allowed to prevail.

In summary, I support the early deployment of the Safeguard system as an essential part of maintaining the viability and credibility of our strategic deterrent.

Thank you, Mr. Chairman.

INDUSTRY MAKING MAJOR EFFORT IN POLLUTION CONTROL

Mr. RANDOLPH. Mr. President, the pollution of our air and water is accepted

as one of the major problems facing the United States today.

The growth of our population and the resulting increasing in the industry and services necessary to sustain it has made the control of pollution more essential than ever before. In recent years, enlightened industry has joined with all levels of government in an effort to return our environment to a state of cleanliness and purity.

In the space of 5 years air pollution control expenditures by the Federal Government have jumped from $4.1 million to $91 million. This year the Government plans to spend $133 million.

A beginning has been made, Mr. President, but we have considerably more to do. Yes; much to do.

American industry recognizes the need to continue antipollution work and has itself made constructive contributions to the campaign in both talent and money.

The very nature of the business makes the American steel industry deeply involved in pollution problems, and there are notable examples of success in reducing the amount of waste material loosed in the atmosphere and streams.

Our steel industry last year spent $222 million to improve air and water quality, almost evenly divided between the two. This was in addition to expenditures in the preceding 16 years totaling $600 million.

Steel spokesmen affirm that the job in reducing pollution is going forward. They are dedicated to continue high-level spending on antipollution projects.

There are many outstanding examples of new techniques and revolutionary methods being applied to the problems of combating pollution of the air and water.

In our State of West Virginia, for example, a new $100 million plant at Weirton Steel Co. has been called the "mill of the future," combining in a new facility many modern antipollution devices in addition to modern steel-producing equipment.

And a new electric power plant near Moundsville, W. Va., the Mitchell plant owned by American Electric Power Co., has a stack 1,206 feet tall to carry waste gases high into the atmosphere and away from the ground. This is approximately three times as tall as the average.

The electric power industry as a whole spent $98 million to abate pollution in 1967. During the same year, the chemical industry was spending $87 million, petroleum $47 million and coal $18 million fighting these problems in their own spheres.

So, while we may sometimes think that little is being done to purify our environment, there is ample proof that industry, as well as government, is making a determined effort to create and keep clean air and water in America.

S. 1717—A BILL TO INCREASE THE INCOME TAX EXEMPTION, SUPPORTED BY JACK BOSTICK, VICE PRESIDENT OF INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS

Mr. YARBOROUGH. Mr. President, recently I introduced a bill, S. 1717, to increase the personal income tax exemption from $600 to $1,200. As I said at the time I introduced my bill, I feel that we have waited far too long to take such action.

Recently, I received a letter from my good friend Jack Bostick, vice president of the International Association of Fire Fighters. Mr. Bostick is a fellow Texan and lives in Fort Worth, Tex. He enclosed with his letter a resolution which was recently adopted by the IAFF in convention. Because the resolution pertains "to the spirit, if not the letter" of my bill, I ask unanimous consent that it be printed in the RECORD.

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

RESOLUTION No. 86

Re increase in exemption for dependents from $600 to $1800 for each dependent for income tax purposes.

Whereas in the past number of years the cost of living has risen steadily and in many instances wages have not kept pace with the rapid rise, and

Whereas for the above reason the cost of supporting a family and dependents has increased greatly, and

Whereas the present $600.00 exemption for a dependent is no longer a realistic figure: Therefore be it

Resolved, That the International Association of Fire Fighters strive for Federal legislation to increase the $600.00 exemption for a dependent to an $1800.00 exemption for each dependent for income tax purposes; and be it further

Resolved, That the International Association of Fire Fighters solicit the aid of all organized labor and pursue this legislation with a united front.

Submitted by: Local Union No. 344, Detroit Fire Fighter Association, Earl L. Sanders, Secretary.

SENATOR NELSON FIGHTS FOR TIGHTER TRUTH IN PACKAGING STANDARDS

Mr. PROXMIRE. Mr. President, an editorial published in the May issue of Wisconsin's nationally known The Progressive magazine, edited by Morris Rubin, tells of the frustrations and confusion confronting the housewife in performing her routine but important task of shopping for the family groceries.

In 1966, Congress passed the Truth in Packaging Act, aimed at removing deceptively packaged products from the supermarkets. However, consumer studies conducted before and after enactment of this law have proved that the Truth in Packaging Act has not accomplished all that it set out to do.

Our distinguished colleague and my fellow Senator from Wisconsin (Mr. NELSON), has long been a vigorous spokesman for the consumer. We are all familiar with his outstanding achievements in investigating the high costs of prescription drugs and in assuring the highest safety standards in automobiles and automobile tires. Now Senator NELSON has introduced an amendment to the 1966 Fair Packaging and Labeling Act which would require the price per unit to be placed on the label of consumer commodities, including food, household goods, drugs and cosmetics.

The Progressive's editorial is just one of the many voices urging Congress to take action on this important legislation, S. 1424. I ask unanimous consent that the article be printed in the RECORD.

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

CHEAPER BY THE POUND

Three years ago this spring—before Congress enacted the "truth-in-packaging" bill—we reported in these columns on an Eastern Michigan University survey involving thirty-three college-educated housewives who were turned loose in a supermarket with identical shopping lists. Confronted by a staggering variety of sizes and deceptive labeling of grocery and household goods, these shoppers were misled into spending an average of $10 for purchases that could have been made for $8.90.

Food industry lobbyists successfully persuaded Congress to pass only a diluted truth-in-packaging law in 1966. As a result, confusion still reigns in packaging. Senator Gaylord Nelson, Wisconsin Democrat, recently pointed out that "consumers today still must be mathematicians before they can select the best bargain from among the vast variety of odd-sized packages on the market."

He cited two consumer tests conducted in California, one before and one after the Federal law was enacted. In a 1962 test five college-educated housewives were asked to buy a total of seventy items at the lowest unit costs. The women made thirty-four incorrect choices and thirty-six correct ones.

In an identical test made after the law went into effect, the women made thirty-eight incorrect choices—four more than before the law was operative—and only thirty-two correct ones.

Senator Nelson proposed that the 1966 Fair Packaging and Labeling Act be amended to require that a per unit price be placed on the labels of commodities, including food, household goods, drugs, and cosmetics. Thus, a package of pancake mix containing forty-two ounces and priced at sixty cents would show not only the sixty cent price but a price of twenty-three cents per pound. This would enable housewives who see on the grocery shelves "thirty-two different choices of pancake mix in thirteen different size packages at twenty-one different prices," as the Senator described it, to judge value by comparing the price per pound.

Products would be priced per ounce or pound for solid commodities, by the pint or quart for fluids, and per unit for packages of napkins and similar items.

The principle is not new, said Nelson, since the practice of printing the price per pound has long been used in supermarkets on packages of meat, fish, and poultry. His proposal would permit housewives to get the best buy for their money without requiring a slide rule or calculating machine.

The lack of unit price information which caused housewives in the 1966 Michigan study to pay twelve per cent more than they should have, is probably even costlier in dollars and cents today because of sharp price rises in the past few years. Inflation has made it more urgent than ever that Senator Nelson's amendment be made part of a strengthened and updated truth-in-packaging law.

QUESTIONS CONCERNING U.S. INVOLVEMENT IN VIETNAM

Mr. FULBRIGHT. Mr. President, an editorial published recently in the Paragould, Ark., Daily Press asks some sobering and important questions about our continuing involvement in Vietnam. Referring to the more than 33,000 Americans who have been killed there, the editorial points out that these questions become "more urgent with every casualty."

These are urgent questions. I ask unanimous consent to have the editorial entitled "Question" printed in the RECORD.

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

QUESTION

The Congressional Record of March 25 contains 31,379 names—162 from Arkansas—captioned "List of Casualties Incurred by U.S. Military Personnel in Connection with the Conflict in Vietnam."

Each casualty is listed by name and hometown.

The hometowns: Paragould, Jonesboro, Leachville, Rector, Marked Tree, Walnut Ridge, Trumann, Blytheville, Colt, Hoxie, Corning, Little Rock, Camden, Wynne, Dell, to name a few. Paragould is listed twice, Timothy Eugene Clark and Teddy Gene Whitton.

The names listed are all of those killed by hostile action from the very beginning of the war through the end of January 1969.

Congressman Paul Findley of Illinois caused these names to be printed in the Congressional Record to raise some "sobering questions:

"What advantage to our national interest has been secured by the death of the men listed on the following pages?

"Were sacrifices of this magnitude justified by events and issues in Vietnam?"

"The listing," Findley opined, "is especially appropriate this week because, making adjustment for the Department of Defense's 1-week lag in reporting those killed in action, it is clear that Vietnam deaths have now surpassed Korea. Nearly one-third occurred since the peace offensive' began last March 31."

One hundred twenty-one solid pages are taken up with triple rows of names, listed alphabetically by states, and branch of service.

Findley, in his accompanying remarks, made this essential point:

"The men who have died in this mistaken conflict nevertheless deserve every recognition and honor. The fact that misguided national leadership, in which I freely acknowledge my own share of the blame, erred in sending them to war diminished in no way whatever their heroism, made no easier their sacrifice, and lessened not at all the anguish of their relatives."

He went on in this vein:

"Questions that inevitably will be asked are: Would withdrawal dishonor those who have died? Would it be a camouflaged surrender unworthy of our nation? Perhaps the best answer is another question: Will additional casualties alone rectify mistaken war policy?

"If the premise is accepted—as I believe it must be—that our military policies have been based on false assumptions all along, then the best way to honor the war dead is to take steps to assure that the casualty lists stop growing.

"To waste additional lives simply because of previous deaths is rationalization so warped as to dishonor every noble sentiment attached to the name America."

Findley, who admitted to coming to his view "relatively late" yielded the floor at one point to his "leader," Rep. Tim Lee Carter of Kentucky, who described the list as a "roll of honor, consisting almost entirely of men between 19 and 24 years of age."

Carter also said, "we must recall when this started it was not in 1963 or 1964. This was first escalated in 1961 when 17,000 men were first placed over there. Later, in 1964, about the time of the Tonkin Bay resolution, we were told that our vessels, the destroyers, *Maddox* and the *C. Turner Joy* were under attack by North Vietnamese vessels. Hearings . . . have shown beyond doubt the commanders of those vessels today know not whether they were attacked or not, and will not state whether they were attacked at that time.

". . . And still we are in this ceaseless, tireless war, where our men are mangled and multilated, and in which 33,000 have now been killed, over 200,000 have been wounded, and $100 billion has been blown away."

This is precisely the problem which the Nixon Administration has inherited. One may disagree with the conclusions of Findley and Carter, but can we continue to justify more casualties primarily through appeals to national vanity?

The questions raised by Findley, too, become more urgent with every casualty.

FARMWORKER COLLECTIVE BARGAINING

Mr. BENNETT. Mr. President, currently the Subcommittee on Labor of the Committee on Labor and Public Welfare is conducting hearings on S. 8, which would authorize farmworkers to organize for purposes of collective bargaining. I ask unanimous consent that the testimony of Reed Larson, executive vice president of the National Right To Work Committee, regarding S. 8 be printed in the RECORD.

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

STATEMENT OF REED LARSON, EXECUTIVE VICE PRESIDENT, NATIONAL RIGHT TO WORK COMMITTEE, BEFORE THE SENATE SUBCOMMITTEE ON LABOR

Mr. Chairman and Members of the Committee: We appreciate the opportunity to appear before you today and to present our views on the important legislative matter under consideration.

My name is Reed Larson. I am the Executive Vice President of the National Right to Work Committee, a single-purpose citizen's organization dedicated solely to the protection, for every worker, of the free choice to join or not to join a union. Our members and supporters represent a cross-section of persons from all walks of life, including professional people, rank-and-file wage-earners—both union and non-union—businessmen, and others. Like most Americans, and certainly like every member of the Committee, we are anxious to see that every working man has the greatest possible opportunity to utilize his talents to the maximum extent of his ability. The concern expressed by members of the Committee for the plight of migrant workers is, indeed, an integral part of a broader fight for freedom and opportunity for all Americans. Our organization is concerned with a particular facet of this struggle for equal opportunity—and we believe one of the most important facets.

Experience has shown repeatedly that, while the right to organize and bargain collectively can be an important tool for the working man in achieving justice the widespread practice of compulsory unionism has increasingly perverted this tool into an instrument of political and economic repression.

We believe that passage of S. 8, as presently drafted, would be a step in the wrong direction—a step toward restricting rather than enhancing the opportunities available to farm workers throughout America.

We neither advocate nor oppose the extension of representation elections and mandatory collective bargaining to farm workers. However, we strongly believe that adoption of the provisions of this bill which provide for compulsory unionism will work against the public interest and the interests of working people everywhere.

I think all of us would agree that one of the factors which has led to the introduction of this legislation and has helped to focus attention on this question is the widely-publicized effort by the AFL–CIO's United Farmworkers Organizing Committee to curtail the sale of California grapes by our nation's food stores. The stated purpose of the boycott promoters is to pressure grape growers into holding employee elections to determine whether or not employees which to be represented by unions. The facts indicate this may not be their real objective. As we have stated publicly many times, the real boycott objective is "to compel employers to compel their employees to join a union in order to work."

However, if we accept at face value the stated objectives of Mr. Chavez, his superiors in the AFL–CIO, and the many concerned citizens who have become involved in this controversy, there is very little room for disagreement. A bill can be drafted to carry out those objectives which would meet almost no opposition. We certainly do not object to giving farm workers an opportunity to vote on union representation. From what I have read, most of the growers are agreeable to such a provision—and surely the overwhelming majority of Members of the Congress will agree. So, there is no problem unless the real objective of the AFL–CIO and their Mr. Chavez is something other than that which they publicly say it is. We say they want compulsory unionism. AFL–CIO officials say they don't. As recently as February 8, in a signed Washington Post newsservice story, Mr. Chavez denounced our organization by saying, ". . . the Right to Workers smear the boycott by saying that the issue is 'compulsory unionism' and that the boycott is to try to force unionism on workers who really don't want it . . . the only demand is that the companies agree to sit down and discuss ways and means of recognizing the union and then make plans to enter into negotiations . . . "

Our proposal to this Committee provides a simple test of the truthfulness of those who are promoting the grape boycott—who say that their only objective is representation elections for farmworkers. We are asking simply that you remove from this bill all provisions which will subject farm workers to compulsory unionism, thereby leaving them with the full protection of the National Labor Relations Act in selecting their desired bargaining agent.

As Senator Williams said when he introduced the bill, "The bill provides an orderly process for the conduct of elections by the NLRB to permit employees freely to choose whether they wish to be represented by a union. Should a majority wish union representation, the employer and the majority representative are thereafter both obligated to bargain collectively and discuss grievances." We see nothing objectionable in that statement, and ask only that the hidden menace of compulsory unionism be clearly prohibited—that employees be protected from being forced to pay money to a union which they feel is doing them no good.

An event which occurred just eight days ago, on April ninth casts further doubt on the credibility of Mr. Chavez and the organization which he represents, the AFL–CIO. In an abrupt reversal of his alleged objective Mr. Chavez admitted to a Delano press conference exactly what we have contended for many months—that his real objective is not representation election, but compulsory unionism. Mr. Chavez denounced the plan to put farm workers under the National Labor Relations Act and freely admitted that his real objective is a closed shop for farm workers. In so doing, he implies that he now doubts whether he could win the support of workers if a representation election were held. By this performance, I believe it is clear that Mr. Chavez and his sponsors, the AFL–CIO, can no longer be taken seriously by those who earnestly seek a way to improve the fortunes of farm workers. Furthermore, Mr. Chavez has left high and dry thousands of his well-intentioned supporters

who had followed him in the earnest belief that his real aim was that of securing representation elections for farm workers.

The respected San Francisco Examiner in an April 11 Editorial effectively expresses the outrage and disappointment which must be felt by those who had mistakenly looked to Mr. Chavez and the AFL–CIO for leadership in seeking solutions to the problems of farm laborers:

"THE NEW CHAVEZ, A LABOR BOSS

"*The Many Politicians*, clergymen and others who have sanctified Cesar Chavez as a Moses leading farm workers out of bondage should have red faces today. Suddenly their Moses has taken on the visage of a hard-boiled labor boss.

"For a year the pleaders of the Chavez cause have been criss-crossing the nation, promoting his grape boycott as a holy crusade and demanding, over and over and over again, that the National Labor Relations Act be extended to cover farm workers.

"They said that Chavez and his AFL–CIO United Farm Workers Organizing Committee could force recognition upon benighted farm employers if only they were given the same NLRA protection to organize and bargain collectively that all other kinds of workers enjoy.

"But yesterday Chavez, speaking at his Delano headquarters, exploded all that. He denounced the NLRA because, if brought under it, he would also become subject to the Taft-Hartley and Landrum-Griffin Acts. His grape boycott then would become unlawful as a secondary boycott. And he could not force a closed shop.

"He said farm workers deserve special treatment from Congress.

"That is to say, he is not content to operate under the legal rights accorded all other American workers. He wants more.

"He wants not only the privileges and protections of the NLRA but also the right to force farm employers, through the boycott, into recognizing his union as bargaining agent.

"That means he wants farm workers handed over to him without the formality of an impartial NLRA election in which the workers could vote for his union, another union or no union. And he wants the closed shop, under which employers would be forced to help him keep his membership.

"The only conclusion we can draw from this is that Cesar Chavez doesn't think he would win the farm workers to his side in an NLRA election, despite the many restrictions such an election places on employers.

"*Let Us Remind* readers that The Examiner has supported in the past—and still supports—the right of farm workers to organize and bargain collectively under the NLRA. But we believe also that no worker should be compelled to join a union against his will.

"The new Chavez is talking the language of forced, compulsory unionism. That is why the man so lavishly praised as a labor idealist has emerged, we repeat, as a hard-boiled labor boss."

One very important point has been missed by the Examiner, however. The bill being considered today, unless the compulsory unionism provisions are removed, would establish the very conditions which are denounced so vigorously in this Editorial.

We ask therefore, that the provisions of S. 8 which establish prehire agreements, the seven-day union shop, and the hiring hall, be deleted from the proposed bill. This bill as now drafted, would permit union officials to extract dues from hundreds of thousands of unwilling farm workers without a vote by even a single worker. It would allow union officials to obtain compulsory union shop agreements with employers even before anyone goes to work. Under that agreement, all workers would be obtained through a union hiring hall and all would be compelled to join a union within seven days or would lose their jobs. These provisions are not only unfair, undemocratic, and discriminatory: they also are unnecessary to establish, as Senator Williams says, "an orderly process for the conduct of elections by the NLRB to permit employees to freely choose whether they wish to be represented by a union."

In its place, we recommend that this Committee insert language which will protect every farm worker from being compelled to pay money to a union in order to get or keep a job.

In his introduction of S. 8 on January 15 the Honorable Senator Harrison Williams of New Jersey said, "farm workers today, believing that collective bargaining is an essential self-help device for improving their economic and social status, are striving vigorously for elections and other means to obtain union recognition."

But the National Committee submits that these words have no meaning in terms of providing effective legislation to protect and help the migrant farm worker in this country UNLESS words are included in the legislation making compulsory union membership illegal, words guaranteeing the individual farm worker the Right to Work whether or not he decides to join a labor union.

The California farm worker has indicated he understands this point. After three years of intense organizing efforts, the expenditure of many millions of dollars by the AFL–CIO (the United Farm Workers Organizing Committee recently said that they now have 500 full-time paid men and women criss-crossing the country in support of "collective bargaining rights" and "free elections"), and most recently a nationwide product boycott . . . despite all of this less than two per cent of California's farm workers have joined Cesar Chavez's United Farm Workers Organizing Committee.

In conclusion, I appeal to the members of the Committee to use your wisdom and enormous influence on behalf of the interests of the individual farm worker, providing him with legislation which will protect him from unfair treatment both at the hands of professional union organizers and at the hands of employers.

SCIENTISTS AND YOUTH IN REVOLT

Mr. JAVITS. Mr. President, I have recently read an article entitled "Scientists and Youth in Revolt" written by Eugene Rabinowitch, the magazine's editor-in-chief, published in the April 1969 issue of Bulletin of the Atomic Scientists. The article pleads most eloquently and persuasively for "customary ideas about the relative importance of conflicting interests of individual nations and common interests of all mankind must change, permitting new rules of international behavior to be generally accepted." It is the author's view that only a new mode of political organization can free us from the power and compulsions of the arms race.

"Scientists and Youth in Revolt" is a provocative article, worthy of reading by Senators. I ask unanimous consent that its text be printed in the RECORD.

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

[From the Bulletin of Atomic Scientists, April 1969]

SCIENTISTS AND YOUTH IN REVOLT

(By Eugene Rabinowitch)

On March 4, following an appeal by 46 members of the faculty of the Massachusetts Institute of Technology, a large number of research scientists at this school—one of the most prestigious academic research institutions in the country—left their laboratories to participate in a discussion of burning problems of science and public affairs. The debate included addresses by two Nobel prize winner—Hans Bethe of Cornell University (physics) and George Wald of Harvard (biology). This gathering, paralleled by similar ones at several other academic institutions, was intended to express the concern of the scientific community with the misuse of science by government for the prosecution of war and escalation of the arms race, and the failure to make full use of its beneficent, constructive possibilities. Scientists all over the world are alarmed by the inability of society to answer the challenges of the scientific age.

The appeal of MIT scientists singled out, as two prime reasons for their discontent, the continuing war in Vietnam and the planned deployment of anti-ballistic missiles (ABMs). However, the distress of scientists has much broader reasons, and much wider implications.

The Vietnam war may be but an extension of traditional power politics into the era when America has become a foremost world power. The deployment of ABMs may be but a logical continuation of the race for military supremacy which has dominated world politics for several centuries. Like other citizens, scientists may disagree as to whether, in the context of these accustomed policies, the decisions leading to the Vietnam confrontation and to the ABM race were right or wrong, wise or otherwise. More fundamental is the fact—which few scientists will dispute—that the challenges of the scientific revolution cannot be answered adequately by any decisions not transcending the traditional framework of international relations.

RADICAL CHANGES NEEDED

Of course, as long as the inertia of power politics continues, arguing for moderation in the arms race and restraint in the use of force in international affairs is necessary and important. But something much more radical than such tactical rearguard fights is needed to make mankind viable in the age of nuclear rockets.

Almost a year ago, the Vietnam conflict moved, at least in part, to the negotiating table. The deployment of ABMs in the neighborhood of American cities has been suspended, as of this writing, pending a review by the new Secretary of Defense. A skeptical observer may well entertain little hope for a Vietnam settlement emerging from Paris negotiations, and even less hope for the suspension leading to permanent avoidance of an ABM race between the United States and the Soviet Union. But even if this skepticism should prove exaggerated, the fundamental contradiction between the dynamics of the scientific revolution and the inertia of an obsolete international system will remain unresolved.

Only a radical new beginning in international relations can reverse—rather than merely delay—mankind's trend towards the catastrophe of a nuclear war.

COLLECTIVE EXISTENCE

The dilemma is simple. The biological evolution of the human species, and the social evolution that followed it, have led to the organization of mankind into a number of self-centered communities, each devoted to the pursuit of its own group interests, and commanding allegiance unto death of its members in conflicts with other communities, which this self-centered behavior of all of them inevitably engenders.

This system of collective existence has done well by mankind. First, it has permitted it to become the dominant animal species on earth. In more recent stages of man's development, it has given a succession of communities (tribes, states, nations),

leadership in wealth and power, while reducing other communities to poverty and servitude, if not total disappearance. Some believe—although this is more arguable—that elimination of the weaker and strengthening of the stronger communities has served, however crudely, the advancement of the species as a whole.

Be this as it may, the scientific revolution has made the continuation of this process—which one could call "evolution by intraspecific aggression"—impossible, as well as unnecessary. Impossible, because continued power contests between communities aspiring to leadership are now bound to bring about the destruction of all of them. Unnecessary, because science has taught man how to create new wealth instead of fighting for the limited amounts of available natural wealth. Yet competition for limited wealth was the main source of intraspecific conflicts in all history. It has led to establishment of patterns of aggressive group behavior which, once they became dominant, have caused fighting to erupt also in conflicts not related to the division of wealth.

In contrast to the division of natural wealth, which is a "zero sum game" where the win of one group is the loss of all others, production of new wealth by science and technology is a game in which "everybody wins." This is a fundamental change in the human condition, but organized societies continue to move in the accustomed grooves, following tradtional collision courses—even though all of them are aware that this behavior is dangerous and may be suicidal. No nation has yet found the way to fit its national existence safely into the new habitat which science has created for man.

What is needed is no less than a revolution in the attitudes and behavior of societies—not a revolution against dominant classes or political parties in several nations, but an international revolution against the worldwide establishment of sovereign nations.

Customary ideas about the relative importance of conflicting interests of individual nations and common interests of all mankind must change, permitting new rules of international behavior to be generally accepted.

This may appear to be a wishful dream, but upon sober thought, it is the only realistic basis for long-range optimism in our time. If the revolt of scientists is not to exhaust itself in futile rear-guard actions, it must be committed to the broad aim of bringing about a radical change in the international system.

AN INTERNATIONAL FORCE

There is one asset scientists can bring to this task: their capacity for international understanding, based on common factual knowledge and on respect for facts, without which nobody can become a successful scientist. Another movement has claimed this asset before—the international labor movement. A proletarian, Marx and Engels said in the Communist manifesto, has no fatherland. The first world war proved, however, that the ties binding the working classes to their own national societies were much stronger than bonds of international solidarity.

The founders of the Soviet Union had dedicated it, in 1917, to utter, reckless internationalism. But when the anticipated westward spread of the revolution failed to materialize, the pioneer community they had hoped to create became transformed into a rigidly centralized national state, ruthlessly pursuing its special interests, as the recent occupation of Czechoslovakia has once again demonstrated. And communist China, despite its vague commitment to leadership in the fight of the colored "world village" of the South against the white "world city" of the North, seems to be from its very beginning, even more self-centered than the Soviet Union has become after 50 years of embattled existence.

Scientists, like workers, have strong national ties. Nevertheless, their scientific training facilitates, to some extent, understanding between them even outside their professional fields of interest, particularly in situations where science and technology provide important ingredients. In a world dominated by the threats of a scientific war (and of a runaway population), scientists are brought together not only by their professional interests, but also by common horror of science becoming an agent for the demise of mankind, and a common belief, that constructively applied, science could make a decisive contribution towards making life satisfactory for all men on earth. Academician Sakharov, in his much noticed "manifesto," (discussed in the November *Bulletin*), has revealed the far-reaching similarity between the apprehensions and hopes of Soviet scientists and those of their colleagues in the West.

The need to overcome international anarchy is much more compelling now than it was in 1914 and 1939. Despite the new wave of nationalism rising all over the world, psychological conditions are much more favorable now than they were in the past for wide acceptance of the priority of common interests of mankind over self-centered interests of separate nations.

The next step scientists should plan, after the demonstration of March 4, should therefore be international is scope. A worldwide "science for peace" day could be this next step.

STUDENT UNREST

A most remarkable aspect of the present unrest among student youth is its almost simultaneous occurrence in widely separated parts of the world. Special grievances undoubtedly exist in various countries and in different schools, but obviously, at the base of all these events, there is a widespread conviction that something is fundamentally wrong with society as it now exists, particularly in the technologically advanced, prosperous areas of the globe. The most vocal spokesmen of the radical students blame the older generation for bequeathing to youth a political and economic system that denies free choice and negates creative existence. Many of them declare the intention to destroy the whole fabric of this society—even if they have as yet no clear idea as to what they would build up on its ruins.

One of the specific grievances of dissatisfied youth is that society has used science and technology to create a leviathan that deprives the individual of all chance for self-determination.

The scientific-technological revolution has in fact complicated immensely the human environment. For a vast majority, individual productive effort has become practically impossible. Kenneth Galbraith has offered, as a kind of substitute for economic autonomy of the individual vicarious participation in decision-making in the largest modern corporations. Contrary to the "classical" views, the making of decisions, he insists, has ceased to be the prerogative of the owners, and has been distributed among an increasingly wide membership of the "technostructure": engineers, scientists, economists, sales managers, every one bringing in his own unique contribution. But these are not the kind of decisions, affecting one's own life, which rebellious students claim should be returned to the individual.

CAN WE HOPE?

It is a problem of utmost gravity: how in an increasingly widely educated generation can the desires of individuals for a free, meaningful choice of creative activity be realized, despite increasing technological complexity of the productive process? Certainly not in the way spiritual descendants of Rousseau and Thoreau hope for—opting out of the technological society and choosing a field in which a man still can be his own master. This will be possible only for a steadily dwindling minority.

The increasing mechanization and automation of production calling for organization and planning on an increasingly large scale, is not a process than can be reversed by the new generation. Mechanized production cannot be subdivided into meaningful individual activities. Yet giant, complexly mechanized production provides the only possible basis for the prosperous way of life which we in the West—including the majority of rebellious students—now take for granted. It alone offers some hope for spreading this prosperity not only to the islands of poverty in our own midst, but to the two-thirds of mankind now living in conditions of malnutrition and squalor of the pre-scientific age. It alone permits us to look forward, with a modicum of hope, to the time close at hand when two or three times as many people than there are now—six or seven billion by the turn of the century—will live on this earth.

Those in the new generation who want to assume an active role in shaping the future of mankind, have no choice but to build this future in the framework of the scientific-technological civilization—not outside it, and not on its ruins.

There is, however, one field in which the discontent of youth with the technological establishment is in tune with the time. The scientific-technological revolution has engendered, in addition to its legitimate offspring—an enormous, complex, mechanized, and automated production apparatus—a bastard child. This is the scientific machinery of destruction, the "military-industrial complex," creator and operator of a destructive power of unimaginable violence. A five-star general-President was impelled to warn, in his farewell to the nation, against the growing influence of this complex in national affairs. It deprives nations of constructive use of tens of billions of dollars, and constructive employment of hundreds of thousands of men in their most productive age. It diverts the creative energy of nations from the vital tasks posed to them by the scientific age. While the young generation must seek outlets for independent and creative life in cooperation with, rather than outside, the scientific-technological society, it is right in trying to destroy the illegitimate child of the technological revolution, the swollen military-industrial establishments dominating the scene in today's world.

This task which the technological revolution has put before the coming generations can be achieved only by coordinated international effort. Attempts of individual nations to minimize unilaterally their own military establishments have often enough ended with their destruction at the hands of a more aggressive power, or with a last-minute frantic effort to recreate a force sufficient to withstand aggression. And the nature of modern weapons is such that the 1940 Battle of Britain can never be repeated.

Those opposing unilateral weakening of the military establishment of any nation will quote the experience of 1914 and 1939 as convincing proof that weakness only invites aggression.

The impossibility of any nation postponing rearmament until a war is at hand or has already broken out, is the reason for the unprecedented violence of the arms race in our time. It has led to a precariously unstable system of responses in which hundreds of billions are being spent annually, all over the world, to create and deploy weapons which can threaten any potential enemy with utter destruction—without the hope of protecting one's own country from a similar fate. The nightmarish nonsense of this incredibly wasteful system must be obvious to everybody. Consciously or subconsciously it oppresses the mind of every thinking man in the world. It alone fully justifies the feel-

ing of the rebellious youth that something is fundamentally wrong with the world.

Scientists and youth are two international forces which could contribute to the liberation of mankind from the incubus of war that rides the back of the prosperous West. As scientists must use their worldwide community to mobilize against the misuse of science for the maintenance of an unstable balance of terror, so youth all over the world must come together in common opposition to the international establishment of sovereign states, against useless preparation for an unthinkable nuclear war.

The military-industrial establishments of the world are not creations of evil men pursuing their own interests, or motivated by a sadistic wish for wholesale destruction. They are honorable successors to military establishments of the past when war was a legitimate part of international existence. These men are trying to do what their predecessors could achieve, but which, by the force of events, they cannot achieve. They cannot give their own nations security through increased power in a world of competing powers.

If the worldwide system of competing sovereignties is not changed, rebellion against the military-industrial establishment in every individual country will remain futile, and opposition to any specific decision in the arms race or in actual war will be at best a delaying action without permanent effect.

LIBRARIAN OF CONGRESS ENDORSES AMERICAN FOLK LIFE BILL (S. 1591)

Mr. YARBOROUGH. Mr. President, the Library of Congress has been active for over 40 years in the concerns of American folk life. In 1928 the Archive of Folk Song was established in the Music Division to meet "a pressing need for the formation of a great centralized collection of American folksongs." The Archive has contributed a great deal to the area of folk music, and has served as an invaluable resource in the folk life field.

Dr. L. Quincy Mumford, the librarian of Congress, has notified me of the Library's support for S. 1591, my bill to establish an American Folklife Foundation in the Smithsonian Institution. He states:

> The proposal for the formation of an American Folklife Foundation as outlined in pending bill S. 1591, would appear worthy of serious and favorable consideration. I would be happy to serve as an *ex officio* member of the Foundation and you can be assured, of course, of the Library's cooperation in this matter.

Mr. President, I am deeply grateful for this endorsement from Dr. Mumford and the Library of Congress. I am pleased to know that my bill elicited such a favorable response from those who have worked so hard to preserve our American folk heritage.

I ask unanimous consent that the letter of Dr. Mumford of the Library of Congress, dated April 21, 1969, on S. 1591, my bill to establish an American Folklife Foundation in the Smithsonian Institute, be printed in the RECORD.

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

THE LIBRARY OF CONGRESS,
Washington, D.C., April 21, 1969.

DEAR SENATOR YARBOROUGH: This is in answer to your recent request for the Library's views on S. 1591, a bill to establish an American Folklife Foundation. As you know, for over forty years the Library of Congress has been active in the concerns of American folklife, particularly through the efforts of the Archive of Folk Song, which was established in the Music Division in 1928 to meet "a pressing need for the formation of a great centralized collection of American folksongs." The accomplishments of the Archive are well-known, and its scope has broadened to include representative traditional musics from all continents, as well as extensive documentation of all genres of American folklore, in its broadest sense.

In keeping with our long-standing activity in the field, we would welcome the formation of a national center for the support and encouragement of the collection, investigation, teaching, and presentation of American folklife. We realize that but minimal support for these endeavors has been forthcoming from our National Science and Arts and Humanities Foundations, as these organizations must necessarily confine their attention to the mainstreams of American culture. In addition, folklore, and its extension folklife, have been the concern of both the social sciences and the humanities thereby diffusing any potential focusing of attention by existing national foundations.

The proposal for an American Folklife Foundation comes at an opportune time because an increasing number of colleges and universities are offering programs in folklore and folklife, several on the graduate level. In addition, the recent formation of the Ethnic Culture Survey of the Pennsylvania Historical and Museum Commission, and the Study Commission on Maryland Folklife, point to an awareness of folklife problems at the state level, which could well be encouraged in other States through a national Folklife Foundation.

As for the proposed structure for an American Folklife Foundation, the Smithsonian Institution would appear an appropriate choice for administrative affiliation in several respects, by virtue of that agency's experience in the handling of material culture, its concern with the ethnology of the American Indian, and its recent activities in folk instrument collection, folk craft sales, and folklife festival programing.

For our part, we believe the Library of Congress could be of assistance to an American Folklife Foundation in a number of areas, particularly as the national repository for sound recordings obtained through its auspices. Over twenty years ago the bulk of the recorded sound collections assembled over the years by the Smithsonian Institution, particularly by their former Bureau of American Ethnology was transferred to the Library of Congress. Similar transfers of sound recordings have been implemented from the White House, National Archives, Bureau of Indian Affairs, Pan American Union, Office of Education, Treasury Department, Armed Forces Radio (and Television) Service, Marine Band, and the former War Department, Office of War Information, Works Progress Administration, and Farm Security Administration.

The services of other custodial and subject-matter divisions in the Library could prove beneficial to an American Folklife Foundation. For example, large collections of pertinent materials are already maintained in the form of manuscripts, photographs, and motion pictures, and our holdings of published folklore and folklife documentation and research are extensive.

The proposal for the formation of an American Folklife Foundation as outlined in pending bill S. 1591 would appear worthy of serious and favorable consideration. I would be happy to serve as an *ex officio* member of the Foundation and you can be assured, of course, of the Library's cooperation in this matter.

Sincerely yours,

L. QUINCY MUMFORD,
Librarian of Congress.

ADDRESS TO STUDENTS BY PRESIDENT LEO W. JENKINS, OF EAST CAROLINA UNIVERSITY

Mr. ERVIN. Mr. President, during the last year the American people have witnessed a multitude of unlawful demonstrations and riots on our college campuses. Judging from a recent Gallup poll, most hard-working American taxpayers find these student activities appalling, particularly at the State institutions which the taxpayers are subsidizing. Equally frustrating to the taxpayer has been the response of many university administrators to the student's challenge. All too often, we have seen college presidents capitulate to student demands after they have vandalized school buildings, destroyed research papers representing years of effort, and rifled personal files and correspondence.

It was with a great deal of relief that I noticed a speech to students the other day by the president of East Carolina University, Dr. Leo W. Jenkins. In his speech, Dr. Jenkins went to great pains to define the perimeters of student behavior which the university would tolerate. He said that:

> This campus will not become a rest haven for the indolent, a correctional institution for the undisciplined, a remedial institution for the untrained, and most emphatically it will not become a sanctuary for the lawless. . . . The few individuals on this campus who have intimated that buildings might be burned should hear this and hear it clearly. Force will be met with force, and lawlessness shall be prosecuted to the full extent of the law.

Dr. Jenkins pointed out that every student at East Carolina University received a taxpayer's scholarship of at least $801 and that of the 67 students who were immediately petitioning the university with a wide range of "demands," 45 received additional financial aid ranging from $300 to $1,846 per year.

Dr. Jenkins did not close the door to change, but he made it clear that problems would be considered "only through the regular and democratic channels of this university."

Mr. President, I recommend the speech of Dr. Jenkins to all Members of the Senate and those interested in the future of our higher educational system. By warning the students that they will be held responsible for their actions, I believe that he has taken the only sensible course of action. After all, students are young adults who are in need of our training, guidance, and control. Only by being frank and fair, as Dr. Jenkins has been, can we expect the chaos in our colleges and universities to come to an end.

I ask unanimous consent that the text of the speech be printed in the RECORD.

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

SPEECH TO STUDENTS BY LEO W. JENKINS, EAST CAROLINA UNIVERSITY, MARCH 31, 1969

Fellow members of the community of East Carolina University. I have invited you here today for two reasons: to describe for you the manner in which I propose to deal with the demands which were presented to this University on March 3 and to acquaint you with what has transpired since that date.

In a sense, the problem we face today is exactly like the problems we face everyday. It is different only because those who have

presented it want to have it solved in extraordinary ways.

I know that you agree with me when I say that this institution is not perfect; but we have, for decades, been trying to improve it; and in doing this, we have developed democratic procedures for solving our difficulties. In evolving these procedures, we have favored the development of the Faculty Senate and the Student Government Association so that they might be effective bodies capable of participating responsibly in the government of this University. For we hold that basic academic problems involve all of us. They are problems which must be faced by all segments of our university community and not by top administrative officers, by some faculty members, or by a few students. These problems must be faced by all of us and all of us must bear the responsibility of resolving them.

We often have requests from various sources for changes in academic programs and curriculums. We welcome these requests, for all good programs of instruction are constantly under revision. Such is our means of improvement and we will continue to use it. But when I talked with representatives of our Black students, I made the point that they must present their grievances in an orderly fashion, and that we will consider them by using the democratic procedures which we have all sought for so long to maintain. I know that these procedures of democratic government are valid; I do not intend them to be subverted or destroyed; I know that most of you agree with me in believing that they should be preserved. All of us have worked mightily for this University; it is a valuable institution in this society and it is worth preserving. If its democratic procedures or reasoned and deliberate search for the proper course of action are destroyed, the University itself will be destroyed, for it will then be merely an assembly of people pursuing conflicting and selfish aims under the eyes of professional policemen rather than a community of scholars seeking truth and justice. Let there be no mistake about it! I will not, by force or by fiat, order changes without following regular and orderly procedures. It is in this sense that I stated at the outset that the problems raised by the current demands are like all the other problems we face. We have and will continue to consider them only through the regular and democratic channels of this University.

A university proceeds best by the force of reason. We who live on the campus are not equipped to enforce the peace. Our function is to educate. The order that exists on this campus is accomplished by the willingness of each of us to respond to reasonable rules and procedures. There is no place in this academic community for non-student, professional, or amateur rabble-rousers. When reason fails and disorder results, the regular agencies of law enforcement are our only recourse. This campus will not become a rest-haven for the indolent, a correctional institution for the undisciplined, a remedial institution for the untrained, and most emphatically, it will not become a sanctuary for the lawless, I think it is very important that this be understood clearly. That is why I want to talk with you a few minutes regarding the procedures that will be followed if our orderly processes of discussion degenerate into unacceptable action.

In this period when small groups of students across the nation, often joined by professional agitators, have resorted to such forceful action as seizure of buildings, disruption of educational programs, interference with the activities of other students, and destruction of property, it was inevitable that universities found themselves forced to resort to reliance on the police. This is not the way these universities would have preferred to operate, but they had no choice. Neither shall we! The few individuals on this campus who have intimated that buildings might be burned should hear this and hear it clearly. Force will be met with force, and lawlessness shall be prosecuted to the full extent of the law.

What I have said, however, does not apply to Black students alone; it applies equally to white students, faculty, and administration. For it is imperative that others in this community listen seriously to all suggestions for change and weigh them carefully, accepting only those which enhance the growth of this great University. It is also imperative that those who present suggestions have patience and understanding while the appropriate groups in this University consider them. A casual perusal of daily newspapers will reveal that we have not shunned responsibility nor shown fear of assuming difficult obligations, and we shall not shun such responsibility nor show such fear today.

I promised to give you some accounting of what we have already done.

We have met several times with those Black students who have presented demands. In the first meeting, when the list was presented, we noted then that some, such as requests for increased pay for maintenance workers and more financial aid for Black students, dealt with matters outside our institutional control. Federal and state monies come to us with definitely prescribed stipulations which govern their use and which we cannot violate. In all fairness to the officials on this campus who administer these funds, I would like to point out that of 67 petitioners, 45 receive financial aid ranging from $300 to $1,846 per year. Other items were sent to those persons and committees who could best deal with them. For example, some, such as the request for funds so that Black students could travel to meetings, the request that staff privileges to extracurricular events be extended to our maintenance workers, and the request that "Dixie" not be played at University functions, were referred to the Student Government Association, for it is this agency that has responsibility for these matters. These and all other aspects of student life are the proper concern of student government. For the University administration to interfere unduly in student affairs would be a denial of all that the administration, faculty, and students have helped to shape in the way of democratic procedures at this University. The Black students were told that this institution has no reluctance to employ Black professors. We have sought the best minds available and have never been concerned with origin, religion, or color. But the Black American Ph. D. is in short supply and in great demand. As a matter of fact, I asked the Black students to assist us in seeking such people, and we are presently negotiating with two. But we cannot, and no good institution can, accept the idea of a pro rata number to match certain religions, colors, or places of origin.

After that initial meeting, copies of the requests were sent to all faculty members to acquaint them with the problem and to solicit their reactions and suggestions. No faculty vote was taken, but the informal response of the faculty indicated an accord with the basic position I have developed for you today and a willingness to continue to discuss these propositions in the reasonable and regular democratic manner.

In a second meeting with representatives of the Black students, we were joined by officers of the administration, the chairman of the Faculty Senate, and the President of the S. G. A. I assured the Black students that the administration will follow up any specific complaints that are reported dealing with discrimination by professors because of race. At the suggestion of several faculty members, I asked the Faculty Senate to consider the establishment, on a permanent basis, of a senate committee, perhaps with student members to hear all complaints of unfairness by a professor. Let me say, however, that only two professors have been specifically accused of discrimination. One of these is no longer with us, and the other is leaving at the end of this year. But certainly two out of a faculty of almost six hundred is not a bad record. This institution and its faculty do not stand on trial today; our record is good.

At that second meeting, Vice President Duncan reported that he was presently looking for two Black supervisors for employment in two new buildings that will be in use by next fall, and the school's policy on student recruitment was explained. We stressed that recruitment personnel are sent to any and all schools within the State, upon request, regardless of racial makeup. I see no reason for not continuing this policy.

Subsequent discussions between the Black students and the administration have been helpful, but their insistence that change be instituted by executive decree will not be honored. Their demands must be handled by the established machinery of this University. This procedure may appear to some to be slow, but you must understand the unreasonable ingredients of the situation. I am presented with demands which call for immediate solutions, when immediate solutions are next to impossible. In the meeting of March 19, I also stressed that all parties would have to exhibit mutual courtesy if progress is to be made. I am pleased that recent meetings have proceeded in a polite fashion, and I feel certain that if this pattern continues, further progress will be made.

Now let us for a few minutes consider our own personal responsibilities in this matter. Each of us, in the administration, the faculty, and the student body, must weigh carefully the consequences of his words and actions to assure that they do not threaten this institution. All of us must take care that our words do not provoke destructive action on the part of others, and all of us must refrain from actions that disrupt the orderly processes of reasoned debate and democratic decision. This applies to our conversations and to our actions toward one another as well as to whatever words and deeds that may be directed to the University administration. I call upon all of you students to reject emphatically the brazen, assumed leadership of outside, non-student agitators who seek to influence your actions for their selfish purposes. I say this because this is your University; that which you would build, they would destroy. In like manner, caution in your relationships with other students in much more critical than your relationship with the administration. We in the administration have exercised great forbearance. We have already ignored grossly rude language, recognizing it for what it was. But we know full well that in student insult against student, words may lead to ill-conceived action and riot.

When rumors and provocations become common on a campus, we can expect people to make errors in passing on facts to others. You all know that a taunt, delivered in jest and light spirit, or a joke carelessly offered, can be taken as a serious provocation. We must all make a serious effort to question the validity of a rumor and not pass it carelessly on. We must be especially conscious that thoughtless words can be taken seriously. A little caution on our part would be good insurance against hard feelings and disorder.

I extend this plea for caution to people of the State outside the limits of the University halls. This is a plea for a delay of judgment on the part of some who do not have within their view *all* the difficult, pertinent factors inherent in any complex situation—the factors which administrators with direct responsibility must necessarily weigh. We are not asking not to be judged, but we hope for judgments rendered out of a fair acquaintance with facts.

No citizen or student in this University, black or white, should want to damage this institution that strives so valiantly to im-

prove everyone's chances for a better life. Any group who would say or do anything that leads to disruption and disorder on this campus cannot have the best interest of this community at heart.

Let me emphasize again my devotion to the principles of democratic resolution of our problems. Our system requires that we deliberate on these matters and resolve them in an orderly fashion. The structure of our state government and the organization of our society requires that some issues cannot be solved by us here on the campus alone but requires decisions by other agencies of state and federal government. This is as it should be, for East Carolina University is not an island. The people of Greenville, of Pitt County, and the State of North Carolina are concerned with our actions and have control over some of them.

They have a right to this control, for every student here, without exception, is given a taxpayer's scholarship of at least $801. In addition to this, the taxpayers during the past six years alone have made possible 15 million dollars of capital improvements on this campus and employ the faculty and staff of this University. I must emphasize that this means no student, faculty member, or administrator has an inherent right to be associated with this University.

We will settle what we can here, but on matters requiring a broader consensus, we must be patient and we must take into consideration that we do not get everything we want. I am aware that this may be taken as a statement for the maintenance of the status quo in a time of change. But you are well aware that I do not have the reputation of a defender of the status quo. Most emphatically, I am not suggesting to you that there should be no change here. I believe that inequities suffered by any student or group of students on this campus must be rectified. As I have said to you on many occasions, we must consider an affront to the least protected of us as an affront to all of us.

As we struggle for excellence here in this campus, we must continue to use words and logic and reason rather than force and abusive language. Let us move away from that which approaches the nonsensical and get down to the seriousness which is in keeping with the American tradition.

I stress that this system requires that minority groups and majority groups limit themselves to peaceful procedures. I also admonish all students to consider in all seriousness the possibilities of fitting these demands into the broader pattern of campus life. In a free society we must make every effort to do this, for majority rule does not preclude respect for minorities. We must always weigh the pleasure of our own actions against the pain and frustration they bring to others. Fair men do not gain pleasure from actions which give pain to others.

Think soberly on what I have said. I have said it with all the candor at my disposal and the best interest of this institution in my heart. You owe it to this great university, and—most of all—to yourselves to consider the current situation just as candidly and just as seriously. I feel certain that you will, and that you will settle for nothing less.

I am asking for restraint and moderation, for democratic procedures, and for goodwill; and I think, therefore, that in closing it is entirely appropriate that we all stand for a moment of silent meditation in honor of Dwight David Eisenhower, a great and courageous leader, who exemplified the qualities we need to display here on our campus.

TRIBUTE TO HENRY J. STEINBERGER, DONNYBROOK, N. DAK.

Mr. YOUNG of North Dakota. Mr. President, in Minot, N. Dak., on April 10, Mr. Henry J. Steinberger, of Donnybrook, N. Dak., was the honored guest at an appreciation dinner attended by leaders of the five major North Dakota organizations who are closely involved in water resources development.

Mr. President, Henry Steinberger is no ordinary man. During most of his lifetime he has devoted practically all of his energy, talent, and imagination to the important cause of sound soil and water resources conservation and development. Because of this, he richly deserved all the honors and tributes that came his way during this testimonial banquet.

Mr. President, the Minot Daily News, one our State's leading newspapers, published a fine editorial about Henry Steinberger, in which his remarkable contributions and achievements are called to public attention. I request that this editorial be published in the RECORD as part of my remarks.

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

A TRIBUTE WELL EARNED

Only a tiny segment of the population has the capacity to spread itself over a wide number of pursuits and do justice to all of them.

Henry J. Steinberger of Donnybrook is such a man. He was honored by five separate water and soil conservation and development organizations at a testimonial dinner a few nights ago and deserved every bit of the praise of each. In fact, the five groups represent only about half of the organizations to which he has contributed large amounts of leadership and enthusiasm.

Spokesmen for each of the five organizations expressed amazement that the guest of honor could have had time for the others and for his Donnybrook farm operations, too.

Mr. Steinberger has a secret—a two-part formula. The first is the acquired talent for the dissemination of inspiration. That accomplished, the load no longer was his alone but divided among many disciples.

The other involved throwing the eight-hour day into the wastebasket. No day was too long if it were being spent in the furtherance of causes he felt were advancing the lot of the state he loves so dearly.

"Complete selflessness," said one speaker in describing the guest of honor. "He gave so much of himself," said another, "that North Dakota is better because of him."

Pretty strong language but not too strong to properly describe Henry Steinberger, given the title of "Mr. Conservation" by those who knew him best.

POLISH CONSTITUTION DAY

Mr. YARBOROUGH. Mr. President, the history of Poland is marred with invasions and occupations by foreign armies. The people of Poland have more than once seen their dreams of liberty, their desire for freedom crushed beneath the boots of an invading army.

While the history of Poland has had its dark days, it has its bright days, too. One of the brightest of those days will be celebrated this weekend. May 3 is Constitution Day for Poland. In 1791, just 2 years after the United States adopted its present Constitution, Poland, through internal reform, not revolution, produced a liberal constitution which became an example of liberalism for other European countries.

The great document the Poles wrote in 1791 reads as if it came from the same fountain of inspiration as our own Constitution. The Polish Constitution says:

All power in civil society should be derived from the will of the people, its end and object being the preservation and integrity of the state, the civil liberty and the good order of society on an equal scale and on a lasting foundation.

The constitution was a great step forward for the people of Poland, but this great document could not prevent other nations from coming in and partitioning the country. In 1795 Russian and Prussian soldiers invaded Poland and the country was divided among Russia, Prussia, and Austria.

Despite that partitioning of Poland so shortly after the country wrote its constitution and despite later invasions and occupations, the Polish people have retained a love for liberty.

We can see that love for liberty among Poles expressed in this country in the Polish-American Congress. The congress is celebrating its 25th anniversary this May.

The Polish-American Congress has kept alive among Americans of Polish descent a pride in the history of their forefathers and the traditions of Poland. The Polish-American Congress keeps alive the spirit of the May 3 Constitution, and their love of liberty.

ELECTRICITY LIGHTS A NEW DAY

Mr. MONTOYA. Mr. President, the majority of Americans today cannot conceive of everyday living without electricity. The appliances we use in the home; the machines and tools so vital to running our businesses and industry; the public conveniences and municipal services we enjoy—it is virtually impossible for us to contemplate how we would fare without them on a regular basis.

Nevertheless, there are areas of this great Nation which do not know the joys of living with electricity—areas where life is shortened by darkness, and existence is a greater struggle.

Until last month, Mr. President, one of those areas was located just 25 miles from the capital of my home State of New Mexico. But thanks to the dedication of the Mora-San Miguel Electric Cooperative, electricity was finally brought in to the residents of the 200-year-old village of Lower Colonias, N. Mex.

Mr. President, the story of how electricity came to Lower Colonias is extremely well told in two recent news articles, one published in the March 10, 1969, edition of the Las Vegas, N. Mex., Optic, the other in the March 1969 edition of Enchantment magazine, published by the distinguished New Mexico Rural Electrification Cooperative Association. I ask unanimous consent that both articles be printed in the RECORD.

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

[From the Las Vegas (N. Mex.) Optic, Mar. 10, 1969]

ONE HUNDRED ATTEND "TURNING-ON" CEREMONY AT COLONIAS

LOWER COLONIAS.—The lights went on here Friday evening, bringing with them far-

reaching changes for this 200-year-old village.

And lights brought expressions of wonder from a tiny tot, apprehension from some adults and praise for progress from others.

"This is the greatest day I can recall in the history of Lower Colonias," said Julian Rodriguez, a life-long resident of the town.

"I thought I would not live to see this day," exclaimed 71-year-old Ramon Roybal.

And from two-year-old Melvin, the son of Mr. and Mrs. Julian Rodriguez, his first sight of a light bulb in his home, suddenly aglow, brought a question: "Daddy, did God move the sunlight inside?"

More than 100 persons, including Gov. and Mrs. David F. Cargo and officials of the Mora-San Miguel Electric Cooperative, travelled near impassable seven miles of snow-covered dirt road to attend the "turning-on" of the lights at Lower Colonias.

Originally it had been planned to turn the lights on Christmas Eve. But weather and construction problems prevented this. Several other dates had to be postponed.

Then when it appeared that a new snow storm would cause cancellation of the ceremony once again, Manager John DeFoor of the Mora-San Miguel Electric Cooperative issued an emphatic "No."

The work on the line to Colonias was to be completed earlier Friday. So DeFoor issued this statement:

"These people have waited too long for electricity. The lights go on tonight whether anyone shows up or not.

"After all, the residents of Lower Colonias must travel this road every day to work; the children must be driven over it every day to get their educations. So the least we can do is to go over the road and help them observe this great event."

It looked for a time as if no one but townspeople and a few cooperative workers and officials would turn out for the ceremony. But earlier in the day the Youth Corps helped clear snow from part of the road and the Forest Service provided four-wheel drive vehicles to transport folks from Pecos to Lower Colonias.

"While the 'turning-on' was a great event for Lower Colonias, it also was a great day for officials of the Mora-San Miguel Electric Cooperative.

The Co-Op purchased the old Pecos Power and Light Co., on April 1, 1968. The first chore was to completely re-build the antiquated system serving the Pecos-Glorieta-Cowles area. That work started late last summer under contract to the Buck Construction Co., of Lubbock, Tex. It is scheduled to be completed in June.

The work is being financed with a loan from the Rural Electrification Administration.

[From Enchantment magazine, March 1969]

IT WAS A FINE NIGHT AT LOWER COLONIAS

On the snowy evening of March 7, a resident of a tiny mountain village did what he has done his entire life: he cupped his hand over the glass chimney of a kerosene lamp, blew gently and the flame went out. But, unlike on those countless previous occasions, the room did not go dark. Electricity had arrived at Lower Colonias in the hills of western San Miguel County, just 25 miles from the state capital.

The blowing out of the flame symbolized the arrival of electricity to the 200-year-old village and more than 100 persons were present in the church of Santo Nino for the occasion. The group included Gov. and Mrs. David F. Cargo and officials of the Mora-San Miguel Electric Cooperative, which had brought electricity to the village.

Outside the ground was covered with several feet of new snow and the air had turned brittle cold with the setting of the sun. But this did not chill the spirits of the dozen or so families at Lower Colonias or the many persons who had come over a near impassable road to attend the event.

"I thought I would never live to see this day," said 71-year-old Ramon Roybal, a lifetime resident of the village.

Eloy Rodriguez could only comment: "This is a great day for us."

For 11-year-old Christine Rodriguez, who knows electricity from school, it was still a thrill to pull a string and see a light go on in her own home.

And to 2-year-old Melvin Rodriguez, awakening from a nap to see an electric light on, his first thought was, "Daddy, did God move the sun indoors?"

The arrival of electricity meant different things to different persons. To some of the eight school children who are bussed in a four-wheel drive vehicle to attend school in Pecos each day, lights meant reading and homework and possibly even television. A teen-age girl mentioned a hair dryer. Several women wanted refrigerators first—"so we don't have to keep driving to town for food in the summer . . . it spoils now if we don't eat it right away."

One woman marveled at the brightness of her kitchen for a few moments and then went around turning the lights off. It was a big day, but one still must be thrifty.

Another woman complained when the lights went on. One bulb was illuminated; another was not. When a cooperative employee pulled the chain on the dark bulb, and the light suddenly went on, the woman jumped. It took reassurance before she would also pull the chain herself.

The lights went on, but only after years of attempts by townspeople to get lights and only after a rural electric cooperative-Mora San Miguel purchased an old private power company.

The entire system in the Pecos-Glorieta-Cowles area east of Santa Fe has had to be completely rebuilt. This was made possible by a low-interest, long-term loan from the Rural Electrification Administration. Part of the agreement for such a loan is to serve anyone who does not have electricity—where feasible. Manager John DeFoor and engineers decided it was feasible to serve Lower Colonias and about 100 other homes in the system who have not had electricity.

But it has been a rugged job. Construction troubles, mainly caused by bad weather, has plagued Buck Construction Co., of Lubbock, which is doing the work. Initially, plans were to turn the lights on Christmas Eve. But a blizzard moved in and work had to be stopped.

Several other dates had to be cancelled. The work was completed earlier March 7. But another storm had moved in. And when one decides to travel the seven miles from Pecos to Lower Colonias, that twisting, turning road must be considered.

Some wanted to delay the event once more.

"No," said DeFoor emphatically. "The lights go on tonight whether anyone shows up or not. These people have waited too long. And, after all, some of them must travel that road every day to work . . . the kids must go over it every day to school. The least we can do is travel over it to turn the lights on."

So, with the help of vehicles from the cooperative and four-wheel drive station wagons furnished by the Forest Service, many visitors travelled the road to see the lights go on.

One was Governor Cargo. And he was shown, on the trip in, where the school bus had gone off the road in a snow storm a year earlier.

He is now a firm booster for a new road into Lower Colonias. One is scheduled soon, thanks to the Forest Service.

The ceremony was brief. There were a few remarks from townspeople and the governor. Bert Garcia, president of Mora San Miguel, presented a lineman's hard hat to the governor. And the governor received that kerosene lamp as a reminder of the day the lights went on at Lower Colonias.

Villagers also contributed four lamps, which went out of service that night, to be given the Congressional delegation in Washington.

One resident, commenting on the high cost quoted to them in previous years to have electricity, could only marvel at the cooperative system.

All it costs each member is a $5 membership fee and an agreement to use a minimum amount of electricity each month—less than $3 worth.

So the lights were on. It continued snowing, but the group moved outdoors where the cooperative had prepared barbecued pork, cooked in an open pit, along with chili, posole and frijoles.

It was a nice night at lower Colonias.

ALASKA NATIVE LAND RIGHTS

Mr. GRAVEL. Mr. President, I ask unanimous consent to have printed in the RECORD a presentation made by John Borbridge, Jr., before the Anchorage Press Club March 19 of this year on the subject "Alaska Native Land Rights." Mr. Borbridge is an Alaska native of the Tlinget tribe and is the first vice president of the Alaska Federation of Natives, the powerful statewide organization which represents ably Alaska's Indians, Aleuts, and Eskimos. Mr. Borbridge's presentation puts in succinct terms the affinity of Alaska's native people for the lands they have occupied and used since time immemorial. His presentation outlines clearly the position of Alaska's native people with respect to the case which can be made for their full and beneficial ownership of the lands they claim. Proposed legislation has been introduced and hearings held in the Congress in the past on the issue of Alaska native land claims. Proposed legislation has again been introduced in the 91st Congress, and hearings have been scheduled in the Senate on April 29 and 30. I believe that Mr. Borbridge's presentation is required reading for Members of this body, for this issue is one of national significance upon which Congress must act.

Like a voice out of the dusty pages of history, Alaska's native people are asking Congress to recognize their right to the lands they have used beyond memory and to compensate them for lands already taken from them. The Alaskan natives have never by treaty or otherwise ceded their rights to land to the United States. Thus, we have a situation which parallels that of our Nation's earliest contacts with American Indians, without of course the bloodshed on both sides which so shamefully characterize our early efforts to obtain Indian lands.

With the presentation of their case before Congress and their request for justice and equity, the Alaskan native people offer the 91st Congress a unique opportunity to add a glorious page of human enlightenment and fairness to our Nation's history of its dealings with our first citizens—the American Indians.

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

ALASKA NATIVE LAND RIGHTS

(By John Borbridge)

THE NATURE OF OUR CLAIMS

The Natives of Alaska (Eskimos, Indians and Aleuts), who are estimated to number approximately 54,000, today use and occupy extensive areas in Alaska for hunting, trap-

ping, fishing and other purposes. These are the same lands which they used and occupied for many centuries prior to the coming of the first Europeans.

Today, the descendents of these Native groups still continue to hold, by "rights of aboriginal occupancy," the great bulk of the same territory.

Today, Alaska, the last great frontier and wilderness region of our nation, is the sole remaining part of the United States which includes extensive areas still used and claimed by the indigenous inhabitants, based on *rights of aboriginal occupancy*. Except for these large areas in Alaska, the Indian or Native title to lands of our nation has, over the years, been acquired by the Federal Government.

As repeatedly held by the Supreme Court of the United States, aboriginal Indian title to lands embraces the *complete beneficial ownership based on the right of perpetual and exclusive use and occupancy*. Such title also carries with it the *right* of the tribe or native group *to be protected fully by the United States in such exclusive occupancy against any interference or conflicting use or taking by all others, including protection against the state governments*. In short, as declared by the Supreme Court, aboriginal Indian ownership is as sacred as the white man's ownership.

THE STRENGTH OF OUR CLAIMS

The established law is that *only* the United States may extinguish aboriginal Indian ownership. It is true that, during times of emergency or stress in periods of our earlier history or through unfortunate mistakes, the United States, on occasion, did extinguish or appropriate Indian title lands in the absence of the consent of the tribal occupants and without paying any compensation. However, the Congress of the United States recognized the serious injustice of these uncompensated takings of Indian title lands and adopted remedial measures. First, by a series of special Jurisdictional Acts pertaining to particular tribes, and later by the general Jurisdictional Act of 1946, known as the Indian Claims Commission Act, the Congress gave to the Indian tribes and groups the right to bring suit against the United States and to obtain compensation for tribal lands taken from them.

By these enactments, Congress has given force and effect to the declaration that Indian title is as sacred as the white man's ownership. The essential meaning of the Congressional actions and policy is that Indian occupancy rights—though they may not be covered by the due-process clause of the constitution—should be fully protected by the Federal Government and held inviolate from interference by all others. Furthermore, as has been noted, for the purpose of providing a remedy in those regrettable instances during our earlier history when Indian title lands were taken without payment of compensation, Congress provided the machinery whereby the tribes might have access to the Courts and obtain compensation based on the fair market of the lands as of the time they were taken.

HISTORIC BACKGROUND

We, the Natives of Alaska, have trust and confidence that Congress will adhere to the same honorable national policy and just principles which have uniformly guided it in dealing with aboriginal occupancy rights in all other parts of the country, ever since the founding of our nation.

The keynotes of our federal policy from the beginning have been honor and protection of the aboriginal occupancy rights of the native groups.

The underlying principles have been that native occupied lands should be acquired by the United States only with the *voluntary consent* of the native groups and for a fairly negotiated price.

These keynotes and principles are embodied in a consistent course of legislative acts of Congress, treaties made with the Indian tribes, executive agreements made with Indian tribes and approved by both houses of Congress, executive proclamations, and in a long series of decisions of the Supreme Court.

The federal policy to respect and protect native occupancy rights, indeed, antedated the Constitution.

In 1783, the Congress of the Confederation prohibited all persons from making settlements on lands "inhabited or claimed by Indians." Again, in the Ordinance for the Northwest Territory the Congress for the Confederation directed that the land and property of the Indians "shall never be taken from them without their consent; and in their property, rights and liberty, they shall never be invaded or disturbed * * *."

The first session of Congress to meet under the Constitution enacted a law, approved by President Washington, which prohibited trespass upon Indian lands. The protections of aboriginal occupancy rights in this law were amplified in a series of later statutes which are in force today as fundamental principles of Federal Indian law.

It is not suggested that our country's dealings with native groups are without blots. However, the record shows that when Congress has been apprised of mistakes or unfair or inequitable transactions, it has sought to provide appropriate restitution or other remedies, including the vesting of jurisdiction in tribunals, such as the United States Court of Claims and the Indian Claims Commission, to hear and determine the claims of injured native tribes or groups.

In considering the various legislative proposals to deal with the land occupancy rights of the Alaska native groups, it is worthwhile to remind ourselves of certain basic historical facts.

During our early history, the rapid population growth gave impetus to drives to acquire additional lands for purpose of increasing the resources and wealth of our nation and for the use of our pioneering settlers, who, in ever-rising numbers, were migrating westward. Conflicts broke out between the settlers and the Indians. These were periods of great stress.

The Federal Government was denounced for trying to protect Indian lands.

Complaints were made that Indian occupancy of lands was hindering the progress of the nation.

It was asserted that a policy of honoring tribal occupancy rights and purchasing Indian lands would impose vast liabilities on the Federal Government.

It was argued that Indian occupancy of lands created no valid right; and proposals were advanced to expropriate the Indian lands against the will of the Indians and without payment of any compensation.

However, Congress firmly stood by its policy of respect for the land occupancy rights of the Indians. In acquiring lands for the expansion of the nation and the use of the settlers, Congress recognized the just principle of voluntary purchase and sale for a negotiated price in its dealings with the Indian tribes.

Thus, up to 1871 the Federal government pursued a program of negotiating and making treaties with the Indian tribes, whereby portions of ancestral tribal lands were retained by the tribes as "reservations", and the Indian title to the balance of the lands was "extinguished" by voluntary cessions by the tribes and upon payment by the United States of agreed prices.

After 1871, the Federal government acquired Indian lands by executive agreements which were subject to ratification by both houses of Congress.

By such treaties and agreements made with Indian consent, the United States purchased the great bulk of the lands of the Indian tribes of the first 48 States at prices which, in the aggregate, having conservatively been estimated to exceed 800 million dollars—indeed a vast sum considering the national budgets of those early years of our nation's history.

Further, despite the loss of many millions of acres during the years 1880-1934, by reason of improvident governmental policies, it has been estimated that more than 50 million acres of lands of these States have been retained to this day in tribal or individual Indian trust ownership.

TODAY

Once again, now, in this sixth decade of the 20th Century, when the matter of dealing with the existing land occupancy rights of the Native groups of Alaska has come to the fore, we are hearing from some quarters the same baseless and inequitable arguments and the same discredited assertions and complaints which were advanced during earlier periods of our nation's history and which Congress has repeatedly rejected.

Some argue that the claims by the Native groups of Alaska of land occupancy rights are invalid.

Our answer is that our land occupancy rights are the same as the occupancy rights of the Indian tribes of the first 48 States. Our occupancy rights are entitled to the same respect, honor and protection that have been uniformly accorded to such rights under federal policy and laws.

Further, we answer that if there is any serious doubt about the validity of our occupancy rights, we ask only that Congress give us our day in Court so that we may have a judicial determination of the validity, scope and extent of our existing occupancy rights, and then afford to us full federal protection of such rights as are judicially established.

SPURIOUS COMPLAINTS OF IMPEDED PROGRESS

From some lips fall the familiar complaints that Native occupancy of lands is impeding the economic development and progress of the State of Alaska.

Our answer is that though we have the right of complete beneficial use of our aboriginally occupied lands and all the resources of such lands, we have been prevented and restrained from exercising our rights to deal with and develop such lands and resources. We say that only after we have been permitted the reasonable opportunity to exercise such rights a judgment may fairly be made as to whether our occupancy is hampering the economic development and progress of Alaska.

We believe that we have sufficient leadership ability to direct the development of our lands and resources.

We believe that we have the capacity—at least equal to the Federal and State bureaucracies—to make wise selection of experts and technicians to assist us, including engineers, geologists, foresters, managers, investment advisors, accountants, economists and lawyers.

Some argue that since the discoveries of valuable oil and gas resources on the Native lands have been recent and since the Natives in their aboriginal way of life did not exploit their lands for oil and gas, the Natives have no basis for complaint if the Federal government permits the Natives to continue to use the lands solely for hunting, trapping and fishing purposes, or if the Federal government appropriates the lands and compensates the Natives only for the value of the lands for such aboriginal uses without regard to the oil and gas values.

This is an argument which has been repeatedly rejected by the Supreme Court and the Court of Claims in cases involving Indian tribal lands.

By a parity of poor reasoning, it may be suggested that if Senator Jackson or Congressman Aspinall owned a 5,000 acre tract of mountain lands in his home state, which he used exclusively for hunting and for enjoying its beauty, and then valuable mineral de-

posits were discovered on the land, the Federal government could, lawfully and in good conscience, appropriate the tract and pay Congressman Aspinall only for its value for hunting purposes and for its beauty.

NATIVE LAND RIGHTS AND THE STATEHOOD ACT

Many have suggested that since the Alaska Statehood Act gave to the State of Alaska the right of selection of some 103 million acres of land, a serious dilemma has been created in that the exercise of such right by the State would necessarily require the selection of much land presently held by the Alaska Natives.

Our answer is that Congress was fully aware of this problem when the Statehood Act was passed. In accordance with the uniform federal policy to honor and protect lands held by aboriginal occupancy rights, Congress explicitly required the State of Alaska in the Statehood Act to "forever disclaim" all right or title to any lands held by Indian, Eskimo and Aleut groups.

We say that any State selection of lands which are held by Native aboriginal title is violative of the terms, intent and spirit of the Statehood Act and contrary to other acts of Congress as well as federal policy.

History shows that on the occasions when other States were earlier admitted to the Union, the acts of admission included provisions substantially identical to the "disclaimer" clause of the Alaska Statehood Act. Following the admission of such States, the Federal government by agreement with the Indian tribes acquired such Indian title lands as were committed to the newly admitted State. The same procedure is applicable to Alaska.

During the debates on the bill that became the Alaska Statehood Act, a number of distinguished statesmen, particularly the Honorable Ed Edmondson, advocated amendments to the bill so as to provide a mechanism for resolving the problem of any State selection of lands which might conflict with Native occupancy rights. However, Congress in its wisdom, decided to postpone the final resolution of this problem to a later day. We trust that the day is now and that in its resolution of the problem the Congress will act fairly and honorably as it has in the past.

Some complain that for the Congress to deal with the Native groups to acquire the Native lands in order to fulfill the commitment to the State of some 103 million acres would result in a great drain on the Federal Treasury, considering the oil, gas and other valuable resources of the lands. It is further argued that since lands held by Native title are not constitutionally protected against a taking by the United States, and for purpose of avoiding such a drain on the Treasury, Congress should expropriate the Native lands or pay a unilaterally fixed amount far below the value of the lands.

These are akin to the arguments of our earlier histroy which sought to place a dollar sign on national honor and integrity and which Congress rejected when it purchased the lands of the Indian tribes of the first 48 States.

CONCLUSIONS

Alaska Natives have assumed a statesmanlike posture, reflective of a conscientious awareness of the welfare of all citizens by their expressed willingness to negotiate on a political or legislative solution through the United States Congress. We, who are the first Alaskans, desire the development of our home State. We only ask that justice and equity be done and that, in the future, Alaska's Native people may become active participants in Alaska's development.

Although Alaska Natives have agreed to negotiate politically and are, therefore, not making recourse to the courts, we must emphasize that we are negotiating from a position of right and strength. We stress the fact that while we eschew the litigatory route, we still choose to retain the right to define our substantive legal rights, for therein lies the strength of our bargaining position and the basis of our negotiating effectiveness. Nevertheless, *litigation is a viable alternative, which we have, thus far, chosen to avoid.*

We Alaska Natives envision that provisions of an equitable settlement of the land claims will enable us to uplift the qualities of life for our people. Recognizing that frustrations may be derived from a minority status due to ethnic origin and economic powerlessness, we anticipate our ability to exercise the *prerogative of choice* within the context of our needs, our goals, and our desires. We will recognize that many of our people will choose life in the villages, because it is, for them, a fulfillment and a satisfaction, while others, desirous of projecting themselves into a competitive society, will have the means to do so.

Economic and industrial development activities will bring untold financial and other development benefits to the state as we administer the lands and compensation forthcoming in satisfaction of our land claims. Essential to the success of this phase of our operations will be the inclusion, within the terms of the settlement, of maximum opportunities for self-determination; the Dept. of the Interior *must* be restricted to a non-policy role to the fullest extent possible.

Please note, we do not ask that we Alaska Natives be *given* land and compensation. We ask that our valid legal rights be recognized and that our right to retain that which *is* ours and our right to be compensated for that which we give up be implemented.

I am proud to state my belief that there is no nation on earth which has, during its history, set so high standards of dealing with native aboriginal peoples as the United States and no nation which has been more willing to rectify situations when it has fallen from those high standards.

It also gives me pleasure to state my belief that our country has, in its best traditions, sought consistently to act fairly and equitably in matters pertaining to the original native occupants of the lands of this country.

BIG THICKET STORY BY DEMPSIE HENLEY DESCRIBES THE LONG STRUGGLE TO SAVE TEXAS' LAST REMAINING WILDERNESS

Mr. YARBOROUGH. Mr. President, the famous Big Thicket of southeast Texas once sprawled from southwest Louisiana west almost to the Brazos River and north through east Texas almost to Shreveport, La. These 3½ million acres contained a wide variety of wilderness, woodlands, and river bottoms, and were steeped in natural beauty and historical significance. However, now this vast formerly mysterious land has dwindled to a mere 300,000 acres, and is rapidly vanishing from existence altogether.

Mr. Dempsie Henley, a lifelong resident of the Big Thicket area, former mayor of Liberty, Tex., and leader of the Big Thicket Association, has written an informative and interesting book entitled "The Big Thicket Story," which describes the background of the Big Thicket and the efforts to save it from further exploitation. The January 1969 edition of the Florida Naturalist contains a fine review of Mr. Henley's book, ably written by Dr. P. A. Y. Gunter of the University of Tennessee.

Not only does this article by Dr. Gunter outline "The Big Thicket Story"; it also points out why my bill, S. 4, to establish a Big Thicket National Park of not less than 100,000 acres, should receive immediate consideration by the Senate.

I ask unanimous consent that the review by Dr. Gunter entitled, "The Big Thicket Story" from the January 1969, issue of the Florida Naturalist be printed in the RECORD.

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

[From the Florida Naturalist, January 1969]

THE BIG THICKET STORY

(By Dr. P. A. Y. Gunter, University of Tennessee)

Though *The Big Thicket Story* is engagingly written and contains much of interest to students of nature, its author is neither a naturalist nor a professional writer. Dempsie Henley is instead, assuming that so complex a man can be neatly typed, a unique statesman, a self-taught strategist in the politics of conservation. His book describes the long struggle to save one of Texas' last remaining wilderness areas from the power saw and the bulldozer. As the results show, the politics of conservation can be as frustrating as any other kind of politics.

Henley begins his chronicle with personal reminiscences of life in rural southeast Texas during the 1920's and '30's. In the course of these reminiscences the nature, location, and prospects of the wilderness area he defends become clear. The Big Thicket (or The Big Woods, which the Indians called it) once sprawled from southwest Louisiana west almost to the Brazos River and then back through east Texas almost to Shreveport, Louisiana. Within its three million acres lay a wide variety of wilderness, from canebrakes and cypress swamps along its southern border to beech forests and rolling hills in the north. Indians, who journeyed there from as far away as New Mexico to hunt its abundant game, traveled there by canoe only, and never stayed long. There were no paths by land, and no permanent settlements. Pioneers, attempting in the 1820's to penetrate the dense undergrowth, were forced to turn back and find new routes west. They called the unknown region The Big Thicket, and made every attempt to avoid it. In spite of ferocious legends and very un-legendary hardships. The Big Thicket came gradually to be settled. Around its settlers' cabins and sandy crossroads, however, wilderness remained, ready to grow back and capture what had been taken from it. Well into the twentieth century the region was to remain remote and isolated, a last refuge for bear, panther, and hunted men, a place where travelers ventured at their risk.

Early pioneers, like the lumbermen who followed them, had little love of wilderness, and few notions of conservation. There was much in The Big Thicket that was unique, however, and much that should have been conserved. The fractional remainder of The Thicket that exists today (about 300,000 acres), in spite of prolonged pillage, contains an imposing list of significant natural features. Foremost among these is the area's plant life, primarily its spectacularly large trees. In or near The Thicket are the world's largest holly, yaupon, eastern redcedar, Chinese tallow, black hickory, planertree, sparkleberry, common sweetleaf, and silver bell trees, also the world's tallest cypress. The botanical diversity of the region is even more impressive than the sheer size of its vegetation. Eastern and Western plant species mingle here, mesquite alongside magnolia, yucca beside palmetto palms. Twenty-two varieties of orchids are found in The Thicket, together with hundreds of acres of wild jasmine, and the same area also contains plant growth patterns that are found in the temperate climate of the Appalachian Highlands. An attentive naturalist will find that

the phrase, "The Biological Crossroads of North America," is well merited by The Thicket.

This phrase, however, is equally deserved by the animal life of the region. Over two hundred bird species are year-round Thicket residents, including the Bald Eagle (now reduced nearly to extinction), the rare Bachman's Sparrow, the Red-cockaded Woodpecker, and the Ivory-billed Woodpecker, which was previously thought to be extinct. Many more birds rest here on annual migration flights. The baygalls, cypress swamps, and marshes of The Thicket contain an almost unsurpassed variety of water birds: Little Blue Heron, Black-crowned Night Heron, Yellow-crowned Night Heron, Roseate Spoonbill, Snowy Egret, kingfisher, Wood Duck, Common Egret, Green Heron, Anhinga or Water Turkey and a recent immigrant, the North African Cattle Egret.

The four-footed citizens of the area are less easy to classify than the birds, precisely because several species have been virtually driven out or killed. Poachers have drastically reduced the number of alligators, while once numerous bear and panther are now reported only rarely.

There have been many attempts by conservationists beginning with the 1920's, to protect the remaining wilderness areas of The Thicket. After flurries of speechmaking and letterwriting, their efforts had always lapsed, while the region continued to be pillaged. It was not until the early 1960's that conservationists began seriously to consider the possibility of a Big Thicket Park, and when the public began to wake up to some of the area's unique features. Unfortunately, Henley laments, the first important politician (Governor Price Daniel) to make The Thicket a campaign issue failed to be re-elected, and plans for a Big Thicket Park were made to appear a mere political gimmick. With the failure of his campaign, conservationists seemed to be farther from their goals than ever.

The first lesson of *The Big Thicket Story*, however, is that defeat must never be accepted at face value. It was up to Henley to pick up the pieces, one by one, and start over, beginning with the new governor John Connally and a newly reorganized Big Thicket Association, and with persistent efforts to influence soured public opinion. Opposition to The Big Thicket Association and its proposed park was not soon to die away. Wild rumors circulated by the opposition caused consternation, if not sheer panic, among those who might otherwise have supported the conservationists' goals. It was believed, for example, that if The Thicket were made into a park, all old people would lose their homes and farms, schools would be immediately closed, and newly reintroduced bear and panther would eat local children. Meanwhile an "investigator" made the rounds of local establishments attempting to buy incriminating evidence (forged checks, adulteries, ties with secret Communist organizations) against Big Thicket Association members. When questions began to be raised as to what interests were paying the gentleman to carry on his investigations, the man quietly and quickly left the area, not to be seen again for over a year.

Amidst the difficulties, however, conservationists continued to work doggedly on. A detailed study of The Thicket was made, and a report presented to the governor of Texas, who made many mellifluous and polite statements concerning it. The report asked for a minimal park of 25,000 acres (a 10,000 acre Big Thicket State Forest, and a 15,000 acre Wildlife and Wilderness Area), structured to take account of the interests of oil, lumber and land companies, but even these reduced demands provoked no reply from the state legislature, or the ever mellifluous governor. There was, however, more than one way to skin a cat:

"We concluded that if we were to get any cooperation out of some of the major lumber companies, and if we were to obtain any support and action from the 'let private enterprise do it' group or the 'state's righters', we would have to create a great deal of competition between the state and federal governments, a calculated move that I hoped would eventually force an opening . . ."

To force a fight between state and federal governments in Texas meant to increase the already intense friction between Texas conservatives (led by Connally) and Texas liberals (led by Senator Ralph Yarborough). Perhaps friction could accomplish what persuasion could not.

The upshot of these later efforts resulted in well-publicized visits to the region by United States Senator Yarborough and Supreme Court Justice William O. Douglas. Some of *The Big Thicket Story's* best passages describe the travels of the senator and the judge through remote portions of the region:

"The dim, long, narrow logging road that winds through this part of the Thicket is completely covered overhead for several miles by huge trees, shrubs, and plants that form a perfect tunnel. It is a weird but rich experience to travel several miles through a botanical wilderness with a complete umbrella of rare plants overhead. The road is very narrow and winding, and several times we had to chop logs, fallen brush and vines out of the vanishing trail."

If Yarborough and Douglas found much to appreciate, they also found much to protest. For example: a thousand year old magnolia drilled in five places and poisoned with arsenate of lead; a clear, cold trout stream polluted by oil refinery waste; a cutting program instigated by big lumber companies, apparently aimed at making the wilderness unfit for inclusion in the national park system; new vacation subdivisions built in the heart of the wilderness—built to capitalize on the publicity which The Big Thicket Association had created!

More than local publicly, however, resulted from the interest of these men. Douglas' book, *Farewell To Texas*, was to contain a long chapter pleading for the preservation of the region, while Senator Yarborough was to introduce a bill to create a Big Thicket National Park. The introduction of Yarborough's bill marks the high point of *The Big Thicket Story*, and the high-water mark of the conservationists' struggle. There are low points, however. One might mention Governor Connally's visit to the region in an airplane owned by the East-Tex lumber company! More threatening is the announcement of a Southeast Texas Resource and Development Project, dedicated to bulldozing The Big Thicket, and replacing it with rice farming and cattle raising. *The Big Thicket Story* thus ends in suspense. Can the Senator head off the U. S. Department of Agriculture or can The Big Thicket Association persuade the lumbermen? This, Henley concludes somberly, "depends entirely upon what our citizens and those in public office do *now* before it is eternally too late."

The *Big Thicket Story* is not a perfect book. Misspelled words and repetitions detract from its impact, while the author's literary style lends itself to rambling superlatives. But these are minor faults. In following Henley through misty, backwoods and cypress swamps, and sitting with him in general stores and settlers' cabins, one comes gradually to know a unique wilderness area, its plant and animal life, and its people. In observing the moves and countermoves of conservationists and economic interest groups, one comes to understand the nature, and the *necessity* of the "politics of conservation." Politics may not be so beautiful as the great out-of-doors, but if conservationists are to keep any of the great out-of-doors to admire, they will have to turn to "politics," and soon. *The Big Thicket Story* provides an interesting education in what kind of politics is required.

TAX SHARING ACT OF 1969

Mr. BAKER. Mr. President, 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.

The bill calls for an appropriation of one-fourth of 1 percent of the Federal individual income tax base for fiscal year 1971, which would yield an estimated $875 million. The bill further provides for a rate increase to one-half of 1 percent in fiscal 1972 and to 1 percent in fiscal 1973. The Library of Congress has prepared a table indicating the portion of an $875 million appropriation that each State would receive under the formula set forth in my bill. I ask unanimous consent that the table be printed at this point in the RECORD.

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

ALLOCATION BY STATE OF $875,000,000 UNDER THE ALLOCATION FORMULA IN THE PROPOSED BAKER TAX SHARING ACT OF 1969

State	Total State allotment (thousands)	Per capita State allotment
Alabama	$15,553	$4.39
Alaska	1,650	6.07
Arizona	9,122	5.58
Arkansas	9,470	4.81
California	95,398	4.98
Colorado	10,426	5.28
Connecticut	9,905	3.39
Delaware	2,345	4.48
District of Columbia	3,302	4.08
Florida	29,714	4.96
Georgia	19,288	4.28
Hawaii	3,997	5.41
Idaho	3,735	5.34
Illinois	36,751	3.37
Indiana	21,286	4.26
Iowa	13,380	4.86
Kansas	11,381	5.00
Kentucky	14,249	4.47
Louisiana	20,678	5.65
Maine	4,257	4.38
Maryland	13,032	3.54
Massachusetts	23,371	4.31
Michigan	35,187	4.10
Minnesota	19,374	5.41
Mississippi	14,249	6.07
Missouri	17,898	3.89
Montana	3,735	5.33
Nebraska	6,256	4.36
Nevada	2,172	4.89
New Hampshire	2,433	3.55
New Jersey	25,631	3.66
New Mexico	6,517	6.50
New York	94,790	5.17
North Carolina	21,634	4.30
North Dakota	4,170	6.53
Ohio	35,536	3.40
Oklahoma	12,772	5.12
Oregon	9,645	4.82
Pennsylvania	42,834	3.68
Rhode Island	3,389	3.77
South Carolina	11,208	4.31
South Dakota	4,084	6.06
Tennessee	15,813	4.06
Texas	44,484	4.09
Utah	5,213	5.09
Vermont	2,085	5.00
Virginia	17,290	3.81
Washington	14,596	4.73
West Virginia	7,733	4.30
Wisconsin	19,983	4.77
Wyoming	1,999	6.35
Total	875,000	4.42

Mr. BAKER. Mr. President, the March 22 issue of the Saturday Review con-

tains an article entitled "Should the Government Share Its Tax Take?" written by Dr. Walter W. Heller. Dr. Heller was Chairman of the Council of Economic Advisers under Presidents Kennedy and Johnson and was the first exponent of the concept of Federal tax sharing. I ask unanimous consent that his article be printed in the RECORD.

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

[From the Saturday Review, Mar. 22, 1969]

SHOULD THE GOVERNMENT SHARE ITS TAX TAKE?

(By Walter W. Heller)

Washington *must* find a way to put a generous share of the huge federal fiscal dividend (the automatic increase in tax revenue associated with income growth) at the disposal of the states and cities. If it fails to do so, federalism will suffer, services will suffer, and the state-local taxpayer will suffer.

Economic growth creates a glaring fiscal gap; it bestows its revenue bounties on the federal government whose progressive income tax is particularly responsive to growth, and imposes the major part of its burdens on state and local governments. Closing that gap must take priority over any federal tax cuts other than the removal of the 10 per cent surcharge. And even this exception may not be valid. For, as New York Governor Nelson A. Rockefeller has proposed, the revenue generated by the surcharge can easily be segregated from other federal revenue and earmarked for sharing with the states. So perhaps even the taxpayer's "divine right" to get rid of the surcharge may have to give way to the human rights of the poor, the ignorant, the ill, and the black.

For when the state-local taxpayer is beset with—and, indeed, rebelling against—a rising tide of regressive and repressive property, sales, and excise taxes, what sense would it make to weaken or dismantle the progressive and growth-responsive federal income tax? Whether our concern is for justice and efficiency in taxation, or for better balance in our federalism, or, most important, for a more rational system of financing our aching social needs, there is no escape from the logic of putting the power of the federal income tax at the disposal of beleaguered state and local governments.

Calling for redress of the fiscal grievances of our federalism is, of course, far from saying that state-local government has reached the end of its fiscal rope. The taxpayer's will to pay taxes may be exhausted, but his capacity is not:

Our overall tax burden—roughly 28 per cent of the GNP—falls far short of the 35-to-40 per cent levels in Germany, France, the Netherlands, and Scandinavia. Small solace, perhaps, but a strong suggestion that the U.S. taxpayer has not been squeezed dry.

Untapped and underutilized tax sources still abound in state and local finance. For example, fifteen states still have no income tax, and six still have no sales tax. If all fifty states had levied incomes taxes as high as those of the top ten, state income tax collections in 1966 would have been $11 billion instead of $5 billion. The same type of computation for state and local sales taxes shows a $5-billion add-on. As for that sick giant of our tax system, the property tax, the aforementioned top-ten standard adds $9.3 billion to the existing collection of $24.5 billion.

It is only fair to point out, however, that states and localities have not been exactly reticent about tapping these revenue sources. In spite of taxpayer resistance and the frequent political penalties that go with it, the fifty states have been doing a land-office business in new and used taxes. In the past ten years, the six major state taxes (sales, personal and corporate income, gasoline, cigarette, and liquor) were the subject of 309 rate increases and twenty-six new adoptions. Instead of slowing down, the pace has speeded up; in 1967–68, the states raised major taxes on eighty occasions and enacted seven new levies. Meanwhile property tax burdens have risen faster than anyone thought possible ten years ago.

Yet, this effort has all the earmarks of a losing battle. Economic growth generates demands for new and better services while leaving a massive problem of water, air, land, and sound pollution in its wake. Population growth, especially the rapid rise of taxeaters relative to taxpayers (the number of Americans in the school-age and over-sixty-five groups is increasing more than twice as rapidly as those in-between), is straining state-local budgets. And inflation—which increases the prices of goods and services bought by state-local governments about twice as fast as the average rate of price increase in the economy—also works against state-local budgets.

In trying to meet these spending pressures, state and local governments are inhibited by fears of interstate competition, by limited jurisdiction, by reliance on taxes that respond sluggishly to economic growth, and by fears of taxpayer reprisals at the polls. But it would be a mistake to assume that the case for federal support rests wholly, or even mainly, on these relentless fiscal pressures and handicaps. Far from being just a fiscal problem—a question of meeting fiscal demands from a limited taxable capacity—the issue touches on the very essence of federalism, both in a political and in a socioeconomic sense.

Indeed, it is from the realm of political philosophy—the renewed interest in making state-local government a vital, effective, and reasonably equal partner in a workable federalism—that much of the impetus for more generous levels and new forms of federal assistance has come. The financial plight of state-local government cannot alone explain the introduction of some 100 bills in Congress for various forms of revenue sharing or unconditional block grants since 1954, when my proposal for apportioning taxes was first made public and converted into a detailed plan by the Presidential task force headed by Joseph A. Pechman.

In this connection, I have been amused by how often the following sentences from my *New Dimensions of Political Economy*, published in 1966, have been quoted, especially by surprised conservatives: "The good life will not come, ready made, from some federal assembly line. It has to be custom built, engaging the effort and imagination and resourcefulness of the community. Whatever fiscal plan is adopted must recognize this need." In expressing similar thoughts publicly for a quarter-century, I have not been alone among liberals. Yet, the statement is now greeted as if the power and the glory of decentralization has just been revealed to us for the first time. May I add that when we are embraced by those "who stand on their states' rights so they can sit on them," we may be forgiven for wincing.

Moving from the political to the economic, one finds strong additional rationale for new and expanded federal support in the economic—or socioeconomic—theory of public expenditures. It is in this theory that our vast programs of federal aid to state and local governments—projected to run at $25 billion in fiscal 1970 (triple the amount in 1960)—are firmly anchored. All too often, they are thought of simply as a piece of political pragmatism growing out of two central fiscal facts: that Washington collects more than two-thirds of the total federal, state, and local tax take; and that nearly two-thirds of government public services (leaving aside defense and social security programs) are provided by state-local government. Throw in the objective of stimulating state-local efforts through matching provisions, and, for many people, the theory of federal grants is complete.

FEDERAL AID TO STATE AND LOCAL GOVERNMENTS

[Selected fiscal years, 1949–69; in millions of dollars]

	1949	1959	1967	1968 [1]	1969 [1]
Agriculture	86.6	322.5	448.0	599.4	644.0
Commerce and transportation	433.6	100.6	226.3	431.7	618.6
Education	36.9	291.3	2,298.7	2,461.9	2,398.2
Health, labor, welfare	1,231.5	2,789.7	6,438.0	8,207.1	9,135.0
Housing community development	8.6	188.4	768.3	1,185.2	1,812.5
Highway and unemployment trust funds		2,801.2	4,501.7	4,773.1	4,796.7
Other	5.5	319.7	1,120.2	1,239.9	1,418.0
Total	1,802.7	6,813.4	15,801.2	18,898.3	20,823.0

[1] Data estimated.

Source: Bureau of the Budget.

In fact, it is only the beginning. Consider the compelling problems of poverty and race and the related problems of ignorance, disease, squalor, and hardcore unemployment. The roots of these problems are nationwide. And the efforts to overcome them by better education, training, health, welfare, and housing have nationwide effects. Yet, it is precisely these services that we entrust primarily to our circumscribed state and local units.

Clearly, then, many of the problems that the states and localities tackle are not of their own making. And their success or failure in coping with such problems will have huge spillover effects far transcending state and local lines in our mobile and interdependent society. The increasing controversy over the alleged migration of the poor from state to state in search of higher welfare benefits is only one aspect of this. So, quite apart from any fiscal need to run hat in hand to the national government, states and cities have a dignified and reasonable claim on federal funds with which to carry out national responsibilities. Only the federal government can represent the totality of benefits and strike an efficient balance between benefits and costs. Therein lies the compelling economic case for the existing system of earmarked, conditional grants-in-aid. Such grants will, indeed must, continue to be our major mechanism for transferring funds to the states and localities.

But the interests of a healthy and balanced federalism call for support of the general state-local enterprise as well as specific services. It is hard to argue that the benefits of sanitation, green space, recreation, police and fire protection, street maintenance and lighting in one community have large spillover effects on other communities. Yet, in more or less humdrum services such as these lies much of the difference between a decent environment and a squalid one, between the snug suburb and the grinding ghetto.

Given the limits and inhibitions of state-local taxation and the sharp inequalities in revenue-raising capacity—compounded by the matching requirement in most categori-

cal grants, which pulls funds away from non-grant activities—too many of the states and the cities are forced to strike their fiscal balances at levels of services well below the needs and desires of their citizens. The absence of a system of federal transfers to serve the broad purpose of upgrading the general level of public services, especially in the poorer states, is a serious gap—both economic and political—in the fiscal structure of our federalism. Tax sharing could fill it.

The core of a tax-sharing plan is the earmarking of a specified share of the federal individual income tax take for distribution to states and localities, on the basis of population, with next to no strings attached. The so-called Heller-Pechman plan has the following main elements:

The federal government would regularly route into a special trust fund 2 per cent of the federal individual income tax base (the amount reported as net taxable income by all individuals). In 1969, for example, this would come to about $7 billion, roughly 10 per cent of federal individual income tax revenues. This amount would be channeled to the states at fixed intervals, free from the uncertainties of the annual federal appropriation process.

The basic distribution would be on a straight population formula, so much per capita. Perhaps 10 per cent of the proceeds should be set aside each year as an equalization measure—to boost the share of the seventeen poorer states (which have 20 per cent of the nation's population).

To insure that the fiscal claims of the localities are met, a minimum passthrough—perhaps 50 per cent—to local units would be required. In this intrastate allocation, the financial plight of urban areas should be given special emphasis.

The widest possible discretion should be left to the state and local governments in the use of the funds, subject only to the usual accounting and auditing requirements, compliance with the Civil Rights Act, and perhaps a ban on the use of such funds for highways (for which there already is a special federal trust fund).

How well does the tax-sharing plan (also called revenue sharing, unconditional grants, and general assistance grants) measure up to the economic and sociopolitical criteria implicit in the foregoing discussion? Let me rate it briefly, and sympathetically, on six counts.

First, it would significantly relieve the immediate pressures on state-local treasuries and, more important, would make state-local revenues grow more rapidly, in response to economic growth. For example, a 2-percentage-point distribution on a straight per capita basis would provide, in 1969, $650 million each for California and New York, $420 million for Pennsylvania, $375 million for Illinois, $140 million each for Mississippi and Wisconsin, $125 million each for Louisiana and Minnesota, and about $65 million each for Arkansas and Colorado.

The striking growth potential of this source of revenue is evident in two facts: 1) had the plan been in effect in 1955, the distribution of 2 per cent of the $125-billion income-tax base in that year would have yielded a state-local tax share of about $2.5 billion; and 2) by 1972, the base should be about $450 billion, yielding a $9-billion annual share.

Second, tax sharing would serve our federalist interest in state-local vitality and independence by providing new financial elbow room, free of political penalty, for creative state and local officials. Unlike the present grants-in-aid, the tax-shared revenue would yield a dependanble flow of federal funds in a form that would enlarge, not restrict, their options.

Third, tax sharing would reverse the present regressive trend in our federal-state-local tax system. It seems politically realistic to assume that the slice of federal income tax revenue put aside for the states and cities would absorb funds otherwise destined to go mainly into federal tax cuts and only partly into spending increases. Given the enormous pressures on state-local budgets, on the other hand, tax shares would go primarily into higher state-local expenditures and only in small part into a slowdown of state-local tax increases. Thus, the combination would produce a more progressive overall fiscal system.

Fourth, tax sharing—especially with the 10 per cent equalization feature—would enable the economically weaker states to upgrade the scope and quality of their services without putting crushingly heavier burdens on their citizens. Per capita sharing itself would have a considerable equalizing effect, distributing $35 per person to all of the states, having drawn $47 per person from the ten richest and $24 per person from the ten poorest states. Setting aside an extra 10 per cent for equalization would boost the allotments of the seventeen poorest states by one-third to one-half. Thus, the national interest in reducing interstate disparities in the level of services would be well served.

Fifth, the plan could readily incorporate a direct stimulus to state and local tax efforts. Indeed, the Douglas Commission (the National Commission on Urban Problems), like many other advocates of tax-sharing plans, would adjust the allotments to take account of relative state-local tax efforts. In addition, they propose a bonus for heavy reliance on individual income taxation.

A more direct stimulant to state and local efforts in the income tax field would be to enact credits against the federal income tax for state income taxes paid. For example, if the taxpayer could credit one-third or two-fifths of his state and local income tax payments directly against his federal tax liability (rather than just treat such taxes as a deduction from taxable income, as at present), it would lead to a far greater use of this fairest and most growth-oriented of all tax sources.

Ideally, income tax credits should be coupled with income tax sharing and federal aid in a balanced program of federal support. But if relentless fiscal facts require a choice, the nod must go to tax sharing because (1) credits provide no interstate income-level equalization; (2) at the outset, at least, much of the federal revenue loss becomes a taxpayer gain rather than state-local gain; and (3) since one-third of the states still lack broad-based income taxes, the credit would touch off cries of "coercion." Nevertheless, it is a splendid device that ought to have clearcut priority over further tax cuts.

Sixth, and finally, per capita revenue sharing would miss its mark if it did not relieve some of the intense fiscal pressures on local, and particularly urban, governments. The principle is easy to state. The formula to carry it out is more difficult to devise. But it can be done. The Douglas Commission has already developed an attractive formula that it describes as "deliberately 'loaded' to favor general purpose governments that are sufficiently large in population to give some prospect of viability as urban units." I would agree with the Commission that it is important not to let "no-strings" federal aid sustain and entrench thousands of small governmental units that ought to wither away—though I still prefer to see the tax-sharing funds routed through the fifty state capitals, rather than short-circuiting them by direct distribution to urban units.

Supported by the foregoing logic, espoused by both Democratic and Republican platforms and candidates in 1968, and incorporated into bills by dozens of prestigious Senators and Congressmen, one would think that tax sharing will have clear sailing as soon as our fiscal dividends permit. Not so. The way is strewn with obstacles and objections.

For example, tax sharing poses threats, or seeming threats, to special interest groups including all the way from top federal bureaucrats who see tax sharing's gain as their agencies' and programs' loss; through the powerful lobbyists for special programs such as housing, medical care, and pollution control programs, who recoil from the prospect of going back from the federal gusher to fifty state spigots; to the Senators and Congressmen who see more political mileage in tax cuts or program boosts than in getting governors and mayors out of their fiscal jam.

But, of course, opposition goes far beyond crass self-interest. It also grows out of philosophic differences and concern over the alleged shortcomings of tax sharing. There is the obvious issue of federalism versus centralism. A strong contingent in this country feels that the federal government knows best, and that state and local governments cannot be trusted. Others fear that revenue sharing or unrestricted grants will make state-local government more dependent on the federal government—a fear for which I see little or no justification.

On the issues, some would argue that it is better to relieve state-local budgets by taking over certain burdens through income-maintenance programs like the negative income tax; while others feel that too much of the revenue-sharing proceeds would go down the drain in waste and corruption. Here, one must answer in terms of a willingness to take the risks that go with an investment in the renaissance of the states and the cities. Some costs in wasted and diverted funds will undoubtedly be incurred. My assumption is that these costs will be far outweighed by the benefits of greater social stability and a more viable federalism that will flow from the higher and better levels of government services and the stimulus to state-local initiative and responsibility.

In sum, I view tax sharing as an instrument that 1) will fill a major gap in our fiscal federalism; 2) will strengthen the fabric of federalism by infusing funds *and* strength into the state-local enterprise; and 3) will increase our total governmental capacity to cope with the social crisis that confronts us. The sooner Congress gets on with the job of enacting a system of tax sharing, even if it means postponing the end of the 10 percent surcharge, the better off we shall be.

HOME HEATING PROBLEMS EAST OF THE ROCKIES

Mr. CRANSTON. Mr. President, as one who enjoys the pleasant and temperate climate of California, I am nevertheless not indifferent to the home heating problems of millions of Americans east of the Rockies.

Senators, Representatives, and Governors of the six New England States have urged the Foreign Trade Zones Board to approve the pending application of the State of Maine for a foreign trade zone in Portland and a subzone at Machiasport. Granting the request would permit the building of a refinery in Machiasport which they believe would lower fuel prices for New England consumers. The proposal is under heavy fire from a number of major oil companies.

Because of the controversy generated, it is especially important that all the points of view have a proper hearing. I believe that the attached statement by the distinguished chairman of the board of Occident Petroleum Corp., Armand Hammer, is a useful contribution

to a full and balanced presentation of the issues. I ask unanimous consent that it be printed in the RECORD.

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

LET'S KEEP THE RECORD STRAIGHT ON MACHIASPORT

INTRODUCTION

The Machiasport oil refinery project of the State of Maine has the bi-partisan support of the 12 New England Senators, the 6 New England Governors, all New England Congressmen, virtually the entire business, banking and academic community and practically all citizens of the region. The project will bring relief to the 11 million people of New England, who are paying the highest prices in the nation for home heating oil, and will strengthen the security of the entire country.

The project is opposed by most of the large oil companies and the petroleum refining and producing associations, which they dominate.

Every argument made by and on behalf of the opponents to this project was made at full hearings of the Examiners Committee of the Foreign Trade Zones Board, held in Portland, Maine, and Washington, D.C., in October, 1968. The arguments were fully presented in written briefs and testimony before representatives of the Department of Commerce, Department of the Treasury, Department of the Army, and their counsel. The published record of these hearings numbers approximately 1400 pages. Among those who testified, or who submitted written material in opposition to the project, were Esso, Shell, Gulf, Sinclair, Standard of Indiana, Tidewater and Continental.

In January, 1969, under the Johnson administration, the Examiners Committee unanimously recommended approval of the application of the State of Maine for a foreign trade zone in Portland and a subzone at Machiasport. In February, 1969, under the Nixon administration, the Committee of Alternates of the Foreign Trade Zones Board, consisting of the Assistant Secretaries of Commerce and Treasury and a representative of the Army, reviewed this recommendation and unanimously approved it, leaving only the final stamp of approval by the Foreign Trade Zones Board, made up of the Secretary of Commerce, Secretary of the Treasury, and Secretary of the Army. In 27 years, there has never been a case where the members of the Foreign Trade Zones Board have failed to affirm the recommendations of their Alternates.

It should be noted that the Hearings Examiners permitted complete latitude to the opponents of this project to present their evidence, which mainained that the granting of the foreign trade zone *itself* would destroy the Oil Import Control Program, thereby endangering our national security.

Is it believable that these responsible government officials, including representatives of the Defense Department, under the administration of two Presidents would jeopardize our national security by approving this application? The mere recitation of the question betrays the desperate tactics of those opposing the project.

Perhaps the real motive of our opponents is best summarized by the introductory statement of a Gulf Oil Corporation brochure published recently, as follows: "Gulf Oil Corporation, one of the 'major oil companies' engaged in selling fuels and lubricants in New England, opposes this application *only* because it provides for Occidental Petroleum to import petroleum products into the United States as a special privilege not available to all refiners." (Emphasis added.) As an afterthought, the Guf statement adds, "The use of foreign-trade zones, as proposed in this application, would lead to the destruction of the Oil Import Control Program which we believe essential to our national security."

Stripped of pretense about national security interests, the oil company opponents to Machiasport are really motivated by strictly economic considerations. They don't want to move over and share part of the oil import quota subsidy with a new competitor. They don't want to give up control of prices, and they don't want to lose any share of their market position. All this is understandable, but it should be labeled for what it is, and not paraded as concern for the national security.

Let's review the facts

In 1963, the Maine Legislature authorized the Maine Port Authority to apply to the Foreign Trade Zones Board for permission to operate a foreign trade zone in Maine. For some time, the State tried unsuccessfully to interest oil companies and other groups in placing a refinery in a trade zone.

In May of 1968, Occidental Petroleum Corporation was first asked by the State of Maine to make the project possible by building a refinery in Machiasport, and agreeing to reduce prices to New England consumers. In July of 1968, Occidental agreed to take over Business Development Fund, Inc., and New England Refiners, Inc., which had initiated the project some time before, but lacked the financial strength to carry it out.

Occidental cannot ignore the many misleading statements made about it and about the project in an attempt to divert attention from the actual merits of Machiasport. We have, at all times, tried to be careful and factual in our presentation. Unfortunately, the opposition has not.

Our position has been made clear at the public hearings, referred to above, as well as on a number of other occasions but, in view of the recent rash of misleading and erroneous statements, letters and brochures that have been published by oil interests opposing Machiasport, we believe it essential to set the record straight.

OIL IMPORT PROGRAM ISSUES

Occidental will not receive "a windfall of profits"

It has been repeatedly charged that the Maine project would create a tremendous windfall of profits for Occidental. This contention is false. Much worse, it is a charge from those who have already enjoyed large windfalls. The fact is that the value of the oil import quotas for 1969 to the twenty largest oil companies is approximately $225 million, or a total of $2.5 billion over the last ten years.

Insofar as Occidental is concerned, every barrel of oil, under the import quota, will be worth about $1.25, as it is for all the other oil companies. But, unlike the other companies, which keep the entire $1.25, Occidental has undertaken to give back approximately $1.00 of it by reducing prices to the consumer, and by making other contributions in the public interest. Thus, the net value of Occidental's import quota request would be reduced to approximately $9 million per year. Therefore, if the Machiasport project is approved, Occidental will be only 13th on the list of companies in terms of value received by United States oil importers under the Import Program. Yet, Occidental is the 6th largest American producer of foreign crude oil.

In sum if keeping $.25 out of $1.25 (after building a $140 million refinery) is a windfall, what kind of windfall goes to those oil companies who keep the entire $1.25?

Some measure of the fallacy of the opponents' windfall argument can be seen from the wide disparity of figures they quote to support their claim. At one extreme, Shell Oil, in a letter to former Secretary of the Interior Udall, claimed that Occidental's project would result in cash income before taxes of $66 million annually. Last fall, in a similar letter to former Secretary Udall, Esso charged that Occidental's windfall profit would be $35 million annually. Esso has now apparently re-studied its computations, and in its most recent statement on the subject has now placed the profit at $22 million. Gulf Oil pegs the "subsidy" at about $32 million per year.

Senator Long of Louisiana, a large oil producing state, in a recent speech on the Senate floor, claimed at one point that Occidental's windfall was "$1 billion." Later, in the same speech, however, the Senator admitted that, after allowing for Occidental's commitments to reduce prices and make other contributions to the public interest, its "windfall" would be only $12 million.

Occidental's import request does not give it a preferential position

Senator Long and others have stated that the Machiasport project will give Occidental 53% of the total oil import allocation in the 43 state area east of the Rocky Mountains. Simply stated, this is untrue. The total permissible oil import allocation in 1969 is 1,152,412 barrels daily. Occidental's import quota request (100,000 barrels daily) will equal only 9% of the total oil import allocation for this area. This 9% equates with the 9% of United States oil consumed in New England. In other words, the project would give New England its fair share in comparison with all other regions of the country.

In order to make Occidental's quota application seem disproportionately large, opponents have eliminated from their oil import allocation figures all imports from Canada and Mexico, as well as oil import allocations for chemical use. They do this although they themselves are the principal beneficiaries of these import allocations since they are large importers of Canadian and Mexican crude oil, as well as large importers of oil used by their chemical affiliates.

Some opponents even argue that Occidental is seeking a quota for 300,000 barrels daily of oil imports into the United States. This is inaccurate. The 300,000 barrel daily figure is for crude oil to be used in the foreign trade zone, which is legally outside the United States. From the zone, Occidental has asked for a quota to ship 100,000 barrels daily of products under oil import controls into the United States. Of the balance of oil refined in the foreign trade zone at Machiasport, some 75,000 barrels daily would be entitled under existing regulations (available to all companies) to enter the United States without quota as low sulphur residual fuel oil (under 1% maximum sulphur). Of the remaining production, it is planned that some 125,000 barrels daily will be exported in part to foreign countries, and in part sold to the United States Defense Department for use overseas.

Machiasport strengthens rather than threatens the national security

Virtually all of the companies opposing Machiasport have contended that approval of the project will result in a proliferation of foreign trade zone oil refineries, which will destroy the Oil Import Control Program and, thus, weaken United States security.

There can be no threat to United States security if the 12.2% formula of the Oil Import Proclamation is maintained. That is what we propose. It is not our desire to weaken the Oil Import Control Program.

Allocation can be granted to Occidental without breaching the 12.2% formula and without reducing the allocations to any present recipient. This can be done by allocating a portion of the annual increase in total imports allowable under the 12.2% formula (over the past two years, the allowable imports into Districts I-IV have increased about 100,000 barrels daily).

The argument has been made that if the Machiasport project is approved, other applicants for a foreign trade zone will also

demand similar approval. We believe that each application should be acted upon on its own merits. If special conditions warrant an increase in the oil import quota from that usually permitted a new refinery, this, too, should be considered by appropriate Government officials. Because Occidental was the first to agree to build a refinery in New England and to apply for an oil import quota for use in a foreign trade zone to be established there, after other oil companies had turned down the opportunity, the cry of unfair competition is indeed a strange one. Occidental has never taken the position that other areas should be denied a foreign trade zone or that other companies should be denied the right to build refineries wherever it is legally permissible.

On the issue of national security, it should be emphasized that the size of the refinery, plus its domestic location, will give U.S. armed forces an added measure of supply security in the event of emergency. The plant's location in Maine will help achieve another strategic goal—that is, the dispersal of the nation's refining capacity, now heavily concentrated along the U.S. side of the Gulf of Mexico. Defense authorities have warned that just two nuclear bombs, one on Houston and one on Baton Rouge, could destroy 35% or more of our total present refinery capacity.

According to Defense Department studies, Machiasport is one of the few areas in the United States that would remain relatively free of radioactive contamination in the event of a full-scale nuclear attack on our East Coast.

The refinery would also provide an enormous quantity of reserve storage capacity. In an emergency situation this could prove of vital strategic value.

Small producers and refineries will not be adversely affected by Machiasport

In the recent brochure published by Gulf Oil, there is a statement that small oil producers and refiners would be hurt most by the elimination of oil import controls. In supporting this assumption, Gulf notes that there were "27,084 sole proprietorships; 12,467 partnerships; and 6,726 corporations engaged in crude petroleum, natural gas, natural gas liquid production and services." The inference in Gulf's pamphlet is that all of these people would be hurt by Machiasport. What Gulf doesn't say is that none of these proprietorships, partnerships or corporations qualify for oil import quotas, which go only to petroleum refiners. Thus, whether Occidental or some other oil company gets a given oil import quota within the system makes no difference whatsoever to these oil and gas producers, providing the system itself is retained. Occidental has never asked that the system be changed, nor does it have to be if this application is granted.

The Gulf publication also notes that import allocations were made to 122 different refiners in the last half of 1968, and that many of these were small refiners. Again, the inference from Gulf's remarks is that the large oil companies do not get the lion's share of the oil import quota rights. In fact, in 1969, over 75% of all oil import quota rights specifically assigned to companies were assigned to the 20 largest oil companies.

Occidental will not receive an unfair economic advantage

Gulf Oil has contended that "one of the key principles of the present Oil Import Control System is the equitable distribution of quotas." Gulf then contends that "it is not equitable" for Occidental to be allowed to import one-third of the products manufactured at Machiasport while running all foreign crude, while "a U.S. refinery of comparable size is permitted to import only 5% of his runs."

Gulf's logic sounds plausible, but it doesn't correspond to the facts. Actually, the average East Coast refiner currently imports almost 50%—not 5%—of his total refinery runs from foreign countries, and all of that is sold in the United States. Moreover, there are a number of refineries in Puerto Rico and the Virgin Islands that operate 100% on foreign crude oil and are allowed to import a sizeable portion of the products refined into the U.S. customs territory.

Finally, Occidental intends to distribute its products through independent terminal operators who now depend for supplies on the same oil companies against whom they must compete. Thus, the so-called economic advantage will flow to these independents who are now placed at a considerable disadvantage in the competitive arena.

CONSUMER BENEFITS

The truth about high New England home heating oil prices

As part of a co-ordinated attack on the Machiasport project and Occidental, a number of so-called "studies" have been issued recently, designed to "prove" that the prices paid by New Englanders for their oil purchases were not out of line with prices in other parts of the country. One such "study" was published by Gulf Oil, another was contained in a letter to Maine's Governor Curtis from the National Petroleum Refiners Association and a third was issued by the Independent Petroleum Producers Association.

All of these studies distort the figures to support the preconceived conclusion they seek to prove. All lean heavily for their justification on tables and charts dealing with gasoline prices. Gasoline prices, of course, have never been a matter of issue in New England.

New England's case is based on the fact that the oil companies have been charging unnecessarily high prices for home heating oil. This is a sensitive matter for New England, because it uses more home heating oil than any other oil product. In fact, New England consumes more heating oil than gasoline; throughout the rest of the country, of course, gasoline is by far the prime sales product.

Many of the studies which have dealt with home heating oil prices at all have glossed over the facts and distorted them by lumping heating oil prices into 5-year "averages." In this way, no one examining the figures can see what price trends have been from year to year. Far more serious is the statistical manner in which these industry studies have loaded the dice against New England. Studies which have indicated any source or reference material usually quote prices published in *Fuel Oil & Oil Heat* Magazine. That publication normally lists prices in 28 cities around the U.S. In making their case, these studies compared the prices in 5 New England cities to those in the other 23 cities listed without reference as to how much oil was consumed in those other areas.

The critical point is that 7 of the latter cities, and the states in which they are located, together account for only 3% of home heating oil consumed in the U.S. while New England consumes 22%. Comparing prices in New England to those in Jacksonville, Florida, or Washington, D.C., is, therefore, a meaningless exercise.

The only valid way to analyze the price discrimination suffered by New England is to compare New England price data with data for other comparable sales—that is, states and areas that consume large volumes of home heating oil. In this regard, the following two facts are significant:

The 43 states east of the Rocky Mountains (Districts I–IV, to which our basic Oil Import Control Program applies, use more than 96% of all the home heating oil consumed in the U.S.

Within Districts I–IV, 93% of the home heating oil is used in only 20 states. The other 23 states combined consume only 7%.

It is clear from these facts that any price analysis of New England's home heating oil prices should center on the 20 states which use the oil. New England, incidentally, accounts for 6 of these 20 states.

An analysis of price trends in these 20 states shows, beyond doubt, that price discrimination against New England not only exists, but is growing worse year by year. We have made such a year-by-year analysis, which shows the following trends:

Retail prices for home heating oil in New England are higher than in any other comparable region. In 1968, New England paid 57¢ per barrel—1.4¢ per gallon—above the average price paid in other comparable regions of Districts I–IV.

New England retail prices for home heating oil have risen faster over the last five years than in any other region and now stand 92¢ per barrel—more than 2¢ per gallon—higher than in 1964. This price rise is 42¢ per barrel greater than the average rise in the other 14 large consuming states.

Wholesale prices for home heating oil, which were next-to-lowest of any region in 1964, are now highest in the nation. Altogether, wholesale prices have risen 79¢ per barrel—nearly 2¢ per gallon. This price rise is 20¢ per barrel greater than the average rise in the other 14 large consuming states.

Nearly all (86%) of the retail price increases in New England is due to the increase in wholesale prices, paid to the oil companies, not increases in dealer margins—as Gulf and others have claimed. Of the 2.19¢ per barrel retail price increase 1.88¢ per barrel is attributable to an increase in wholesale prices.

Price reductions will be passed along to consumers

It has been contended that our promise to reduce prices would be worth far less to consumers than the $22 million we claim. In his recent speech on the Senate floor, for example, Senator Long asserted that, since New England prices are already discounted on the average of 5%, our 10% reduction "from posted prices would be only a 5% reduction from actual prices." A close reading of our commitments in this regard will clear up this question quickly. We have specifically pledged to reduce home heating oil prices at least 10% below the prices actually paid the previous winter season.

In other words, our reduction will be a real one—off the going market prices—not off some theoretical posted price. A 10% reduction on products from Machiasport can have a major anti-inflationary impact—through savings of $18–20 million per year in home heating oil and $4 million per year in gasoline. If prices are correspondingly reduced by other suppliers, the savings to New England could reach $50–60 million annually.

Occidental's pricing is not dependent on Libyan tax levels

It has been charged that our price concessions are somehow dependent upon the position of the Libyan Government. It is argued that, if Libya raises taxes or royalties, Occidental would raise its price to consumers in order to maintain its profit margin. Our agreement to lower prices in New England has no such condition attached to it. It cannot and will not affect the price reduction pledges we have made in our application for an oil import quota.

Machiasport will help avert oil shortages

Gulf Oil has stated that there have been "no real shortages" of home heating oil in New England in recent winters. Actually, there were severe dislocations and perilously low supplies of home heating oil during the winters of 1966–1967 and 1967–1968. The situation was so severe that even some large integrated oil companies were forced to borrow supplies on an emergency basis to stay in business. The petitions and decisions of the Oil Import Appeals Board in 1967 and 1968 give ample evidence of the threat posed to New England by short supplies. Three

separate times in the last two years, the Oil Import Appeals Board has granted *emergency* import quotas to independent terminal operators because these companies could not obtain adequate supplies from their traditional suppliers.

The Machiasport refinery would provide large-scale secure supplies of home heating oil, thus preventing a recurrence of the shortages that plagued New England in recent winters. Needless to say, such a large source of new supplies will also operate to keep prices down in the future.

OTHER NATIONAL ISSUES

Machiasport will utilize Venezuelan crude oil

It has been contended that Machiasport is a "threat to the Venezuelan lifeline". Occidental, which is negotiating with the Venezuelan Government for exploration rights, would be the last one to injure that Government's opportunities. Occidental, in fact, has been interested in Venezuela for several years, and held talks with that Government regarding exploration possibilities as early as 1964. We have repeatedly stated that we shall maximize the use of Venezuelan crude oil in the Maine refinery. We have committed ourselves to use 20% to 50% Venezuelan oil. The Venezuelan oil will be blended with practically sulphur-free Libyan oil, so that the heavy industrial residual fuel manufactured will have less than 1% sulphur level. Thus, Machiasport will result in an increase instead of a decrease in the use of Venezuelan oil in the United States.

Machiasport will not be a "captive market" for Libyan crude oil

It has been stated that Occidental's prime motive in Machiasport is to secure a "captive market" for its Libyan crude oil. This is untrue. The natural market for Libyan crude oil is Europe, where nearly all of Occidental's Libyan oil is now being sold under long-term contracts.

Machiasport will reduce air pollution

It has been argued by Senator Long and others that air pollution reduction should be achieved by desulphurizing heavy fuel rather than by approval of the Machiasport project. This is a surprising argument for Senator Long to make, since, under current regulations designed to give incentives to desulphurizing heavy fuel, the ceiling on permissible crude oil imports would be raised. Under Occidental's Machiasport project, by contrast, the refinery can operate within the existing 12.2% ceiling on imports. In any event, no one can deny that Occidental's undertaking to manufacture large volumes of 1% maximum sulphur residual fuel oil will make a major contribution to our nation's effort to fight air pollution.

Machiasport will increase use of the U.S. merchant marine

Shell Oil and Standard Oil of Indiana have argued in letters to the U.S. Interior Department that the Maine project will result in a reduction in the use of American flag tankers. In fact, the U.S. Merchant Marine will be aided by the Maine project. By statute, oil, including residual fuel oil, shipped from Maine to the customs territory of the U.S. must use U.S. flag tankers. At present, however, some 90% of residual fuel used in New England is imported from foreign sources in foreign flag tankers. Thus, the Machiasport project will actually cause a displacement of foreign flag vessels with U.S. flag ships. We estimate that between 4 and 6 new U.S. flag tankers of T-2 type will be required if the Maine project becomes a reality. These will be net additions to the U.S. flag fleet.

Machiasport will not violate the purposes of the Foreign Trade Zones Act

Gulf Oil has argued that the clear intent of Congress in providing for foreign trade zones is ". . . to promote exports or re-exports". It is true that the encouragement of exports is one of the purposes of the Foreign Trade Zones Act, but it is also clear that the law anticipates, and the operation of the existing foreign trade zones proves, that both exports and imports results from the establishment of foreign trade zones. In fact, one whole chapter of the customs regulations covering foreign trade zones deals exclusively with customs duties on merchandise shipped from foreign trade zones into the United States.

The unanimous recommendations by the Hearings Examiners Committee and the Committee of alternates, the Federal officials responsible for the implementation of the Foreign Trade Zones Act, illustrate just how spurious Gulf's arguments are in this regard.

Machiasport aids U.S. balance of payments

A number of opponents to Machiasport have contended that the proposed refinery would be harmful to this country's balance of payments. Shell Oil, for example, argued in a letter to the U.S. Secretary of Commerce, Chairman of the Foreign Trade Zones Board, that Machiasport would result in a negative impact on the U.S. balance of payments of some $60 million annually. Similarly, in its recent publication, Gulf Oil stated that Machiasport would be "likely to have an adverse effect." In attempting to support its position, Gulf cited testimony given at the Portland Hearings by John G. Buckley, an oil consultant who has worked on the Machiasport project. Quite to the contrary, Mr. Buckley's testimony, which included a detailed analysis of the product flow, proved that Machiasport would have a favorable impact on the U.S. balance of payments of some $50 million annually.

Gulf Oil also states that the favorable balance of payments resulting from Machiasport will not be realized because it is ". . . largely based on the assumption that naphtha will be exported." Gulf goes on to argue that, by Occidental's own admission ". . . the naphtha would be used at the refinery to make chemicals for importation into the U.S. market." Consequently, Gulf concludes, these chemical imports ". . . would have an adverse effect on the balance of payments considerably in excess of the beneficial effect of Occidental's exports."

It is true that the State of Maine hopes that the availability of low-priced naphtha in the Machiasport foreign trade zone will encourage chemical companies to set up operations there to manufacture a wide variety of chemical products. It is not true that such an industrial development would have an adverse impact on the U.S. balance of payments. In fact, if chemical plants materialize at Machiasport, they will have an additional favorable impact on U.S. balance of payments over and above the salutary effect of the oil refinery operations.

This is so because a number of the chemical products manufactured from naphtha cannot be shipped into the United States because of an almost prohibitive tariff rate. These chemical products would be exported to foreign markets and, because of their high value, would result in dollar earnings far in excess of those anticipated by Occidental for the export of its lower price raw naphtha. If all the naphtha resulting from the refinery is utilized to make chemicals, we estimate there will be an additional favorable balance of payments contribution of some $20 million annually, thereby making the total contribution from the project some $70 million annually.

Some of the chemicals manufactured, of course, could and would be sold in the United States. These are chemicals which are currently allowed free entry, or entry at low tariff rates. If Occidental engages in such trade, it will not be seeking special consideration of any kind, since all companies will be able and, indeed, do import such chemical products from a wide variety of foreign sources.

In studying the State of Maine's application, the U.S. Treasury Department member of the Committee of Alternates undertook a special study of the balance of payments impact of Machiasport. In announcing a unanimous and favorable decision on Maine's application, the Committee of Alternates subsequently stated that, if there was to be any balance of payments effect from Machiasport, it would be favorable. Certainly, the U.S. Treasury Department is the more competent authority to judge balance of payments questions.

REGIONAL AND LOCAL ISSUES

Occidental will not have, nor does it seek, exclusive rights to occupy the Machiasport trade zone

It has been charged that the Machiasport project is simply a device to give Occidental exclusive rights to build a refinery in the foreign trade zone proposed by Maine. This is untrue. As the Governor of Maine stated at the Foreign Trade Zones Board Hearing in Portland, on October 10, 1968, the proposed trade zone will, as required by law, be operated as a public utility. Any company is free to apply for permission to operate a refinery or any other type of business within the zone.

Applications, including Occidental's must be judged on their merits and financial viability. Contributons, in the form of price reductions to consumers, or other benefits to the public to be provided by each applicant will, of course, be a factor in reaching a decision.

Occidental is the only applicant which has provided Maine with detailed financial information relating to the proposed refinery operation.

By thetr opposition, the oil companies are thwarting the construction of any oil refinery in New England

The National Petroleum Refiners Association and Gulf Oil have both stated that they do not object to a refinery in New England. But they insist they cannot support any project unless it is operated under current Oil Import Regulations. This is the same as saying that there will never be a refinery in New England since, under the current rigid rules of the Oil Import Program, it is uneconomic to build such a refinery. However, the Oil Import Control Program, as instituted by President Eisenhower in 1959, provides for certain flexibility in special cases. Occidental's application for an oil import quota properly asserts that this is a situation that justifies the use of such flexibility.

Because foreign oil imports are strictly controlled, refiners naturally choose to build new capacity in the areas that are close to domestic supplies which they must use. This eliminates the necessity of moving the domestic crude over long supply routes in high cost U.S. flag tankers. This economic factor, in turn, explains to a large extent why East Coast refining capacity has declined by almost 200,000 barrels daily, while in Texas and Louisiana it has risen by almost 1,250,000 barrels daily during the ten year period in which the Oil Import Program has been in existence.

To support its claim that it favors refining in New England, Gulf Oil notes that ". . . we had agreed to a processing arrangement with Commerce Oil Refining Corporation, who made an attempt to build a refinery at Jamestown, Rhode Island, in 1956." Gulf went on to elaborate, saying "A lawsuit by local residents against construction of the refinery resulted in a decision by the U.S. District Court that the refinery would be a nuisance. Consequently, the plan for a New England refinery was abandoned."

Gulf seems to have a short memory of the Commerce Oil refinery venture. What actually happened is that the U.S. District Court decision cited by Gulf was reversed by the

U.S. Circuit Court of Appeals and, at the end of the litigation, there was no legal impediment to building the proposed refinery. By that time, however, the U.S. Oil Import Control Program had been promulgated by President Eisenhower in 1959. As a result, Gulf Oil notified Commerce Oil that it could no longer go ahead with its processing arrangement since it had to use its oil import quotas to supply its own affiliates. Thus, it was the Oil Import Program, not any court case, that doomed the Commerce Oil venture and has prevented any new refineries from being built in New England or elsewhere on the East Coast since that time.

Machiasport—Economic stimulus for a depressed area

One subject the opponents to Machiasport have never contested is the fact that it will bring new economic life to a seriously depressed area—Washington County, Maine. But this important facet of the project should not be overlooked. For if America is ever to solve the pressing problem of rural poverty, imaginative industrial projects like the Machiasport proposal must succeed. In Maine, the Machiasport proposal offers an end to the vicious cycle of economic stagnation, unemployment and out-migration of talented youth which has so persistently plagued the area in recent years.

During the last decade unemployment in Washington County has been triple the national average. Some 30% of the families in the county have incomes under $3,000 annually.

During both the construction and operational phases, the projected industrial complex will provide literally thousands of jobs. The operation force for the refinery alone will be close to the 350 mark. In addition, some 300 to 500 ancillary jobs will be created. Many additional employment opportunities will be provided by other industries attracted to the area.

Machiasport and marine and ocean research

The opponents to Machiasport have paid scant attention to yet another facet of the project; the creation of a nonprofit marine resources foundation. Yet, this aspect of the project is important to New England, which has a long maritime tradition, and cares deeply about its lakes, rivers and green areas. What Occidental proposes to do is contribute 20¢ for each and every barrel of oil import quota it receives. On the basis of its quota application, Occidental has committed itself to contribute $7.3 million annually to the foundation, which will be administered by the six New England Governors. These funds will be used at the complete discretion of the Governors to do such things as acquire and preserve wet lands used by wildlife, engage in oceanographic and marine research, develop agriculture and to clean up New England's rivers and estuaries which are polluted, while keeping forever clean those which are not.

CONCLUSION

It is unfortunate that Machiasport has become so controversial. Now it is viewed as a symbol for consumer protection not only in an area inhabited by 11 million people who need relief from unreasonably high prices for heating oil, so vital to their cold climate, but also in every oil consuming state. If a proposal embodying the merits of Machiasport cannot succeed, consumers outside New England may well find themselves in a similar prejudiced position in the future.

We cannot over emphasize the fact that the citizens of New England may well be exposed to yet another cold winter of high oil heating prices and possible shortages if they are forced to await the determination of the pending governmental review of the entire Oil Import Control Program. Thus, we are heartened by the recent statement of the Secretary of Labor George P. Shultz, the Chairman of the Cabinet level task force, that the Machiasport question ". . . falls outside the scope of our work." We were encouraged, too, by Secretary Schultz' observation that he did not know of any decision to delay a ruling on the controversial Machiasport, Maine refinery proposal until his task force reports.

Occidental welcomes the assumption of "full responsibility" by President Nixon for this country's oil policy. We stand ready to abide by his judgment which we know will be in the national interest. If the President concludes that the Machiasport project can best be expedited for the welfare of the New England region through an adjustment in the terms of Occidental's application for an oil import quota, then we are willing to compromise for the best interests of the region and the nation.

All we ask is that Machiasport be judged on its merits; once it is, we are confident that it will become a reality.

ISRAEL ANNIVERSARY STATEMENT

Mr. DODD. Mr. President, I am pleased to join the distinguished Senator from Connecticut (Mr. RIBICOFF) and the distinguished Senator from Pennsylvania (Mr. SCOTT) in endorsing the statement which they are sponsoring in connection with Israel's 21st anniversary.

There is one point, however, on which I would like to further clarify my own position because the language of the statement itself is not altogether clear.

I am in fundamental agreement on the points that Israel and the Arab States should deal with each other directly and that any effort by outside powers to impose a settlement will not work and must be opposed. However, since the peace of the entire world may be involved in the Middle East crisis, I do believe that it is proper and useful for the four interested powers to discuss the situation and to use all the influence they have to assist the Arabs and Israelis in reaching a settlement.

I, therefore, sign the statement in the conviction that it is not intended to imply a repudiation of the four-power conference, but is intended rather as a call for a negotiated settlement between Israel and the Arab States which does not rule out the interested assistance of the big four powers or the United Nations.

THE INEQUALITY OF WOMEN

Mr. PROXMIRE. Mr. President, in every age, glorious or grotesque, the inequality of women has persisted. That lethal enemy of reason and decency—discrimination—has been visited upon women throughout recorded history. No nationality, no religious sect, no race, no people in history has been subjected to the oppressive and dehumanizing discrimination that has been visited upon women. At the time of the signing of the United Nation Charter, women were granted political rights in only half of the sovereign countries of the world. This is a disgrace in a world populated with women just as famous, just as unselfish just as able as many men.

We in America have seen the wisdom and the inherent value of full equality of women attested to—by women as jurists, Representatives, Senators, university presidents, scientists, and ambassadors. In American the constitutional equality of women has been established—but we have not lived up to the promise of that principle. We have failed to ratify the U.N. Convention on the Political Rights of Women. Seemingly ages ago, President Kennedy sent this treaty to the Senate, asking for ratification. We, a Nation which has disclaimed and disdained almost the last vestige of discrimination from our statutes, have again remained internationally mute on one of the vital issues of the day. Can we not look beyond small pursuits and affirm our principles by ratifying the Convention for the Political Rights of Women?

REST AND RECREATION IN HAWAII FOR SERVICEMEN IN VIETNAM

Mr. INOUYE. Mr. President, in 1962, the Office of the Secretary of Defense and the Department of State initiated a program of rest and recreation for our servicemen in Vietnam.

In 1966, Hawaii was designated as one of 10 rest and recuperation areas in Asia and the Pacific. Since the initiation of the program in Hawaii, thousands of servicemen have enjoyed a 6-day respite from the combat zone on American soil.

I know that Senators will be happy to learn that 3 years later—April 3, 1969, to be exact—Hawaii unrolled its red carpet to welcome with a warm aloha four special servicemen, one from each branch of the service, who collectively represent the millionth serviceman to enjoy rest and recreation leave.

The four men were Army S. Sgt. L. Roger Hudson, of Point Pleasant, W. Va.; Navy GM3c. Thomas A. Bruemer, of St. Louis, Mo.; Air Force Sgt. Joseph O. Durrance, of Lake City, Fla.; and Marine Sgt. Richard L. Jaramillo, of Salt Lake City, Utah.

These four men winged their way from Vietnam to Hawaii for a special rest and recreation union with their wives. Besides enjoying a specially planned vacation compliments of Hawaii's tourist industry, they appeared before the Hawaii State Legislature, visited with the Governor of the State of Hawaii, John A. Burns, and the mayor of the city and county of Honolulu, Frank F. Fasi, and dined with Senate President David C. McClung and House Speaker Tadao Beppu.

The happy faces of these four men and their wives represented the thousands of happy servicemen on rest and recreation leave from Vietnam who have been reunited with their wives and sweethearts in Hawaii. Their happy faces testify to the wisdom of the Department of Defense in designating Hawaii as a rest and recuperation area for our servicemen in Vietnam.

CHEMICAL AND BIOLOGICAL WARFARE

Mr. PROXMIRE. Mr. President, an article of considerable interest entitled "Silent Death," written by Seymour Hersh, was published in this month's issue of the Progressive.

The subject is chemical and biological warfare, a matter recently brought to

our attention by my colleague from Wisconsin (Mr. NELSON).

The article points out:

America's heavy investment in chemical and biological warfare (CBW) traditionally is a taboo subject in Washington.

I think it is rather appropriate that Senator NELSON asked Congress to take a serious look at the Defense Department's activities in this matter. Indeed, Congress has been all too silent in this regard. We can ill afford to give the military a free rein on something so important.

With the use of chemicals in Vietnam, it is all the more crucial that the legality and morality of CBW be exposed to public discussion. The result has been another instance of skyrocketing expense without Congress or the Nation having taken the opportunity for debate and deliberation.

Mr. Hersh noted that Congress has failed to touch on several basic questions pertaining to our Government's CBW policy. Specifically, he asked:

Why is there a need for the heavy security blanketing CBW efforts, security so stringent that even Congress has not been told publicly since 1963 how much money is being spent in this area? Even the recent disclosure of $350 million a year was off the record, but could be confirmed by a recent Library of Congress Study.

Why will only $175,000 be spent by the Arms Control and Disarmament Agency this year to study the basic disarmament problems connected with treaty enforcement, with no immediate increase in spending anticipated by ACDA officials, while vast sums are poured into CBW?

Why has the United States not ratified the 1925 Geneva Protocol outlawing the use of lethal chemical and biological weapons? The Soviet Union, Communist China, and even Cuba have agreed to the Protocol, along with more than sixty other nations.

Is the heavy spending on CBW justified? How serious is the Soviet threat, details of which have never been made public by the military? The claim of a Soviet threat has not moved U.S. officials to take any significant steps toward civil defense against a CBW attack. There are about 20,000 gas masks stored throughout the nation for civilian use, one for every 10,000 residents.

Where are the CBW agents being stored and tested overseas? The Army is known unofficially to be field-testing its agents in Panama, Hawaii, and Greenland, and also sponsors CBW research in Japan, Malaysia, and Germany. It also supplies nerve agents in quantity to its NATO allies. Chemical defoliation agents are field-tested in Thailand before use in South Vietnam.

Mr. Hersh went on to emphasize some important questions raised by Senator NELSON. I wish to commend my colleague for his efforts in impressing these questions upon us. Some of them are:

What are the official policies for the use of CB weapons in the event that they are used first by a foreign aggressor against us? Who makes the decision to deploy anthrax, the plague, or a lethal nerve gas? What are the ground rules? What have they been in the case of Vietnam? What are the deterrent factors in a program of chemical and biological preparedness? How do we militarily defend against a CB attack? If the purpose of our preparedness is to prevent surprise, what specific steps have been taken to detect a surprise?

I ask unanimous consent that Mr. Hersh's article be printed in the RECORD.

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

SILENT DEATH

(By Seymour Hersh)

(NOTE.—Seymour M. Hersh, currently Washington correspondent for The National Catholic Reporter, is the author of "Chemical and Biological Warfare: America's Hidden Arsenal," published in hardcover by Bobbs-Merrill in 1968. It will be available in paperback in June from Doubleday Anchor Books. Mr. Hersh has covered the Pentagon for the Associated Press and has worked for United Press International. He was press secretary for Senator Eugene McCarthy in the 1968 Presidential campaign, and his articles have appeared in The New York Review of Books, The New Republic, and War/Peace Report.)

America's heavy investment in chemical and biological warfare (CBW) traditionally is a taboo subject in Washington. CBW is not mentioned in the Secretary of Defense's annual report to Congress on the nation's military posture, and all important references to it are censored out of Congressional testimony. In the late 1950's the generals of the Army Chemical Corps decided to make a public plea for more understanding, plus more money, and turned to a public relations firm for guidance. "Operation Blue Skies" thus emerged, complete with heavily publicized promises of "war without death" and dire warnings about the Soviet Union's preeminence in all things chemical and biological.

The effort produced more money, but with it the beginnings of a protest movement against the development of CBW weapons. The Army went underground again and probably would have remained there, but the use of gases and chemicals in Vietnam and in the ghettos and campuses of America has ended the dreams of obscurity for the CBW generals. CBW has been under increasing assault from a public rapidly becoming more aware of the Frankenstein monster in its midst. Recent network television shows, at least two books, and many more magazine and newspaper stories have pointed out some of the obvious pitfalls of spending millions of dollars where it is not only not needed, but is highly dangerous.

Precisely how much is being spent each year on CBW is a military secret. Recently the Pentagon gave a group of Congressmen and Senators a classified briefing on CBW and admitted it was spending about $350 million annually, for more than the Federal Government spent last year to subsidize all forms of cancer research. But even this amount, high as it might appear to most citizens, seems inaccurate. In 1963, the last year in which the cost of CBW was provided to Congress on an unrestricted basis, the Government was spending nearly $300 million. Since then costs have soared for the tear gases and anti-crop chemicals used in South Vietnam. Expenditures at the Edgewood Arsenal, Maryland, the military's main chemical purchasing center, were more than $420 million in fiscal year 1969, according to a McGraw-Hill investment newsletter, and that base is only one of five major CBW facilities in the nation.

In the arsenals of the Pentagon (and in at least thirteen other nations) are chemical poisons—nerve agents such as the recently widely publicized GB—so toxic that one fiftieth of a drop, about one miligram, can be lethal in minutes; it was a nerve gas that was responsible for the death of 6,400 sheep on a Utah ranch in March, 1968, after an errant test near the Dugway Proving Grounds, a CBW research base.

Biological agents are potentially even more deadly: In 1960 the head of the Army Chemical Corps told Congress than ten aircraft, each carrying 10,000 pounds of a dry disease agent such as plague or anthrax, could kill or seriously disable as many as thirty per cent of America's population—about sixty million people.

Congress and the nation were aroused recently when it was revealed that the Army was regularly shipping 300-gallon containers of the deadly GB and similar lethal agents around the country by rail, a grave hazard in the event of an accident.

It is relatively as easy for CBW scientists to produce 10,000 pounds of a disease agent as it is for pharmaceutical houses to produce a similar amount of vaccines and antibiotics. Gas and germs can be delivered in combat situations by hand grenades, airplane spray tanks, bombs, shells, rockets, and missiles.

Since the early 1960's when CBW spending trebled within a few years, the aerospace industry has been increasingly involved in CBW research. Along with it has come a reliance on sophisticated computer techniques and equipment in meteorology, biomathematics, aerobiology, and other necessary disciplines.

The heavy use of defoliants and herbicides in Vietnam (some $100 million worth last year) has been increasingly questioned by scientists concerned about the long-run ecological dangers. There also is considerable evidence that the "riot control" gases used in Vietnam can be lethal to the weak, sick, and undernourished civilians exposed to them. One of the so-called "non-lethal" gases now in wide use in Vietnam is Adamiste, an arsenic-laden chemical that will kill upon ten minutes' exposure to concentrations of one ten-thousandth ounce per quart of air. One of the anti-crop chemicals also in wide use is Cacodylic acid, which is fifty-four per cent arsenic, enough to make systemic arsenical poisoning a lethal threat to civilians living near sprayed areas.

In the past few years criticism of the CBW program has become increasingly led by scholars. The Army's main biological research center at Fort Detrick, Maryland, which has held many pseudo-scientific academic conferences in subject areas close to its needs—such as defoliation and genetics—suddenly found itself picketed by a small group of biologists and microbiologists at its session in April, 1968. The fact that at least sixty colleges and universities are currently involved in CBW research has also spawned scores of protests, with more to come.

But the experience of waging an unpopular war in Southeast Asia for the past nine years has taught the military's public relations representatives some lessons. Instead of ducking the blows, the Pentagon apparently has decided to counter the criticism of CBW with demonstrations of its concern with public reaction, and more openness about America's CBW efforts.

Thus, after a group of scientists complained last summer that something like 100 billion lethal doses of nerve gas were stored above ground on a CBW base near Denver, the Army announced it was going to move the gas. Most, but not all, of the gas was shipped to Utah. Enough remains stacked in steel storage tanks less than two miles from the runways of nearby Stapleton Air Field, Denver's main airport, to provide death for everyone in Denver and the vicinity, given the proper wind and weather conditions. Along with such moves, the Pentagon has embarked on a new program of carefully arranged disclosures to curb protests. "We're in the process of changing the public's mind," a Pentagon official recently told me. "We're trying to acculturate the public to deal with reality—this is the Government's responsibility."

Last fall, the Columbia Broadcasting System enjoyed the privilege of having an Air Force Captain, representing the Defense Department's Office of Public Affairs, open the doors for a CBS television unit, headed by veteran correspondent Mike Wallace, to three highly secured military installations devoted

to chemical and biological warfare research and testing. Once inside, the television crew was allowed to film employes at work and interview a number of key personnel.

The network had been trying for years to film a news report on CBW: Just twelve months earlier the Pentagon had refused a similar request. CBS, however, paid a high price for the Pentagon's cooperation, a price it did not reveal to the estimated ten million persons who watched the report (shown in separate segments October 8 and October 22 on *Sixty Minutes*, a one-hour news show which the network describes as a "magazine of the air"). A few weeks before the first broadcast, more than fifty Government officials, representing twelve agencies, were given an advance screening of the completed shows in a Pentagon studio. The officials suggested some factual changes, which were made, and offered other objections to the editorial content—not all of which were entertained by the network. In return for its courtesy, the network was permitted to televise previously unavailable films.

At the outset of the two-part series, Wallace told viewers that "the Government undertook a major policy change in granting our request to show what these weapons can and cannot do. . . . This change of policy indicates an effort by the Pentagon to dispel the public horror that surrounds these weapons." One civilian in the Pentagon told me why CBS was permitted to get the rare film of biological facilities: "Our goal is to bring CBW into the sphere of rational discussion—sort of delousing it, or debugging it, like kids learning there aren't any ghosts." The official said he was delighted with the fact that the public responded only feebly to the show—fewer than a dozen letters, he said, were received, most of them asking for more information.

Shown for the first time by CBS on television (or anywhere else in public, for that matter) were some films apparently made at the Army's main biological production laboratories at Pine Bluff, Arkansas, where a ten-story, $90 million laboratory was built fifteen years ago. The footage, supplied by the Pentagon, showed the facilities America has created for the massive production of diseases such as anthrax, plague, and tularemia, all top potential biological warfare agents. Large concentrations of frozen germs were shown rolling off an assembly line device—apparently a huge, sophisticated fermentation machine. Neither the base, or the equipment, was identified, although such facilities are known to exist at the Pine Bluff Arsenal.

Scenes also were shown of the research facilities at Fort Detrick. As the screen depicted scientists determined to find and produce better killers than are available in nature, television viewers were told how easy it is to produce hundreds of gallons of an infectious organism within a few hours. Yet it is what commentator Mike Wallace did not say that is truly alarming, although the average viewer could not have known how much information was not supplied him. Wallace did not report that there are at least 251 cold-storage earth-covered vaults, known as igloos, on the Pine Bluff facility, many of them used to store biological warfare agents. The CBS programs did not tell of the sophisticated weapons assembly lines at the Arsenal, capable of filling hundreds of 750-pound bombs within hours with diseases considered to be worldwide scourges, nor of the detailed military procedures and plans for the distribution of these weapons to Army and allied units around the world. CBS did not mention the more than 3,300 accidents, half of them in laboratories, in an eight-year period at Fort Detrick, involving the infection of more than 500 men and three deaths—two from anthrax.

Many of the questions left unanswered by CBS were answered by the National Broadcasting Company when that network broadcast its special report on CBW February 4 on *First Tuesday*, NBC's response to CBS' *Sixty Minutes*. NBC correspondent Tom Pettit carefully told viewers that the show had not been prepared in consultation with the Pentagon, and millions of viewers were left stunned by scenes of laboratory experiments involving rabbits and mice, and views of the Utah sheep being bulldozed, dead, into huge pits.

Much emphasis was placed on NBC's finding that a Smithsonian Institute project was being used by Fort Detrick to locate a proper site for a biological warfare test; viewers were casually told that tularemia "once was routinely suggested for use in Vietnam. The suggestion was turned down." After this scary development of CBW, NBC concluded the hour-long show by saying that the "United States today does not have germ weapons ready to go at the push of a button [a patent lie]. We know how to build them; we have tested the stuff, but so far at least there has been no order to go into mass production. And until there is an order, the U.S. biological capability will remain only a paper tiger. Of course we don't know about Russia and Red China." It was a cop-out. The United States suddenly emerged from the hour of squalor as Mr. Clean, threatened by the Commies once again.

Because of the muddled direction, the show's most telling point was nearly wasted. NBC reported that the Smithsonian Institute had received more than $2.5 million over six years to investigate the migratory pattern of birds on one-mile-square Baker Island, an obscure uninhabited island belonging to the United States, 1,700 miles southwest of Honolulu. Former Senator Joseph S. Clark of Pennsylvania told NBC that, as he understood it, "under the screen of the Smithsonian Institute in a bird-banding project, they were looking for a relatively safe place to conduct chemical and biological warfare testing . . . It is my understanding that they are now on their way to do some testing there."

The NBC charge that the Smithsonian project was being used as a coverup for tests was incorrect and misleading; the Army does not need the Smithsonian to travel to an island and release germs—all it wants to know is where to go.

There is no evidence that a major large-scale test of a virulent and lethal biological agent has ever been conducted by the military, although many small laboratory and simulated tests are constantly under way. But one rare insight into the thinking of the managers of CBW was given in an unusually candid interview that Archie Penney, head of Canada's CBW efforts, gave to the *Montrealer Magazine* in September, 1967. Asked if there is a point at which a simulated test cannot give proper results and a live agent must be used, Penney replied:

"You sound like the scientists who are working on the job. This is exactly their problem. There comes a time when you say, 'Look, it's no good playing with a model railroad. We have to use the whole railroad.' You've hit on a very delicate and sensitive problem. There are very few areas in the world in which you can do it."

Congressional hearings on the CBW program are held every year, but by a sympathetic subcommittee of the House Appropriations Committee. The hearings are usually chaired by Representative Robert L. F. Sikes, Florida Democrat, a former Major General in the Army Chemical Corps. The hearings, which are heavily censored and attract little press coverage, never touch on these questions:

Why is there a need for the heavy security blanketing CBW efforts, security so stringent that even Congress has not been told publicly since 1963 how much money is being spent in this area? Even the recent disclosure of $350 million a year was off the record, but could be confirmed by a recent Library of Congress Study.

Why will only $175,000 be spent by the Arms Control and Disarmament Agency this year to study the basic disarmament problems connected with treaty enforcement, with no immediate increase in spending anticipated by ACDA officials, while vast sums are poured into CBW?

Why has the United States not ratified the 1925 Geneva Protocol outlawing the use of lethal chemical and biological weapons? The Soviet Union, Communist China, and even Cuba have agreed to the Protocol, along with more than sixty other nations.

Is the heavy spending on CBW justified? How serious is the Soviet threat, details of which have never been made public by the military? The claim of a Soviet threat has not moved U.S. officials to take any significant steps toward civil defense against a CBW attack. There are about 20,000 gas masks stored throughout the nation for civilian use, one for every 10,000 residents.

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How the nation's CBW programs might develop under President Nixon and Secretary of Defense Melvin Laird is uncertain. Laird's specific views on CBW are not known. Mr. Nixon told a Cambridge, Massachusetts, rally during his 1960 campaign against John F. Kennedy that he was all for continued research, but his current views have not been made public.

The Nixon Administration's approach to CBW could not be much worse, however, than that of his immediate predecessors. While doing research for a book on CBW in 1967, I had a score of interviews with past and present Pentagon and Kennedy and Johnson Administration officials. They produced little evidence that there had been any serious thinking about the strategic, political, or moral implications of CBW in the Defense Department or anywhere else. When asked why CBW disarmament studies were not being emphasized, one White House official told me: "There's just a hell of a lot of more important things. CBW is far down the list of criticality."

Yet William C. Foster, then director of the Arms Control and Disarmament Agency, told a House Appropriations Subcommittee at about the same time that CBW would pose the next major threat to world peace after a full nuclear agreement was reached.

In its television series, the best justification CBS could find for the vast U.S. CBW effort came from Albert Hayward, a relatively low-level Pentagon research and development manager for CBW. "If chemical or biological weapons are used against a nation," Hayward said in an interview filmed at the Pentagon, "and its only option is to accept defeat, or to respond with nuclear weapons, then, in fact, another nation has the ability to force you into initiating nuclear war. I think this is another reason for having our chemical and biological capability so that we are not faced with a choice of fighting a chemical-equipped enemy with conventional weapons or escalating to nuclear war."

This sort of reasoning, left unchallenged and unpursued on the television shows, ignores the fact that CBW agents only increase the number of weapons systems and possibilities available for war. Any nation that now dares to attack America with a chemical or biological agent risks retaliation with nuclear weapons and instant removal to the Stone Age; the deterrence is far greater now than if America was prepared to respond to a gas attack with more gas.

Given the military's and the executive's lack of public concern for this eventuality, the burden falls to Congress. Senator Gaylord Nelson, in a recent Senate speech, raised several vital questions regarding CBW. Among them were:

"What are the official policies for the use of CB weapons in the event that they are used first by a foreign aggressor against us? Who makes the decision to deploy anthrax, the plague, or a lethal nerve gas? What are the ground rules? What have they been in the case of Vietnam? What are the deterrent factors in a program of chemical and biological preparedness? How do we militarily defend against a CB attack? If the purpose of our preparedness is to prevent surprise, what specific steps have been taken to detect a surprise?"

Staff members of Senator J. William Fulbright's Foreign Relations Committee have been investigating CBW in preparation for hearings sometime this year, but as of this writing no final decision has been made, nor is the world waiting for U.S. action.

Last December the General Assembly of the United Nations approved a resolution asking Secretary General U Thant to prepare a full-scale report on the effects of possible use of CBW weapons. The resolution calls for broad international cooperation in the preparation of the report; wide public distribution of the conclusions, to be presented by July 1, 1969, if possible; and observance by all states of the 1925 Geneva Protocol prohibiting the use of poisonous gases and bacteriological warfare. The United States has agreed to participate in the study.

Last August the British government proposed reconvening the 1925 Geneva meeting to work out a supplementary agreement calling for a ban on the research and development of biological warfare agents. The British proposal would call upon each nation to destroy its stocks of such agents and equipment intended for their production. The proposal, on the other hand, would not deal similarly with chemical agents, because of their use in the past and the belief by some countries that they are necessary for future use.

Gas warfare already has broken out in at least two countries within the past six years—South Vietnam and Yemen. Many Administration officials, particularly in the State Department, are dubious about the legality of the U.S. use of riot control and harassing agents in Vietnam.

The chance of a serious accident involving CBW agents seems to be higher than many experts thought; the incident involving the sheep in Utah surprised many Army gas warfare experts, according to one source, because of the extreme effectiveness of the nerve agent. Ironically, an order issued May 3, 1967, nearly a year before the accident, sharply tightened the military's safety conditions for CBW handling and testing. The order noted that "the problems are further complicated by the possible political and psychological implication of an accident-incident exposure." The order was not made public.

Along with the accident problem, the chance of gas warfare among smaller nations has been increased because of the heavy World War II munitions stockpiles deposited all over Europe and Asia. The Egyptian use of mustard gas early in the Yemen War was prompted, according to English sources, by the discovery of an old World War II gas weapon depot by the Egyptians. A similar discovery was made in 1966 somewhere in India, according to sources here, when a civilian construction firm digging a highway found a cache of American mustard gas shells. After a frantic flurry of classified cables, a U.S. military team was sent to recover the shells. Details of the incident have yet to be made public.

Unilateral disarmament in CBW has few official supporters, but Congress could take a major step by urging the military to make public essential facts about CBW spending, weapons, and other information that is given out with ease about America's nuclear arsenal.

"What is the United States now doing," asked Senator Nelson in his Senate speech on CBW, "to insure that this totally destructive and little understood aspect of the arms race is reduced? . . . Congress should make it its business to look immediately into this matter . . . We will need to review the entire scope of chemical and biological warfare. . . . What is significant is the cloak of secrecy which has surrounded our activity in CBW research. This cloak of secrecy must be removed."

Such a full-scale investigation by Congress might well be the first step toward withdrawing these terrifying agents of silent death from the world's overstocked arsenal of weapons.

DETENTION CAMPS OPPOSED

Mr. INOUYE. Mr. President, I was shocked and dismayed to read a recent statement attributed to Deputy Attorney General Richard Kleindienst in an article published in the Atlantic Monthly. During a discussion of recent student unrest Mr. Kleindienst stated:

> If people demonstrated in a manner to interfere with others, they should be rounded up and put in a detention camp.

This statement will further fuel the fires of those dissidents in America who fear that concentration camps are being readied for those who hold unpopular views and beliefs. While it is expected that reason will prevail over this approach to America's problems, there is no question that statements of this sort erect barriers of trust between our Government and some of our citizens.

I recently introduced S. 1872, a bill to repeal title II of the Internal Security Act of 1950. Title II contains a section that states that of following the declaration of a national emergency, the President or his agent would have the power to arrest and detain persons in detention camps. I therefore urge the speedy consideration of this measure.

I may add that the Department of Justice has denied that Deputy Attorney General Kleindienst made such a statement; however, the mere fact that it has been reported is, in my opinion, further reason for speedy action.

REFORM OR ABOLITION OF THE DRAFT

Mr. HATFIELD. Mr. President, in the course of policy discussions on reform or abolition of the draft, Congress and the American public have been subjected to a great deal of information, opinions, claims, and counterclaims. Out of these we seek to extract the accurate and relevant points and reject the others.

Probably one of the most frequently used arguments against proposals for a voluntary military is the cost estimate of a 1964 Pentagon study which suggested that an additional $4 to $17 billion expenditure for wage increases would be necessary. The research behind this figure and the basis for such a claim have only obliquely been discussed. In a recent letter to Science magazine, however, Dr. Willard Rodgers, Dr. John Sonquist, and Dr. Frank Stafford, of the Survey Research Center, Institute for Social Research, at the University of Michigan, discredit the rationale and methods of computation which resulted in this bloated figure. Dr. Rodgers is presently engaged in a research project for the Department of Defense "Project Volunteer" study.

I wish to emphasize, as the letter states, that the cost estimates of the study were based on wage increases alone necessary for securing sufficient men for a volunteer force.

However, it must be recognized that pay is not the most important factor in joining or not joining the Armed Forces. My bill—S. 503—for a voluntary military acknowledges this in provisions requiring improvements in promotional formulas, personnel management, education and social benefits, and other provisions, as well as wage increases.

I ask unanimous consent that the letter be printed in the RECORD.

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

INSTITUTE FOR SOCIAL RESEARCH,
THE UNIVERSITY OF MICHIGAN,
Ann Arbor, Mich., April 15, 1969.

EDITORS, SCIENCE,
Washington, D.C.

DEAR SIRS: In Wallis's editorial "Abolish the Draft" (16 Jan., p. 235), he makes estimates of the cost of abolishing the draft ranging from $3 to $13 billion. The wide range reflects lack of definitive evidence concerning what a volunteer army would actually cost. Estimates that have been made probably only add to the confusion.

It is frequently pointed out in discussions of the feasibility of eliminating the draft that Pentagon estimates of the cost range from $4 to $17 billion per year, with implied or direct emphasis often placed on the higher figure. Analysis of the basis of these estimates raises a serious question as to whether they deserve any credence. A further question is the interpretation of any such figure quite apart from its accuracy.

The estimates were derived from a study carried out in 1964 by the Economic Analysis Section of the Department of Defense Study of the Draft.[1] By making several assumptions, such as the size of the military force required, it is concluded that in the absence of a draft, enlistment rates would have to be increased by from 58 to 88 per cent (depending on civilian unemployment rates) over what could be expected under present pay scales. Some of these assumptions are, of course, open to criticism, but this is not central to the argument presented here.

The problem then was to estimate how much salaries would have to be increased to raise enlistment rates to an acceptable level. (Again, it is assumed that only pay scales or bonuses are open to change, and educational opportunity variables or other social variables are ignored.) Since direct data on this question were not available, indirect data were utilized: the enlistment rates in nine regions of the country were compared to civilian pay

[1] Altman, S. H., and Fechter, A. E., "The Supply of Military Personnel in the Absence of a Draft," *American Economic Review*, May, 1967, 57, pp. 19–31; "Cost Estimates for an All-Volunteer Force," in Review of the Administration and Operation of the Selective Service System, Hearings before the Committee on Armed Services, House of Representatives (June 22–30, 1966), pp. 9952–9959.

and unemployment rates for men aged 16–21 in these regions. (The use of short-term pay expectancy for a single alternative to military service is quite arbitrary and limited in meaningfulness. Enlistment decisions are based on longer term expectancies and on availability of other alternatives, such as college or apprenticeships.) Since military pay is constant from one region to the other, boys from a region in which they could expect low civilian pay would be attracted by military pay scales. From this regional data, the economists conducting the study derived an elasticity equation relating expected enlistment rates to the ratio of military pay to civilian pay and to unemployment figures on a national level. It is this procedure that we wish to call into question.

It is true that, overall, regions in which civilian pay is lower tend to have higher enlistment rates. However, this is a long way from saying that they have higher enlistment rates *because* of the discrepancy between civilian and military pay. Other factors may be confounding the results. Specifically, the three regions of the country that have the highest enlistment rates (nondraft motivated) are the South, the South Atlantic, and the Western South. These three regions also have the lowest civilian pay for young men. If these three regions are excluded from the analysis, the relationship between civilian pay and enlistment rates disappears. In particular the "elasticity" or responsiveness of enlistments changes drastically indicating the tenuous nature of their results. Thus, the finding of a relationship between relative military pay and enlistment rates is really the finding that young men in the southern regions of the country enlist at a higher rate than young men in the rest of the country. It may be true that the civilian pay in these regions is lower than in the rest of the country, but this certainly does not prove that relative military pay *causes* a certain level of enlistment rates. One could more plausibly attribute the relationship to the more limited educational opportunities and/or the military tradition in the South, for example. Far less is this the sort of data on which a quantitative estimate of the cost of a volunteer army should be made. Yet this is exactly what seems to have been done.

However, there is more figure juggling to be played on the data. Based on the above regional data, the best estimates of the cost of providing an adequate volunteer military force were from $5.4 to $8.3 billion per year, depending on civilian unemployment rates.[2] Where, then, does the estimate of $4 to $17 billion come from? Because of the nature of the data, and because the estimate is based on data grossly aggregated into a very small number of cases (the nine regions of the country), the standard error of the above estimates are huge, especially on the high end. $17 billion is one standard error above the upper limit of the best estimate of the cost of a volunteer army. Instead of admitting that an estimate with such monstrous unreliability is useless, the Pentagon concluded that a volunteer army could cost from $4 to $17 billion. But even if the reliability of the estimate is disregarded, the fact remains that the best estimate from the data used in this study is $5.4 to $8.3 billion, and it is deceptive to cite $17 billion without specifying what is meant by it. No one predicted that a volunteer army would cost that much; yet this figure has been used to frighten people away from a volunteer army. Moreover, if a volunteer army did in fact cost $17 billion, this magnitude would reflect the previous indirect claim of the military to this value of real economic resources whether or not this is a part of the ordinary budgetary accounting.

Finally, the bearing of an estimate of the cost of eliminating the draft on the preference one holds for taking that step depends on his values; the sword cuts both ways. The economic cost is more hidden now, since it comes about by coercion on a limited, largely disenfranchised segment of the population; but it is probably at least as great as the cost of an all-volunteer army, a cost that would be shared more widely.[3] Perhaps it is more than a coincidence that opposition to the current war is greatest in that group asked to bear a disproportionate share of the cost.

WILLARD RODGERS.
JOHN SONQUIST.
FRANK STAFFORD.

[2] This includes an estimate for the necessary increase in officer salaries, which is based on different data; this may be open to much the same criticism as that presented above, but is not presented in sufficient detail to be sure. The proportion of the increased salaries to be given to officers is only 5 to 10 percent of the total increase, so is not as critical.

[3] See Hansen, W. L. and Weisbrod, B. A., "Economics of the military draft," *Quarterly Journal of Economics*, 1967, 81, 395–421, for a discussion of the implicit economic transfer from draftees to the public at large.

THE THREAT OF CORPORATION FARMING

Mr. MONDALE. Mr. President, the effect of corporation farming on small businesses and family farms has been the subject of an investigation of the Subcommittee on Monopoly, of the Select Committee on Small Business, for the past year.

Under the chairmanship of the Senator from Wisconsin (Mr. NELSON), the subcommittee has conducted two field hearings in Nebraska and Wisconsin. They have documented the fact that large conglomerate corporations and other nonfarm absentee interests are acquiring vast tracts of agricultural land once owned and farmed by family farmers. Witnesses have testified that corporation farming has resulted in the depletion of soil and water resources through intensive operations and massive irrigation projects. Civil leaders and businessmen outlined how rural communities suffer when they lose family farm patronage.

In a Washington Post article earlier this week, entitled "Corporations Going Back to the Land," Spencer Rich summarizes the corporation farm issue and describes the tax advantages that are attracting many companies to agriculture. I ask unanimous consent that the article be printed in the RECORD.

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

[From the Washington Post, Apr. 21, 1969]

CORPORATIONS GOING BACK TO THE LAND—SPECIAL TAX ADVANTAGES SPUR INVESTMENT IN GIANT FARMS

(By Spencer Rich)

Gates Rubber Co., American Cyanamid and Gulf & Western Industries aren't the kinds of names you expect to see posted on the barnyard fence.

But according to witnesses before Sen. Gaylord Nelson's Senate Small Business Monopoly Subcommittee, the three are among the firms that are leading what has come to be called the "corporate invasion of agriculture."

Nelson, Sen. Lee Metcalf (D-Mont.), Sen. George S. McGovern (D-S.D.) and others have been citing some impressive statistics to make the point that big companies, armed with special tax benefits, excellent sources of credit and the capacity of a corporation to wait long periods of time before reaping profits on some of its operations, are moving into farm operations in a big way.

OPERATE 53 MILLION ACRES

For example, a recent Agriculture Department survey of 47 states—not including California where corporation farming is believed to be above average—show that corporations operate farms with 53 million total acres. Fifty-four per cent of the corporations were formed since 1960. And figures based on corporate tax returns from 1965 indicate that sales at that time of the 18,500 farming corporations were about $4.9 billion a year.

Not all the corporations engaged in farming come from "outside"—that is, many such corporations simply represent farmers who, for various reasons, have incorporated themselves. But the way a non-farm corporation moves into agriculture was described in last year's Nelson subcommittee hearings, which the Wisconsin Democrat said will be resumed.

The Gates Rubber Co., a diversified Denver firm that makes V-belts and tires, according to witnesses, began buying up land in Wyoming and Colorado a few years ago. It developed a cattle ranch with 180,000 head of stock.

Gates also developed a farm with 420,000 chickens, making it one of the nation's leading egg producers.

WRITE-OFF ADVANTAGE

Witnesses said that corporations, particularly those from "outside," have one enormous advantage over normal family-run farms; they can write off profits from nonfarm enterprises against any farm losses, thereby minimizing the farm losses and permitting them to operate until the day when they can turn a profit. Even these profits, witnesses said, would be taxed at the low capital gains rate.

An Agriculture Department official said a typical tax gimmick would be as follows: a corporation would buy up a herd of beef cattle and maintain it for five years without selling off any of the cattle. Each year, expenses of herd maintenance would be deducted as a farming loss and would thereby reduce the corporation's tax liability on its profits from other sources. At the end of five years the entire herd would be sold and the profits taken as capital gains, taxed at a maximum rate of 25 per cent.

The average small-to-medium farm just would not have the resources to do this.

Nelson and the National Farmers Union, which for years has been the chief critic of "corporate farming" and a champion of what it likes to call "the family farm," find such possibilities disturbing.

DRAWBACKS SEEN

Nelson, in an interview, said the trend to corporation farming could lead to undesirable social consequences. He said it could lead to the further shrinking of the already small farm population (there were about 3.2 million farms in 1967) as corporate farms with few employees take the place of family-run farms; a consequent disappearance of the small towns whose merchants depend on farmers; the possibility that conglomerate operations would be able to dominate the farm markets and manipulate prices—to the ultimate detriment of the consumer and excessive control over rural land—where many new cities and industries will be located—by big corporations.

A National Farmers Union spokesman said corporation farming wasn't the only development that could present these threats.

For many years, he said, there has been a trend toward increased "integration" in agricultural operations: effective control by one giant company of the whole chain of operations beginning with on-the-farm production and extending through marketing,

processing, distribution and even retailing of the commodity.

With economic power and effective control of the farm market place, big companies can whipsaw the farmer on payments for his products and control the retail price to the consumer, taking enormous profits for themselves, he said.

DOMINANT IN POULTRY

The most frequently cited examples are in poultry, sugar, and vegetables for canning. An Agriculture Department official said that about 90 per cent of the broiler chickens produced in the U.S. come from integrated operations, with 13 organizations—led by Ralston-Purina and Swift—processing one-third of the nation's broilers. In some cases the company provides the baby chicks, the feed and other items used on the farm, processes the birds, markets them at wholesale and may even have a retail tie-in to a supermarket chain.

Sugar beets are also heavily integrated, with nearly all U.S. production done on farms owned by beet processors or farms working under seasonal contracts. The companies then process the beets and market and package the finished sugar.

INFLUENCE DISPUTED

The Farmers Union and some of the Senators who see corporate farming and integration as a threat have various proposals to block it: Barring corporations from deducting farm losses against non-farm profits; limiting the participation of corporations in agriculture (a few states like Kansas and North Dakota have such laws).

The fear of corporate farming and integration is not universal. Agriculture Department officials who have been studying corporate farming say the cited figures can be misleading. The 45 million acres operated by corporate farms, for example, constitute only about 7 per cent of the land in farms. Corporate farm sales, they say, are a slightly higher percentage. And the number of corporate farms is only about 1 per cent of total commercial farms.

But even more to the point, an Agriculture Department official said, a large number of the corporations in farming—more than two-thirds—are simply incorporated family businesses, and another 12 per cent are one-man corporations.

What this means is that most of the farm corporations are simply farmers who have taken out incorporation papers for inheritance or business handling purposes.

The American Farm Bureau Federation, the big archrival of the Farmers Union, does not believe corporate farming or integration constitute the kind of threat to farm life that the NFU foresees.

"We are concerned with integration and we have moved to form bargaining and marketing associations of farmers," an AFBF official said. "But the idea of limiting the flow of a certain type of capital into farming and of arbitrarily demarcating who is a farmer and who is not a farmer and shall not be allowed to farm is simply unacceptable," he said.

ECONOMICS OF AGING—II

Mr. WILLIAMS of New Jersey. Mr. President, I have stated previously that I intend to offer excerpts from several of the letters sent to the Special Committee on Aging, in response to news articles telling of that committee's task force report entitled "Economics of Aging: Toward a Full Share in Abundance."

A letter received from a 63-year-old widow of Independence, Mo., touches on practically every aspect of the problems of retirement income and, therefore, I am offering the entire text of that letter today. I ask unanimous consent that the letter be printed in the RECORD.

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

MARCH 28, 1969.

Senator HARRISON A. WILLIAMS,
Chairman, Special Committee on Aging, the Senate, Washington, D.C.

DEAR SIR: I am a widow 63 years old. My husband passed away almost ten years ago. He had been employed by a power and light company 28 years. Therefore, I was covered by his Social Security for widow's pension ultimately (at a reduced rate) at age 60. His pension plan had no provision for widows before the employee's retirement. My husband passed away at 54 years. The shares we paid into the pension plan were returned to me. Those paid into the plan by the company for employees, I guess, return to the general fund. Of course, there was life insurance and life savings. I went to work for a few years and got along financially very well. Age 58, I had a nervous breakdown and was hospitalized two months—returned to work for a year or so—had another relapse and was hospitalized another two months. After returning home from the hospital this time I was still on the payroll on a leave-without-pay basis for several months. I did not qualify for disability basis but still felt unable to work so resigned and subsequently took my widow's pension at age 60.

Needless to say, the drain on my savings was considerable immediately, and continues to be about $100 a month above my income even with very close accounting.

I own my own home. This year taxes on my property have increased, services to the home and appliances, upkeep and insurance, have taken dramatic increases. Before long, I will face the necessity of selling my home and renting (using the proceeds to supplement my Social Security).

I realize I am fortunate (provident might be a better word) to have had resources to see me through, but I am faced with ultimate poverty through circumstances far beyond my control, should I live long enough.

It will be a year-and-a-half before I qualify for Medicare. My private Blue Cross-Blue Shield health insurance jumped from $12.50 per month to $18.05 per month last month. Of course, the coverage is better, but there was no choice and I cannot afford to be without it. That is but one example of a sudden increase and on a widow's pension (Social Security only) it is considerable.

My experience is legion.

Long before I became a widow I felt a widow's benefit under Social Security should be commensurate with her husband's benefits. The Social Security tax came from her pocket the same as her husband's. In my circumstances, I felt I should not work outside the home, with children and an aged father to take care of.

I, therefore, am urging you as Chairman of the Senate Special Committee on Aging to consider increasing the Widow's Benefit to that of her deceased husband's.

Naturally, there should be some kind of increase-in-living-costs increase across the board. Groceries, utilities, taxes, etc. are constantly spiraling.

I am one 63-year-old woman who looks forward to becoming 65. Then I will qualify for Medicare. That will help considerably on spiraling health care.

The rich retired can care for themselves.

The poor retired are provided for, but those of us in between are rapidly becoming poor. I have never been indigent and indeed came from an upper middle class home, and the thought of a dependent old age is repugnant to me.

Thank you.

A VOLUNTARY MILITARY SERVICE

Mr. HATFIELD. Mr. President, in the course of public debate over the proposed replacement of the draft with a voluntary military, there were some fears expressed by various observers that this change might result in the creation of a predominantly black army.

Recently, in a brief, direct statement on this question, two political scholars have returned the issue to its proper perspective. "Notes on the Color of the Voluntary Army," by William O. Freithaler and Robert D. Tollison, members of the faculty of the University of Virginia, substantially discredits the charges of a possible racial imbalance, and also suggests other reasons for instituting a voluntary military. It is a perceptive, well-presented statement which will be a positive contribution to the discussion regarding the draft. I ask unanimous consent that it be printed in the RECORD.

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

NOTES ON THE COLOR OF THE VOLUNTEER ARMY

(By William O. Freithaler and Robert D. Tollison)

I

In recent months the volunteer army concept has moved from the realm of polemics to the national policy arena. It is therefore imperative that the major issues involved in the debate over this proposal be carefully scrutinized in order to clarify their implications. This paper specifically examines the widely publicized argument that a volunteer army would be manned in the main by economically disadvantaged minorities, especially Negroes.[1]

II

It will be useful to begin by reviewing the racial composition of the population segments from which the volunteer army might draw its recruits. Critics of the volunteer concept imply that these would consist primarily of lower income groups in which Negroes are disproportionately represented. It should be noted, however, that even in the lowest (i.e. under $3,000) income brackets, white families outnumber blacks in absolute terms by very substantial margins, and that these margins expand rapidly as one ascends the income scale. For example, in 1966, 32 per cent of all Negro families had incomes of less than $3,000 while only 13 per cent of all white families fell in that category. Nevertheless, the number of white families in this income bracket outweighed that of the Negroes by a factor of approximately 5.72 to 1.57 millions. Moreover, in the $3,000–$4,999 category, the ratio of white to Negro families (6.16–1.18 millions) was even higher.[2]

[1] For representative statements of this argument see Harry A. Marmion, *Selective Service: Conflict and Compromise* (New York: John Wiley and Sons, 1968), pp. 64–65; Morris Janowitz, "American Democracy and Military Service," *Transaction* (March, 1967), p. 9; Editorial, *Wall Street Journal*, February 24, 1969, p. 14.

[2] Roughly similar disparities appear even if one considers only the racial composition of unemployed adults. These findings are derived from data presented in a joint publication of the U.S. Department of Commerce, Bureau of the Census, and the U.S. Department of Labor, Bureau of Labor Statistics, entitled, "Social and Economic Conditions of Negroes in the United States," *Current Population Reports*, Series P–23, No. 24, and BLS Report No. 332, pp. 18, 22.

It seems reasonable, therefore, to estimate that the potential supply of white volunteers is significantly larger than that of their black counterparts.

In spite of this preponderance of potential white volunteers, however, a predominantly black army could still emerge under the volunteer system if the propensity of Negroes to enlist were much greater than that of whites. Recent data on the racial composition of first-term enlistees provides the best available evidence bearing on this issue. These data indicate that a markedly higher proportion of draft-age whites than Negroes (5.7 vis-a-vis 3.7 per cent) are volunteering to serve at current wage levels. This, in part, reflects the fact that a higher percentage of Negroes than whites (58 vis-a-vis 35 per cent) fails to qualify for military service in preinduction examinations.[3] Moreover, the higher pay scales of the volunteer army would probably attract proportionately greater numbers of whites than Negroes into military job markets.[4] In any case, the foregoing data clearly indicate that Negroes would face substantial competition for jobs in a volunteer army from a much larger group of qualified whites.

The analysis of this subject would also be grossly inadequate, however, if some attempt were not made to consider the impact of forcible immersion in free labor markets on military hiring practices. Various studies of military manpower policies have asserted that our armed forces tend to employ labor intensive productive processes over a wide range of their activities because the draft provides the services with various grades of labor at below market wages.[5] This represents a rational adjustment to the present economic situation. An economist would expect to find a military warehouse, cafeteria, motor pool or maintenance facility employing a greater amount of labor (and lesser quantities of other resources) than a private firm would use to produce the same outputs.

Abolishing the draft would eliminate this labor cost advantage and should tend to promote the adoption of labor saving processes throughout the military establishment. Capital equipment, in particular, would displace labor in many processes of production.[6] The ubiquitous box-lifting, trench-digging, footweary infantryman, for example, should be displaced by fork lift trucks, trench-digging machines, and smaller numbers of ultramobile space age warriors employing more expensive and sophisticated weapons systems. In short, a well managed volunteer army could not afford Beetle Bailey.

This adjustment to higher priced labor would obviously affect both the number and kinds of job openings available in the military establishment. To achieve a given overall level of defense capability, it would imply a general reduction in total military employment.[7] In addition, it would probably result in an upward revision of the minimal labor skills and educational achievements demanded of recruits by the military. A proportionately greater number of jobs would exist, for example, for operators and maintainers of modern military equipment and fewer jobs would be available to high school dropouts and unskilled workers. Negroes, of course, are grossly overrepresented in the ranks of our unskilled and undereducated workers. This factor would further reduce their chance of successfully competing for a disproportionate share of the jobs in a peacetime volunteer army.

Under the current system of military manpower procurement, the proportion of Negroes in the armed services is on the order of 9 per cent, while their representation in the total population is about 11 per cent.[8] However, because of their generally disadvantaged backgrounds, Negroes, once in the military, tend to be allocated in disproportionate numbers to combat operations.[9] If a settlement should be reached in Southeast Asia, it seems reasonable to assume that the combat units of the armed forces would be deactivated most rapidly. Military employment opportunities for Negroes would therefore probably be reduced in a post-Viet Nam context even if the draft were not abolished. This effect would be compounded by a shift to a volunteer basis since, as noted above, such a system would require a smaller and more highly skilled military labor force.

III

An exhaustive manpower study would have to be made to predict precisely the racial and socioeconomic composition of our armed forces if the draft were replaced by a peacetime volunteer army. Critics of the volunteer concept have simply asserted that an "all black" (or predominantly black) army would emerge. Our preliminary analyses of the relevant theoretical issues and empirical data indicate that this assertion is implausible. Two basic and complementary lines of reasoning have led us to this conclusion.

One concerns the nature of manpower requirements that would evolve under an all volunteer system. As the wages of military labor rose toward competitive levels, the rational economic reaction of the armed forces would be to mechanize and otherwise reduce the labor intensivity of their various productive processes. The "Beetle Bailey effects" of the draft would be eliminated and smaller numbers of more highly skilled servicemen would be sought by the military establishment.

The other line of reasoning pursued the question of how the Negro job seeker would fare in these restructured military job markets. Undoubtedly, a substantial number of Negro workers would find these higher paid peace-time military billets attractive. This is essentially irrelevant. The decisive factor would be their ability to compete with a much larger group of whites who find it easier to qualify . . .

This job competition might well be intensified by shifting to a volunteer system, with predicted detrimental effects to the military employment prospects of Negroes and other disadvantaged groups. If this should develop in practice, critics of the volunteer army concept might still find themselves in the position of objecting to its racial composition, but on the grounds that it is "too white" rather than "all black."

[3] *Ibid.*, p. 82.

[4] Milton Friedman has asserted that in this regard present levels of pay are *comparatively* more attractive to Negroes that the higher levels of pay of a volunteer system would be. This indicates that the majority of Negroes who would be affected by a wage differential between the civilian and military sectors have already responded to the differential and are already in the armed services. If Friedman's assertion is correct, the above analysis is further strengthened because the response of Negroes to the higher levels of pay in a volunteer system would be proportionately less than whites. Milton Friedman, "An All Volunteer Army," *New York Times Magazine*, May 14, 1967, p. 118.

[5] For example, see W. L. Hansen and B. A. Weisbrod, "Economics of the Military Draft," *Quarterly Journal of Economics*, LXXXI (August, 1967), p. 402.

[6] This tendency would of course be accentuated if the volunteer army enjoyed more success than its predecessor in procuring capital equipment at truly competitive prices.

[7] Complementing this relative movement away from labor-intensive processes would be the various manpower economies which could be achieved under the volunteer system in its training operations. These economies would result because the lower personnel turnover of the volunteer army implies a smaller commitment of manpower to training functions. On this point, see Hansen and Weisbrod, *op. cit.*, p. 402.

[8] These data, reflecting conditions in June of 1967, are drawn from: U.S. Department of Commerce, *op. cit.*, p. 83.

[9] *Ibid.*, pp. 83–84.

HUNGER NEXT DOOR

Mr. McGOVERN. Mr. President, I have seldom seen a more moving account of the terrible human costs of poverty than that written by Nancy Munro for the March edition of Redbook. Mrs. Munro is nutritionist for the Headstart program in Missoula, Mont. Her experiences are a vivid reminder that the crippling effects of malnutrition are felt by poor children in every part of our country.

The article does not describe an urban slum or a poverty stricken Southern community. Missoula is located in beautiful "ranch and forest country" thousands of miles from these so-called centers of hunger and malnutrition. But in Missoula, as in Mississippi, New York, and every other State, there are children whose lives are being irreparably damaged because their parents just do not have enough money to feed them properly.

Nancy Munro's story tells us what hunger means to the children whom it affects. I ask unanimous consent that her article be printed in the RECORD.

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

A YOUNG MOTHER'S STORY—HUNGER NEXT DOOR

(By Nancy Munro, Missoula, Mont.)

This is not the usual story of a problem solved by one young mother. It is the story—still without a solution—of too many young mothers throughout our country.

(It is easy to become immune to the fact of poverty. Most of us have no experience with it. When our children are hungry, there is always food to feed them. The poor, hidden away in the slums of large cities or in "poverty pockets" in rural areas, are only statistics. The details of their lives, no matter how much we read about them, do not touch ours. This is an article by a woman—a mother of five—to whom the poor are people. Their lives have touched hers. In Montana, where she lives and works as a nutritionist, Mrs. Munro has found out what happens to young mothers and their families who have only 17 cents a day with which to feed each child.—THE EDITORS.)

Missoula, Montana, is a community of 50,000 people with many advantages. We live in ranch and forest country in the valley of five rivers bordered by majestic mountains. We have the culture and the stimulation of a university and the convenience of being the shopping center of western Montana. We do not have a slum area or a minority slum culture. Negroes in Missoula are either university students or working people with salaries above the poverty line. Very few Indians live in the community; most remain on a reservation 20 miles from town.

We do have poverty. Six thousand Missoulians live on annual incomes below the minimum subsistence level as estimated by the Federal government ($2,500 for a family of three; more or less for larger or smaller families). Of these, 2,000 are elderly, 2,000 are poor because of unemployment and 2,000 are poor because of underemployment.

Our poor do not live in a visible slum. For the most part they live next door to affluence. They do live in substandard housing, but you must go inside to see the holes in the walls or, in one case I know of, the dirt floor.

Some families live in log cabins. A cabin looks picturesque beneath the pines on the mountainside, but if it cannot be kept warm and dry, it is substandard housing. We even had one mother and her four preschool children living in a leaking tent. She was not camping out; she couldn't afford to pay rent. Her husband had left her. With a hammer and crowbar she had torn apart two condemned houses and started building a new house with the salvaged lumber. She stopped working on the house when she could not figure out how to install a fuse box. She was fired from her barmaid job. She remarried, but her second husband left her. Then she gave up and settled for the tent.

As a nutritionist in Missoula, I must see that the 117 children enrolled in our Head Start program eat properly. Head Start was funded by the U.S. Office of Economic Opportunity and launched in 1965 as a preschool program for children from low-income families. It is designed to give them—to some degree, at least—the benefits that most middle-income families are able to give their children as a matter of course—educational, medical and social benefits that prepare children physically and mentally to learn.

At the four Head Start centers in Missoula, the children eat one meal and a snack each day. But I soon discovered that many of them suffered from malnutrition. They were vulnerable to pneumonia, anemia and other diseases of debilitation. From our meetings with parents and visits to individual families I learned that many of the children don't eat nourishing foods at home. It is not because their parents neglect them; their parents just can't afford to buy the kinds of food they should eat.

Of Missoula's poor, about 15 per cent receive public assistance. The welfare rolls include a few disabled fathers and their families, but most of the recipients are "solo" mothers—widowed or divorced or those whose husbands do not live with them. There are 105 such families in Missoula, about 500 individuals; they receive a type of welfare assistance known as Aid to Dependent Children. It is people like these, and other poor families who are not on welfare, that Head Start is geared to help.

Our Head Start families average six members. Their incomes average $1,000 below the poverty line—that's $1,000 less than the amount estimated nationally as a standard for bare subsistence. But in Missoula we know at first hand that it costs more than the national average to survive Montana's cold winters and short garden-growing seasons.

Jane is one of Head Start's solo mothers. She is a blue-eyed, gray-haired, divorced mother of four children. She did not finish high school and had no way to support her family except by raising a large vegetable-and-strawberry garden. (She gave three gallons of strawberries to Head Start.) She was so shy and felt so unworthy that if a neighbor said, "How do you do?" she didn't know what to answer. What do you say to the well-dressed woman who looks scornfully at your worn clothes? Jane is acutely aware of "middle-class values." She lives down the road from them.

When Jane's youngest boy enrolled in Head Start, she came as a volunteer to serve lunches at the center, which she did capably. She came to parents' meetings in a neighbor's house. At one of those meetings, during my first year with Head Start, we discussed a nutrition plan based on the four basic foods—meat, milk, fruits and vegetables, cereals. The plan was devised by the U.S. Department of Agriculture to keep people healthy. It recommends daily two servings of meat of two or three ounces each; two cups of milk, four one-half-cup servings of fruits and vegetables and four half cups of cereal. We had to abandon this plan. Mothers like Jane could not afford it.

The following year, at our first parents' meeting, I described another plan, specifically designed to help low-income families eat healthy meals at minimum cost. This was the Department of Agriculture's Low Cost Food Plan, which suggests 11 types of food needed by various members of the family on a weekly basis. It costs about $100 a month for a family of four.

But we found that Jane and 75 per cent of our families had less money to spend on food than the Low Cost Plan required. If they had bought food as recommended, they would have had to spend 55 per cent of their income on it. That would have left 45 per cent for all other essentials: clothing, rent or taxes, house repairs, fuel, doctors' bills. By contrast, most middle-class families in the United States need to spend only 20 per cent of their income to eat very well indeed—too well, some nutritionists point out.

Then I found the Department of Agriculture's Economy Food Plan, recommended only for short emergency periods. By eating oatmeal instead of dry cereal, baking bread at home, drinking reconstituted dry milk, eating beans six times a week and rationing half an orange a day to each person, optimum nutrition can be bought for $75 a month—for the 67 cents a day that welfare gives an adult for food. I thought I had solved the food problem for Jane and most of the other mothers.

Jane showed no enthusiasm for this plan. I felt frustrated because my expert adivce was not accepted, but she protested that she would consider herself lucky to have $50 a month for food. For her family of four children, that was 33 cents a day per person.

Jane drove Head Starters to school in her car. One cold morning the car would not start; the children didn't get to class. The next night was 20 degrees below zero. She went outside every hour all night, started her car and warmed the engine so the children could get to class in the morning.

The next summer Jane was hired as a Head Start cook. As I worked with her, I came to know her better and gained increased respect for her ability and character. Still, it was several months before I learned I had not heard her right. She had said she would feel lucky if she had $50 a month to spend on food. Actually she had $35 a month—23 cents a day a person. No matter how I figured, I could not find any way adequate nutrition could be bought for 23 cents a day.

We carefully went over her monthly budget of $187 from Aid to Dependent Children. Missoula has no public transportation; Jane must have a car because she lives several miles outside town. Missoula has long, cold winters. Jane lives in a log cabin and chops wood for fuel ("It's no job for a woman, but the girls and I do it"). Oil for a space heater costs as much as $50 a month in subzero weather ("I couldn't make it if we had to pay that"). Children need snowsuits and boots and mittens. We all need more food just to keep our bodies warm. Missoula has no lunch program, not even a milk program, in the elementary schools. Missoula is a difficult place for the poor.

Last September I conducted a 24-hour-recall diet survey. Mothers reported what their Head Starters had eaten during the previous 24 hours. Jane said that her son Jim had eaten one and a half hot cakes, four slices of homemade bread, three cups of reconstituted dried milk, one cup of bean salad and three apples. That's a good 20-cent-a-day diet. But it's not sufficient. This year Jim's preschool physical examination indicated that he has anemia.

Jane has changed considerably since we at Head Start first knew her. She has learned that she is an effective, respected person; she can now meet her neighbors with dignity. She has attended high-school evening classes passed her high-school equivalency tests, studied bookkeeping and is now enrolled in a typing class. She works for Head Start as a bus driver and project aide. Next year, she hopes, she will be able to support her family.

But Jane is tired. Her children are sick frequently. Not all of them are doing well in school. Though she and her family have never gone hungry, inadequate food handicaps their struggle against apathy, fatigue and irritability. Jane knows the value of the four basic food groups; she simply cannot buy them.

Jane and other low-income families might have been able to improve their diets somewhat three years ago if Missoula had had a food stamp program, under which they could exchange the money they normally spend for food for Federal coupons worth more at grocery stores. At a parents' meeting in 1966 Ed, a Head Start father (a carpenter on vocational rehabilitation because of a disabled arm), wondered aloud why Missoula had no such program. Encouraged by the Head Start social worker, a group of parents organized to learn more about the program. They wrote letters of inquiry to communities in Montana that did have food stamps; they met with consultants from the U.S. Department of Agriculture and the Montana State Welfare Department. After their investigation, they circulated a petition for food stamps in Missoula and finally met with the commissioners of Missoula County to present the petition. The county commissioners applied to the Federal government. There was no action on the application.

In 1967 an enlarged citizens' committee was organized. Several local politicians joined the group. The commissioners again applied. They were told by the U.S. Department of Agriculture that no funds were available for Missoula. Letters to senators and congressmen failed to get food stamps for the community, and Missoula's poor continued their high-starch, low-nutrition diets for another year. Things look a little brighter today. A few months ago the county's application for inclusion in the program was approved, and food stamps became available in Missoula in January, 1969.

Half our Head Start families have a father in the home. Five families have more than ten children each. That is a lot of children for a man to feed and clothe, even when he's working.

Bob is a responsible, hard-working man. Placid and plump Bettina, his wife, has a sweet smile and a sweet face that fits her affectionate way with her children. She was president of her neighborhood women's club and Bob is active in many community programs. Last year he earned $5,520. It would cost $4,940 to feed his family of 13 children according to the Low Cost Food Plan. Bob and Bettina actually spend $936 a year on food—17 cents a day per person.

Bread is a luxury they can afford just once a day—in school lunches. Bettina finds cake immediately satisfying to her hungry children. Her cakes, made of sugar, lard and flour, are a cheap source of calories. For 17 cents a day she can't hope to give the children much more than calories.

In 24-hour recall, Bettina reported that her Head Starter had eaten dry cereal with sugar for breakfast, cake and a glass of milk for lunch, plain spaghetti and a glass of milk for supper.

Bob and Bettina's children have multiple problems. Some have repeated grades in school. Some are anemic. Some are withdrawn. They are losing the struggle against fatigue, apathy and sickness.

Alice and Allen, parents of another Head Starter, do not appear to be struggling against apathy, fatigue and sickness. They appear to have given up. Alice is thin. She droops with tiredness. She is saving money by rolling her own cigarettes. Allen is the only Head Start father who apparently is able to work but does not.

Their income two years ago was $900 for

a family of five children. The Welfare Department would not support a family in which the father should be able to work. Yet Alice and Allen needed help, so last year Welfare supplemented their income, bringing the total to $1,300. To feed their family of by-then-six children adequately would require $2,137 a year. Alice spends 16 cents a day per person for food.

When she shops, Alice first buys her "basics": a sack of white flour, a can of lard and a sack of potatoes. If she has any money left over, she buys candy and pop to please the kids. She has logical reasons for giving her children candy and pop; our advertisers tell us that candy supplies quick energy and things go better with pop. And her children do not have many things just for fun; it is understandable that she does not deprive them of "fun foods." The food industry might help her by promoting low-cost, high-nutrition foods as "fun foods."

Alice reported in 24-hour recall that her Head Starter had had bread and water for breakfast, macaroni and water for lunch and corn and potatoes for supper. When he first entered Head Start two years ago, he grunted like an animal. His "communication skills" were limited to pointing, taking and hitting. After several months his speech could be understood by a patient listener. This year when Welfare learned what Alice and Allen's family was eating, the department increased their allotment.

Why doesn't Allen work? He has been called lazy. "Lazy" doesn't define causes and reasons. I don't know the efforts and failures he has experienced. I do know that white flour and potatoes are a deficient diet. Malnutrition causes apathy, fatigue and irritability; these handicap attitudes and efforts. I don't know how many years of failure and a white diet it would take for me to reject the system from which they were received.

Food was given to Alice's family by a woman who promised to give more if the food was used; she didn't want to give what was not wanted. At the end of the first week the carrots were still in the refrigerator. (The electricity had been turned off, but the refrigerator was still the storage place.) The dried milk was unopened. The peanut butter was half eaten. At the end of the second week the donation was stopped. Did Alice feel that the donated food implied criticism of her? Was it difficult to change habits? Were apathy and fatigue so great that Alice could not make the effort to wash carrots, mix milk and spread peanut butter?

In two months four of Alice and Allen's children have been in the hospital at a cost of over $5,000 to Missoula County. One was burned; others suffered from diseases of debilitation and medical neglect. Their son Pete—the boy who was in my Head Start group—died last year. He had had repeated attacks of pneumonia and asthma. While he was in Head Start he had received good medical care. But last year Pete entered the first grade, and because Missoula has no follow-up medical program for former Head Starters, his precarious health failed.

An intensive program under the direction of a skilled homemaker who worked in their home might train Alice and her family in different habits. An adequate supply of low-cost, high-nutrition foods would help too. But Alice and Allen have not asked for that kind of help, and the neighbors would protest "personal maid service" for two able-bodied parents.

The majority of the poor in Missoula, as we see them in Head Start, are struggling against multiple handicaps. Many are in marginal situations. They could cope adequately with their problems if they had help; additional stress could precipitate defeat. What kind of help do they need? Realistic food programs, minimum wages for all occupations, welfare payments geared to Missoula's high cost of survival, public medical and dental clinics, public transportation, hot-lunch programs in the schools and low-cost, adequate housing.

The Janes and Bettinas and their families would not then have preventable handicaps like malnutrition. The poor who have been able to stay off welfare would be able to continue to do so—even to pay taxes. And a certain percentage of those receiving public assistance would be able in time to remove themselves from the welfare rolls. Welfare would then become what it is intended to be—adequate assistance to those who need help so that ultimately they can support themselves.

The alternative is to run the risk of producing increasing numbers of Alices and Allens. For the 117 Head Starters and their 516 brothers and sisters in Missoula, the future is now forming. The same is true for the poor all over the United States, in rural counties and cities alike.

THE ELECTORAL PROCESS

Mr. BAKER. Mr. President, on April 15 I introduced three proposals designed to strip away conditions to full participation in the electoral process. These measures would provide for a system of 50 State Presidential primaries—Senate Joint Resolution 92—allow transients the right to vote in national elections—Senate Joint Resolution 93—and establish a uniform 24-hour voting period for all Presidential and congressional elections—S. 1817. Earlier I introduced a proposed constitutional amendment to extend the right to vote to all those between the ages of 18 and 21 in Federal elections—Senate Joint Resolution 38—and I am a cosponsor of the proposed constitutional amendment—Senate Joint Resolution 1—that would provide for the direct election by the people of our President and Vice President.

An address entitled "Science and Democratic Progress" by Dr. Frank Stanton, the distinguished president of the Columbia Broadcasting System, has recently been called to my attention. In his remarks Dr. Stanton discusses our anachronistic electoral processes and sets forth the reforms that in his view are necessary to make democracy workable in this age of unprecedented scientific and technical advancement. I ask unanimous consent that Dr. Stanton's address be printed in the RECORD.

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

SCIENCE AND DEMOCRATIC PROGRESS

(An address by Frank Stanton, president, Columbia Broadcasting System, Inc., delivered at the commencement exercises, California Institute of Technology, June 11, 1965)

FOREWORD

A matter of deep and constant concern to every institution of learning dedicated to the advancement of science is the social uses to which new scientific discoveries and new technical devices can be put for the betterment of mankind. This has been a subject of particular interest to us at Caltech and has taken concrete expression in the recently expanded program in the humanities.

Dr. Frank Stanton, President of the Columbia Broadcasting System, in his commencement address at Caltech in June, gave new emphasis to the need for social progress and scientific progress to move in concert. In calling attention to the outmoded systems and obsolete mechanisms by which we go about the business of running our elections, Dr. Stanton presented a specific case of the broadest public significance—rather than an abstract argument—to demonstrate the pressing need for a more realistic application of the instruments and methods made possible by science to a solution of the problems of modern life.

In his provocative remarks, Dr. Stanton pointed out that our self-governing society today functions under enormous pressures, both internal and external, not envisioned by the architects of our political institutions. Our fundamental decision-making process is now so complex, and world events move so fast, that we need to use all the knowledge and skill at our command to make democracy workable in this age of unprecedented scientific and technical advance.

Dr. Stanton's talk puts the case for bringing our election procedures in step with both the capacities and the needs of our eventful times so forcefully that it ought to be read by everyone concerned with scientific progress and democratic fulfillment.

LEE A. DUBRIDGE,
President, California Institute of Technology.

It is always a privilege to be allowed to join the graduates of a great institution in their commencement exercises. In the case of the California Institute of Technology, it is also a very great compliment. As one who has some California associations—an occasional neighbor of yours—I have come to know Caltech and to respect and admire its high standards.

You who are receiving degrees here today will be entering a company of educated men whose post-collegiate and post-doctoral careers reveal an exceptionally serious sense of purpose and breadth of interests. Of last year's degree recipients, a very impressive majority remained in academic work: 85 percent of the bachelors of science and 53 percent of the masters went on to further study, and 58 percent of the doctors returned to colleges and universities for teaching or research or both. And it is revealing of the wide scope of professional activities of the alumni that Professor Weir reported, in his survey last February, that "two-thirds of our alumni, all highly trained in engineering, science, or mathematics, are actually devoting a large portion of their working hours to problems of human and organizational relationships."

All this directs our attention to a central reality of the scientific world today: profound and irresistible social forces have invaded the seminar room and the laboratory, and they never again are going to leave the scientist in the comfort and silence of a solitude that shuts out the day-to-day affairs of mankind. Ironically enough, the mainspring behind this permanent invasion was not the resolute action of outside intruders but the broadening and deepening concerns of the men of science themselves.

IMPORTANCE OF PROGRAMS TO BRIDGE THE SCIENCES AND THE HUMANITIES

To bring higher education into accord with this overriding fact of modern life, the faculty and trustees of Caltech moved with boldness and imagination when they announced the new baccalaureate programs this spring. The construction of a curriculum leading to degrees in the humanities, but with an unusually strong foundation in the sciences, is a logical and highly useful counterpart of the growing purpose—advanced notably both here and at such sister institutions as the Massachusetts Institute of Technology—of providing a scientific education with a strong foundation in the humanities. Caltech's action seems to me to reflect, in a most practical way, both the wisdom of the past and the promise of the future.

Higher education in America generally, and our political institutions certainly, have their roots in one of the great eras of man-

kind, the Age of Reason. I have never thought it an accident of history that the Age of Reason was concerned equally with the sciences and with society. It was David Hume, whose thought in many ways epitomized his times, who pronounced the scientists of all ages inseparable from the societies that bred them. In words which must be no less flattering, even if a little more disconcerting, to you today than to his Edinburgh contemporaries, he said: "Though the persons who cultivate the sciences with such astonishing success as to attract the admiration of posterity be always few in all nations and all ages . . . the mass cannot be altogether insipid from which such refined spirits are extracted."

Hume's brilliant contemporaries roamed the whole field of knowledge, inquiry, and speculation, staking out the broad avenues, both of learning and of the social order, that we still follow and prize today. In the Age of Reason we had a common source of a new realism and a new freedom, a new philosophy of law and a new approach to government, a new scientific method based on analysis and experimentation, and a wholly new concept of mass education. In its renewed emphasis on the kinship of the sciences and the humanities, then, Caltech is, in a very real sense, reasserting its heritage. It is also looking realistically to the future. For one of the essential tasks of the generations ahead, as well as our own, is to put to broad social uses the scientific discoveries and technical innovations that have proliferated so fast in our time that their uses lag far behind their capacities.

CONDUCT OF POLITICAL AFFAIRS HAMPERED BY INADEQUATE USE OF SCIENCE AND TECHNOLOGY

Nowhere is this more apparent, I think, than in our basic political processes as a democracy. Political institutions and procedures exist for no other purpose than to administer the affairs and advance the interests of the members of the body politic and to make sure that ultimate power rests there. Yet, unlike the men of the Age of Reason, we are often inclined so to venerate political institutions and procedures for their own sake that, in our failure to improve their methods and to modernize their tools, they tend to deflect rather than to fulfill their high purposes. Industry, the professions, business, even such an individualized field as the arts—all are eager to utilize the new methods, new materials, and new instruments made possible by scientific knowledge today. But the political world is still peering cautiously around the corner of the nineteenth century, pausing only to look back over its shoulder occasionally to the eighteenth. It takes no social historian to observe that if we ran our factories, conducted our communications, and nurtured our health at the same rate of scientific and technical advance as we conduct our political affairs, we would still be taking weeks to make a pair of shoes, delivering the mail by Pony Express, and treating pneumonia by bloodletting.

The gap between scientific and technical progress on the one side and the fullest realization of our political capacities on the other is, in an age of vast, speedy, and complex events, a growing and unnecessary threat to the inevitably precarious business of self-government. In the basic process of the self-governing society, the election of its leadership, our methods and procedures are, in most cases, substantially the same as when the chief tools of communication were the quill and a piece of paper.

ELECTORAL PRACTICES: LARGELY ARCHAIC AND OBSTRUCTIVE

In 1634, Massachusetts abandoned the old English system of voting by voice and adopted the paper ballot. In 1965, over three hundred and thirty years later, it is possible to register the most complex information electronically and process it and store it in split seconds. But in 1965, the 2038 voting precincts of Massachusetts' 351 cities and towns were, for the most part, still using the paper ballot. And so were the majority of the nation's 175,756 precincts.

In 1800, communities and states were so isolated from each other that cumbersome voter registration procedures with, among other things, length-of-residence requirements, were introduced to prevent voting by undetected "repeaters" from other areas. In 1965, one hundred and sixty-five years later, for income and social security tax purposes, a system of instant numerical identification of virtually every adult in the United States has been adopted. But in 1965, one state still requires a person to be a resident for two years before he can register to vote, 35 states require one year's residence, and 14 states require six months.

In 1845, "the Tuesday next after the first Monday in November" was chosen by Congress as Election Day, largely because public sentiment was against traveling on Sunday and it was necessary to allow an entire day and night for many voters to get, by horse and buggy, to the polls. In 1965, one hundred and twenty years later, you can travel from California to New York in four hours. But in 1965, "the Tuesday next after the first Monday" is still Election Day.

The cost in time and money of these anachronistic practices has been made very clear by several counties in California that have adopted electronic voting systems. Orange County, for example, spent $235,869 on the June 2, 1964 primary, at which 273,756 ballots were cast and tabulated without the electronic system. On General Election Day, 1964, Orange County used an electronic system encompassing both the voting and counting. The cost, with 416,136 votes cast, was $118,428. The saving here was $117,441—cutting the bill in half, even without allowing for the greatly increased number of votes cast. Actually, the cost per ballot cast declined by over two-thirds, from 90 cents to 28 cents.

ADVANTAGES OF AN ELECTRONIC VOTING SYSTEM

An operational comparison between the general elections of 1962, with paper ballots, and 1964, with an electronic system, shows that the advantages of using twentieth century tools go far beyond the financial. In San Joaquin County, in 1962, for example, 14,777 of the 88,921 voters—17 percent—failed to finish the ballot; in 1964, this drop-off was reduced to 4,753 of the 97,515 voting, or less than 5 percent. And although the polls did not close until 8 p.m. in 1964, as compared to 7 p.m. in 1962, the last precinct checked in with its vote shortly after midnight in 1964, as compared to 7:15 the next morning in 1962. The average close-out in 1964 was two hours after polling ceased, compared to nearly eight hours in 1962. And the total man hours of election workers were reduced from 27,015 in 1962 to 2,423 in 1964.

But the great tragedy of archaic and obstructive electoral practices, stubbornly turning their backs on scientific and technical progress, is in the sapping of the vitality and health of the democratic process itself in this country. No mists of self-deception, no blasts of political polemics, no maneuvers of mathematics can deny the results: a disgraceful record of participation in our general elections. The United States, whose literacy rate of 97.8 percent is excelled only by that of the Scandinavian countries, consistently has a worse turnout, a lower percentage, of citizens voting than any democracy in Europe.

OBSTRUCTIVE VOTING PRACTICES SAP THE VITALITY OF THE DEMOCRATIC PROCESS

Only 62 percent—roughly three out of five—of those over 21 in this country voted in last year's election. Among European democracies, without compulsory voting, 87 percent voted in Denmark, 85 percent in Finland, 83 percent in Sweden, 79 percent in Norway, 77 percent in Great Britain, and 72 percent in France. The best of these records shows a 25 percentile point better turnout than ours, and even the worst is 10 percentile points better than we are.

In Asia, Japan had a 71 percent turnout, Israel 81 percent, and Pakistan, 83 percent of whose people are illiterate, had a voting record of 80 percent for presidential electors last fall.

In off-year Congressional elections, our record is even worse, never even having reached 50 percent—a low to which the parliamentary elections of no other democracy on earth descend.

VOTING: DIFFICULT, VEXATIOUS, AND INCONVENIENT

Now, obviously, there is something drastically wrong with the way we are doing things here. What is wrong seems to me perfectly clear: from primitive registration procedures right down to the casting of the ballot, we make voting as difficult, vexatious, and inconvenient for the citizen as we can. By a determined avoidance of any of the instruments or techniques or methods that science has brought about, we have done little to facilitate this basic democratic act and much to obstruct it.

We need to recast this decrepit, self-defeating system all along the line. We need to do it soon and we need to do it thoroughly. There is no better time to start than right now, in a non-election year when no one can claim that his particular ox is being gored.

And we need to involve the scientific community as directly and as effectively as we have in the development of our weapons systems. For the security of our fundamental political institutions—the ultimate guarantors of our freedoms—is no less pressing than the security of our lives and property.

VOTER REGISTRATION: A HODGEPODGE OF IRRATIONALITIES, INCONSISTENCIES, ANACHRONISMS, AND HARASSMENTS

There may be some constitutional impediments, not susceptible of early correction, around which we will have to work. Voter registration and the administration of national elections are still state functions. But our ingenuity is not so bankrupt, nor our concepts so rigid, that we cannot, even without constitutional reform, achieve an enormous improvement. In voter registration, for example—wholly aside from any of the justly aroused concern over racial discrimination—it must be clearly apparent to anyone taking the trouble to look that the whole system is a hodgepodge of irrationalities, inconsistencies, anachronisms, and harassments. Along with convicts, hundreds of thousands of Americans last year could not cast a ballot for President of the United States, just because they had moved from one state to another within the previous two years, or one year, or six months. Yet ours is an increasingly mobile society, and in a two-year period nearly 12 million people in this country—most of them of voting age—move from one state to another. Many of these are young people who, in just beginning their careers, necessarily move about a great deal. Many are from the highest educational levels engaged in the kind of work that involves occasional changes of residence.

For national elections, we need and ought to have an interstate, permanent registration, making full use of modern electronic equipment. Moreover, we need to make voter registration easier, more automatic, and more systematically inclusive. In Canada, registrars canvass every house—just as our census takers do—and register everyone eligible. Significantly, four out of five Canadians voted in their last general election compared to three out of five here. In Idaho, which follows

the Canadian system, the proportion of citizens voting in 1964 was 75.3 percent—20 percent higher than our national average.

There is convincing further evidence of the repressive effect of our obsolete registration procedures on voting. In the 1870's, for example, before intricate registration steps were generally required, 85.8 percent of eligible voters cast their ballots. But at the present time, while there is a population of 114 million over 21, there are only 87 million registered voters. As a matter of fact, the major reason why the U.S. voting record is so bad is that only 76 percent of adult citizens are registered. Thus, although official sources put the number of registered voters who voted at 81 percent and although a recent study revealed that the correct figure, after compensating for people still on the lists who had moved away or died, might be over 90 percent, the the fact still remains that only three out of five of our total population over 21 voted—or were enabled by restrictive registration laws to vote—in 1964.

FOR NATIONAL ELECTION: AUTOMATIC, PERMANENT, NATIONALLY VALID REGISTRATION

The most efficient voting system in the world, the most articulate and provocative candidates, the most acute sense of urgency about the issues—none of these are of any avail in stimulating voter interest if we persist in making registration difficult and often impossible. Automatic, permanent, nationally valid registration of voters in national elections is long overdue. Italy has it. West Germany has it. The United States ought to have it.

The second step of the electoral process—the casting of ballots—is no less antediluvian. Polling places are grimy and inaccessible. Polling hours are too brief and end too soon. Ballots are long, confusing, and cluttered. Waiting lines are long and slow-moving.

Check-in and check-out procedures are dilatory, fumbling, and snail-paced. Costs are unnecessarily high. Personnel is unnecessarily numerous. Processing time, both for polling and tabulating, is unnecessarily slow.

There is not a single one of these problems that cannot be solved by introducing the instruments and techniques that science has made available and that have become everyday apparatus in other areas of our national life.

FOR NATIONAL ELECTIONS: NATIONWIDE SIMULTANEOUS BALLOTING

Polling places, for example, have traditionally closed early to allow time for counting the votes. But computer ballots can be tabulated in a matter of seconds. Moreover, they eliminate human errors always likely in all-night counting sessions by unskilled election workers, and they minimize the possibility of fraud. Technically, it is entirely possible for all the polls in this country to be open for 24 hours and for the total result to be known within minutes of the closing. And because modern communications have wiped out all barriers of distance and time in the nation, those 24 hours ought to be uniform and simultaneous across the country. The widely divergent time frames for voting in individual polling places and the widely divergent opening and closing hours create inexcusable inequities for our citizens. The differences in time zones add to the chaos that has become a characteristic of our Election Day. If we had a common opening time everywhere, regardless of the clock hour in any one place, and a common closing time everywhere 24 hours later, we could have the real advantages both of nationwide, simultaneous balloting and of results becoming available on a nationwide rather than a regional or local basis. This uniform, or real-time, 24-hour voting day would permit anyone anywhere to vote at any time of day and night.

ELECTION DAY: A NATIONAL LEGAL HOLIDAY

And combining the uniform 24-hour voting day with the use of electronic vote-tabulating equipment would permit results to be known clearly and promptly—without turning every election into a cliff-hanger, which in some cases has lasted for days and even weeks. The national uniform voting day should also be a national legal holiday. This would free thousands to vote at their convenience, rather than attempting to squeeze it in before work or at lunch time or on the way home. Absentee balloting could be standardized and made easy for those who cannot be at home on Election Day.

The social scientist of the future might well marvel at the reluctance of this most powerful democracy in world history to reform its backward electoral practices, to conform not only with the changed conditions of life but also with the remarkably applicable scientific advances of this age. The only explanations that he comes across will impress him more for their speciousness than for their persuasiveness.

SCIENTIFIC TECHNIQUES: NO DISTORTION OF THE ELECTORAL PROCESS

A common complaint is that the use of modern scientific techniques would somehow distort the electoral process. We heard last year an insistence that the early reporting of election returns would influence late voters. Despite these claims, independent and authoritative surveys found no indication that voters changed their intentions to vote for one candidate or the other, nor did they find an indication that voters who planned to go to the polls stayed home, as a result of having heard returns on the balloting elsewhere.

LEGISLATIVE CONCERN AND LEGISLATIVE ACTION TO ASSURE PROGRESS

Another familiar reaction is that the use of modern techniques in election proceedings is somehow unconstitutional—or that "there ought to be a law against it." In 1964, the best, the most accurate and the promptest reporting of Presidential election returns in American history was accomplished by electronic journalism making full use of computer equipment combined with disciplined reporting. Perhaps one of the most valuable by-products of this operation was the light it threw, by way of contrast, on our electoral processes themselves. Far from bringing those processes up to date, the immediate reaction in some quarters was to exclaim that there ought to be a law prohibiting the use of such reporting techniques and forbidding electronic journalism to do its job until the last tired election workers closed the last remote poll and began the counting by hand of the paper ballots. If anything was unconstitutional in all this, according to a report that Senator Kuchel asked the Law Division of the Library of Congress to make, it was the inverted legislative remedy of stopping the clock of scientific progress while the dilapidated old election machinery our great-grandfathers contrived for another age creaked on. There should be legislative concern and legislative action about the fundamental democratic processes in this country. But it should be directed not at preventing progress but at assuring it.

PROPOSED REFORMS WILL NOT INCREASE ELECTION COSTS

The third complaint we hear is that to bring our most basic self-governing function fully into the modern scientific age would cost too much, that to keep the polls open long enough for all to vote would cost too much, that to have a national uniform voting day would cost too much. Of course, it would if we merely extended the use of our antiquated systems. It would also cost too much to make an automobile if we used the methods and tools used to make the buggy. But if we make use of all the implements and methods that science has given us, we cannot only improve greatly our electoral machinery but we can do it at no increase in cost—and probably at an ultimate saving. Estimates of the cost of elections per registered voter have ranged as high as $2.31. A major factor of this sum by far goes to personnel handling and tabulating paper ballots. In Los Angeles County, for example, about half the election costs of $3.5 million goes to over 100,000 precinct workers. In other words, in order to conduct a paper ballot election, one out of every 68 people in Los Angeles County with its 6.8 million people is a paid worker of the Election Board on Election Day. By contrast the Borough of Manhattan, using only voting machines and with a population of 1.7 million—one-quarter of Los Angeles County's—has only 4584—or less than one-twentieth of its election workers.

An excellent case history, which wholly destroys the notion that elections employing electronic equipment for polling places open for 24 hours would be prohibitively costly, is that of Contra Costa County here in California. Contra Costa introduced an electronic voting and tallying system for the November, 1964, election. As a result, the county reduced the number of precincts from 1164 to 720, election personnel from 7384 to 2880, the election payroll from $127,797 to $73,870, and the man-hours tabulating the vote from 52,573 to 5871—all this despite the fact that the vote cast rose from 76 to 90 percent.

It seems to me obvious that the penny-wise, pound-foolish refusal to bring the electoral process of this country fully into step with scientific progress because of allegedly high costs is without foundation.

COMPULSORY VOTING VIOLATES U.S. TRADITIONS

Unless we do bring the democratic method and our scientific capabilities in league with one another, it is unlikely that we will have any major gain in citizen participation in elections. The only other approach—adopted by some other democracies—is compulsory voting, providing it could also overcome the difficulties of registration. But this goes entirely against the grain of the American people, and it violates our traditions, our values, and the nature of our institutions. On the other hand, applying every technical innovation and every scientific discovery to realize more fully our potential as a free and self-governing society fully accords with our present temperament and our historical genius as a people. Instead of dragging our feet on such an elementary democratic principle as using scientific methods to make the electoral system work better, we should be moving beyond that to thoughts of nationwide electronic plebiscites on grave questions of public policy for the guidance of our government.

A COMMITMENT: TO SPEAK OUT TO THE POLITICAL LEADERSHIP AND PUBLIC OPINION

None of this, it seems certain, is going to come about spontaneously. The community of trained scientists—particularly those, like you, immersed in the humanities—will have to speak out with a strong voice and press it upon the awareness of our political leadership and upon public opinion. We may do well to remember that in that distant, far-off day before atomic weapons, it was the letter of a great scientist to a political leader that introduced us to the inevitability of a new and awesome era. On August 2, 1939, Albert Einstein wrote Franklin Roosevelt that he felt it "my duty to bring to your attention the following facts and recommendation." There are fewer higher duties to which you can commit yourselves than forcefully to call the attention of your national, state, county, and local political leadership to the pressing

need and technical feasibility of modernizing our election procedures.

Towards the end of a long and uniquely productive life, a great mathematician who became a giant in the humanities, Alfred North Whitehead, said, ". . . the techniques of living have changed faster and more between 1861 and 1944 than they did, going backward, between 1861 and . . . 61 B.C. . . . Furthermore the effects of these new techniques are interactive. Their alterations in our ways of daily living affect our moral ideas, and the alterations in our ways of thinking in turn react upon the uses to which we put our new techniques. . . ."

You have the power, the opportunity, and the urgent need to help turn the new techniques of our day to the highest social use known to man—the preservation and strengthening of the democratic process and, therefore, of his freedom. I know that you will achieve it.

SECRETARY FINCH SAYS GUIDELINE TO BE ENFORCED

Mr. MONDALE. Mr. President, as one who has been critical on occasion in the recent past about certain statements and actions with respect to the title VI school desegregation program, I am pleased today to call to the attention of my colleagues an excerpt from a press conference on Monday, April 21 by Secretary Finch. The Secretary, in response to a question, stated clearly and unequivocally that the current school desegregation guidelines are going to be enforced.

The Secretary's press conference statement is the strongest I have seen attributed to him, and I commend it to the attention of all who are interested in the school desegregation program carried out under title VI of the Civil Rights Act of 1964. So long as Secretary Finch maintains the firm position indicated in his press conference statement, he can depend upon my consistent support.

Mr. President, I congratulate the Secretary for his strong statement and ask that the excerpt from his press conference be printed in the RECORD.

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

PRESS CONFERENCE BY THE HONORABLE ROBERT H. FINCH, SECRETARY OF HEALTH, EDUCATION, AND WELFARE, MONDAY, APRIL 21, 1969

Question: Mr. Secretary, in spite of everything that has been done by your office, there are still numerous questions about school desegregation and the guidelines, within this Administration. For the hundredth time, could we ask you what is your position on the guidelines?

Secretary FINCH. The guidelines which are in existence are going to be enforced. The only change that will be brought about is when the Court speaks, as they said, for example, they will speak in June on the question there of whether the faculty mix should reflect that of the surrounding community.

But I fail to understand why there is any question in terms of the way I have handled every case that has come before me, and I suppose the only way somebody would say I would be more sincere would be to withhold funds from more schools.

What we are trying to do is to bring the schools into compliance and keep them open, and I think we are doing a pretty good job. I am very satisfied, and indeed, I think Leon Panetta is doing an excellent job. But why there is constant discourse about wavering, I just don't understand it.

COLLEGE CAMPUS UNREST

Mr. RIBICOFF. Mr. President, the course is Logic 1–A. Here is the problem: A 42-year-old man holds up a bank in Bridgeport. Therefore, all 42-year-old men in Bridgeport are bank robbers.

Right or wrong?

Wrong, of course—but all too many Americans are applying this same kind of dubious logic to another college subject.

The subject is college itself—and everybody is concerned about the unrest and division on campuses all over America.

There are irresponsible students, causing violence and discord, at colleges from Boston to Berkeley.

But we cannot—we must not—conclude that they are typical of the majority of young men and women in college today. Nor can we dismiss the grievances that responsible students express.

It does not require a Ph. D. in history to know that young America is our hope for the future.

If we despair of our young people, we, in fact, despair of ourselves—of all that we hoped for and planned for and made sacrifices for.

For years—through the 1950's, anyway—we complained of apathy on the university campus.

Now the students are apathetic no more—and we tell them to grow up and start behaving like kids again, to swallow gold fish, cram themselves into phone booths, and organize panty raids. Just leave the important questions to us grownups.

But a lot of the students do not think the grownups have handled the important questions very well.

Maybe they are right. Maybe they are wrong. That is not the point.

The point is that they have opinions and we should respect them and listen to them.

Let us look beyond the small minority who threaten violence and talk of revolution.

Let us address ourselves to the majority of students—to the best of them—and try to understand what they are saying to us.

I believe they sincerely want to improve their country and they want to begin by improving the one institution that is closest to them—the college itself.

They want the university to return to what it once was—a place where seekers after truth gather at the feet of wise men to learn and debate and find wisdom.

They want teachers who are full-time teachers, not high-priced consultants to Government and industry.

They want administrators who care about the students and their problems, who talk and confer with them about the management of the college.

They want their university, their studies, their teachers; they want to be relevant to the world they live in.

Above all, they want schools to be for students.

You know something? They may have a point.

And maybe we should be proud of them. After all, they are our kids.

CAN WE LIMIT DEFENSE SPENDING?

Mr. HARTKE. Mr. President, every week brings new rumors and alarms about the course of future defense spending which we can expect after the end of the Vietnam conflict. We are being given to understand that the $30 billion a year currently being spent in Vietnam will barely meet the alleged "needs" of the military for new weapons systems. And every device of the public relations man's art is being used to sell the Congress and the people of America on the rationality and justice of continuing indefinitely to devote over half our total national budget to funding Defense Department operations and procurement.

Many of us had hoped that the new administration would be able to rise above its own campaign rhetoric and move effectively to cut back on post-Vietnam military spending. Those hopes now appear to have been in vain. All indications—and most notably President Nixon's decision to deploy an ABM system—are that this administration has neither the will nor the desire to resist the budgetary claims of the Pentagon.

Consequently, Mr. President, the responsibility now rests with us in the Congress for curbing defense spending and for reallocating our national resources in such a way as to meet genuine national needs. The task will not be easy to accomplish. We have, I fear, too long evaded our constitutional mandate to check and balance the Executive in the areas of foreign and defense policymaking. But the Nation can no longer afford our comfortable evasions. We must take the initiative that is properly ours to reduce military spending to a level more consonant with our true priorities.

How Congress might most effectively act to achieve this goal was the subject of a recent newspaper article written by the brilliant young journalist, Mr. Joseph Kraft. I would hope that his recommendations will receive the most serious consideration of this body. I ask unanimous consent that the text of Mr. Kraft's essay be printed in the RECORD.

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

GOP NO BETTER THAN JOHNSON AT CURBING DEFENSE SPENDING

(By Joseph Kraft)

Hard-nosed anti-inflationary Republican skinflints turn out to be no better at controlling defense spending than the unbuttoned loose livers of the Johnson Administration. That is the basic message of the revised 1970 budget now being submitted to the Congress by the Nixon Administration.

Accordingly, even sophisticated men with an aversion to the indiscriminate must now consider the possibility that the only way to control defense spending is through the favorite crudity of the Congressional conservatives. That is by putting an arbitrary ceiling on defense spending for next year.

The Nixon budgetary revisions offer a particularly good measure of just how monstrous the defense spending monster really is. For it is possible to compare directly cuts made in non-defense projects as against cuts made in military spending.

On the non-defense side, the Nixon Administration has recommended cuts of $2.9 billion—which is nearly three times what is

coming out of the defense hide. Moreover, some of the non-defense cuts raise serious questions of equity, while others raise political risks.

Old people, for example, are probably the principal victims of the inflation the present budgetary cuts are supposed to arrest. But one of the major cuts now recommended comes from a reduction in the scheduled rise in Social Security payments.

Substantial reductions are also recommended for the Departments of Agriculture and Transportation. These cuts will adversely affect two of the most potent political forces in the country—the farmers and the roadbuilders.

Set against the suggested cuts in nondefense spending, the effort to make economies in the military field is pathetic. A little less than half the $1.1 billion cut recommended in military expenses is real. The biggest chunk—an estimated $600 million—comes from a reduction in B–52 sorties flown in Vietnam that will be very difficult to sustain.

Left intact in the defense budget are a vast range of dubious expenditures that were in fact sharply questioned by the Budget Bureau in the course of the most recent review of military spending. Billions, for example, are spent on diesel submarines that do not serve to meet any conceivable threat, and on fighter planes that come at several million dollars apiece whereas the Soviet planes they would presumably oppose cost about $800,000 each.

Th upshot of this unsavings program can perhaps best be felt when Vietnamese costs are abstracted from military spending. For while reductions are being made in Vietnamese spending, and virtually everything else in the budget is either being held or reduced, non-Vietnamese defense spending will go up this year—by nearly $6 billion.

It would be nice to think that there are available good, sophisticated ways to control the defense budget that the Nixon Administration would apply in time. But it is not easy to see Defense Secretary Melvin Laird using those tools. On the contrary, he seems bent on currying favor with the military brass, and in whittling down the clout of the civilian skeptics in the offices of Systems Analysis and International Security Affairs.

Neither is there any sign that the White House has the stomach for a confrontation on military spending. And without White House backing, the Bureau of the Budget, with all due respect, is not potent.

If a leash is going to be applied, it will have to be done by the Congress. For practical purposes that means an alliance between the liberals who want to cut defense spending to get funds for domestic purposes, and the conservatives who oppose virtually all government spending.

It just happens that the conservatives have invented a device for chopping expenditures. It is the device of the arbitrary ceiling, which was enforced against the Johnson Administration last year as the price for putting through the surtax by Chairman Wilbur Mills of the House Ways and Means Committee, and Sen. John Williams, the Republican Scrooge from Delaware.

This year President Nixon has to go to the Congress for renewal of the surtax. And if they are serious about cutting defense, the liberals should be thinking hard about striking an alliance with the conservatives to make the Administration accept a flat ceiling on defense spending—a ceiling that might, appropriately, be set at pre-Vietnam levels.

TIRE INDUSTRY ENDORSES RECALL BILL

Mr. NELSON. Mr. President, last Friday I introduced a bill (S. 1957) on behalf of the administration to provide for the recall of safety-related defective tires. This bill is a revision of one I introduced first in 1967 and again this January. Senators MAGNUSON and HARTKE cosponsored the proposal.

Almost immediately, the Rubber Manufacturers Association, representing 16 of the country's 19 tire producers, issued a press release endorsing the bill and calling it "a constructive step toward a practical tire recall program."

The industry's public support for this bill is a real step forward, and I think they should be complimented for taking this stand. I have relayed my feelings to Mr. Ross R. Ormsby, president of the Rubber Manufacturers Association, in a letter today. I ask unanimous consent that the text of that letter, along with the RMA's release of Friday, April 26 and two news articles from the New York Times and the Washington Post commenting on this development, be printed in the RECORD.

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

U.S. SENATE, COMMITTEE ON LABOR AND PUBLIC WELFARE,
Washington, D.C., April 29, 1969.

Mr. ROSS R. ORMSBY,
President, Rubber Manufacturers Association, New York, N.Y.

DEAR MR. ORMSBY: I want to commend the Rubber Manufacturers Association for its prompt endorsement of the tire recall bill which I introduced in the Senate last Friday. This is a significant step toward greater public safety for which the entire tire industry should be congratulated.

The industry's interest in establishing a tire recall procedure and their own work to develop a workable procedure was an important factor in securing Administration support for the bill. And, of course, the industry's firm and open endorsement of the bill will almost assure Congressional approval.

With representatives from the tire industry, members of Congress and officials from the Department of Transportation working together, I am certain that this proposal can be quickly enacted and put into effect.

And I look forward to continuing this very valuable working relationship in the months ahead in trying to develop a meaningful quality grading system for tires, and in working to upgrade the minimum tire safety standards.

Sincerely yours,

GAYLORD NELSON,
U.S. Senator.

[From the Washington Post, April 27, 1969]

TIRE-RECALL BILL IS GIVEN ENDORSEMENT OF INDUSTRY

(By Morton Mintz)

The tire industry has given a surprise endorsement to a tire-recall bill introduced by Sen. Gaylord Nelson (D-Wis.) and thus brightened its prospects for enactment.

The bill is "a constructive step toward a practical tire-recall program," the Rubber Manufacturers Association said in a statement Friday.

The legislation, which is backed by the Nixon Administration, would require manufacturers to notify purchasers when safety-related defects are found.

Such a requirement was imposed for new automobiles and their component parts by the auto safety law of 1966. Tire makers were exempted by what Nelson has called "a legislative oversight." Their recalls, relying on publicity rather than individual notifications, have reached only small proportions of the owners of the tires sought.

The second major provision of the bill gives the Secretary of Transportation 6 to 12 months to set up record-keeping and notification procedures for manufacturers to follow.

Ross R. Ormsby, president of the Rubber Manufacturers Association, said that tire makers already are completing a mechanism for recalls on which they have worked for more than a year.

Ormsby differed with Nelson on how many defective tires may be in use.

In testimony before the Senate Commerce Committee on April 14, Nelson said that about one new tire in 10 fails Department of Transportation tests for compliance with safety standards that are mainly the industry's own.

Ormsby, however, said that "it can be misleading" to use the Federal "laboratory tests of a few tires as the basis for any projection as to the number of defective tires that might be in use."

Contending that projections from the Federal findings "are not supported by the evidence from actual use on the road," Ormsby cited a California Highway Patrol study showing an involvement of tires in less than 1 per cent of 60,000 accidents.

Most of the tire disablements could not be blamed on a basic fault in the tires, Ormsby said. In more than half of the disablements, he said, the tires were worn below the minimum safety requirement for a tread depth of 1/16 of an inch.

[From the New York Times, Apr. 26, 1969]

TIRE MAKERS BACK BILL FOR RECALLS: SAFETY MEASURE PASSAGE IN CONGRESS NOW EXPECTED

(By John D. Morris)

WASHINGTON, April 25.—The tire manufacturing industry, in a surprise move, threw its support today to legislation for the mandatory recall of tires with suspected safety defects.

An Administration-backed recall bill was introduced by Senator Gaylord Nelson, Democrat of Wisconsin, and the Rubber Manufacturers Association promptly endorsed it. The development appeared to assure favorable Congressional action.

The measure would require manufacturers to notify owners by letter of any suspected safety defects in their tires and to replace the tires.

Several companies have announced the recall of tires in the last few months, but with little success because no records are kept of the buyers. Under the bill, manufacturers would have to set up a record-keeping system so that owners could be notified directly.

SHIFT FROM EARLIER STAND

The Rubber Manufacturers Association represents 16 of the country's 19 tire-producing companies, including the six largest ones. The member companies account for about 95 percent of the country's tire production.

The association's endorsement of mandatory recall legislation was generally surprising to members of Congress because of the industry's earlier insistence that it was able and willing to establish an effective voluntary system.

In introducing the bill, Senator Nelson said that about 9 percent of the tires recently tested by the National Highway Safety Bureau had failed to meet Federal Safety standards.

"At that very high rate of failure," he said, "it is probable to assume that out of 220 million tires sold in one year, hundreds of thousands, and perhaps millions, do not meet the minimum Federal standards and should be recalled."

This was challenged in a statement issued by Ross R. Ormsby, president of the Rubber Manufacturers Association.

"It can be misleading," he said, "to use Department of Transportation laboratory tests of a few tires as the basis for any projection as to the number of defective tires that might be in use.

"Projections based on such findings are not supported by the evidence from actual use on the road."

Mr. Ormsby called the Nelson bill "a constructive step toward a practical tire recall program." He added:

"The tire industry will cooperate fully with the Department of Transportation and other Government agencies in setting up a program in line with the proposed legislation. In fact, tire companies are just completing the mechanics of such a recall system on which they have worked for more than a year."

The system, according to the association, will establish an identification code for all tires and provide for recording the names and addresses of all new tire buyers. The information will be stored in computer banks.

"The program can be put into practice just as soon as tire molds can be changed to include the coding system," Mr. Ormsby said.

The National Highway and Motor Vehicle Safety Act of 1966 requires automobile manufacturers to recall vehicles and parts, including tires sold with the vehicles, when safety related defects are detected. By an apparent oversight, Congress did not include tires sold to replace those supplied with the vehicles.

The Nelson bill, drafted by the Johnson Administration, was endorsed last week by the Nixon Administration. Senator Nelson, long an outspoken critic of the tire industry's safety record, praised the new Administration's action.

"In what may be their first major consumer decision," he said, "they have clearly come down on the side of increased protection and safety for the American consumer."

The bill is co-sponsored by Senator Warren G. Magnuson, Democrat of Washington. Mr. Magnuson is chairman of the Senate Commerce Committee, which has jurisdiction.

WASHINGTON, D.C., April 25.—The Rubber Manufacturers Association today described a bill introduced by Sen. Gaylord Nelson as "a constructive step toward a practical tire recall program," but questioned his estimates of the number of new tires that do not meet federal standards.

The tire industry will cooperate fully with the Department of Transportatin and other government agencies in setting up a program in line with the proposed legislation, Ross R. Ormsby, RMA President, said.

In fact, he pointed out, tire companies are just completing the mechanics of such a recall system on which they have worked for more than a year.

"We do feel, however, that it can be misleading to use D.O.T. laboratory tests of a few tires as the basis for any projection as to the number of defective tires that might be in use," Ormsby said.

"Projections based on such findings are not supported by the evidence from actual use on the road," he said.

Ormsby said the most comprehensive study available on the road performance of tires is one that was conducted by the California Highway Patrol. That study noted that while tires were involved in less than one percent of some 60,000 accidents investigated, most of the tire disablements could not be blamed on any basic fault of the tires.

In more than half of the cases, the tires were worn below the minimum safety requirement of one-sixteenth of an inch tread depth, and one out of four of these were found to be worn through the tire cords, according to the California report.

The voluntary recall system on which the industry has been working will provide an identification code for all tires, names and addresses of all new tire purchasers; computer record storage of this information, readily accessible in the event that a recall is necessary; and a means of locating tires at warehouses and dealer locations across the country.

The program can be put into practice just as soon as tire molds can be changed to include the coding system, Mr. Ormsby said.

Full details of this program will be presented to the Senate Commerce Committee in the event that hearings are held on the recall bill.

NEW FORMAT FOR COMPETITION

Mr. MURPHY. Mr. President, the April issue of Nation's Schools, contains an interesting article. The article explains an intellectual pursuit of excellence that is taking place with the high schools of Orange County, Calif.

Patterned after the Olympic decathlon, 29,300 students took an all-day examination in 10 general achievement areas. In view of the great press that is given to the bad that goes on, I thought that this rather interesting event, which incidentally has been unanimously endorsed by the California Assembly, should be brought to the attention of the Senate.

I ask unanimous consent that the article be printed in the RECORD.

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

ACADEMIC DECATHLON SPURS NEW FORMAT FOR COMPETITION

(By Dr. Calvin Grieder, professor of school administration at the University of Colorado, Boulder)

Late last November, six students from each of the 50 high schools in Orange County, Calif., participated in an unusual, new Academic Decathlon. It takes its name of course, from the decathlon of ten track and field events of the Olympic Games, but it recognizes intellectual rather than physical prowess.

This seems to be the first undertaking of its kind, and it affords a welcome example of how the increasing overemphasis on interscholastic, competitive athletics can be counterbalanced. It is refreshing to see a large-scale, well organized effort, such as the Orange County Academic Decathlon (OCAD), encourage and recognize outstanding performance in other school pursuits besides physical superiority.

EVENTS COVER THE FIELD

The ten events of the OCAD are designed to test general achievement along with communication skills. These major areas are:

(1) esthetics (visual arts, music); (2) conversation; (3) essay writing; (4) extracurricular activities; (5) literature and current affairs; (6) mathematics; (7) practical arts; (8) formal speech; (9) science; and (10) social science.

Written tests were used for all items except 2, 4 and 8; for item 4, a rating scale was devised to score participation.

Students competed with others at their own level. On November 29, 300 students, selected from volunteers at the 50 high schools, put in a full day from 8 to 5.

That OCAD is not merely a spur of the moment gesture is attested by the detailed planning and preparation that were done. It was conceived by Dr. Robert D. Peterson, Superintendent of Orange County, nearly two years ago.

After developing the main features of an academic decathlon with associates, he enlisted the support of a group of 12 business leaders, who now comprise the executive committee, and 16 other leaders in various walks of life who make up the civic committee.

Both groups have given time and money to the formation of the OCAD Association and have received extensive cooperation from others throughout the county. While financial support has come entirely from private sources, I think the expenditure of tax funds for an academic endeavor of this kind would be fully justifiable.

After a trial run last May, when students from four high schools took part, a detailed evaluation (about 130 pages) was prepared. A number of improvements were recommended on the basis of this report and a decision was made to schedule the decathlon for the Saturday after Thanksgiving.

The intervening six months were used for the preparation of tests, reading lists for students, scheduling of rooms, assignments of participants during the competition, orientation meetings for helpers, publicity and detail work—such as parking, lunch, snack breaks, rest rooms, etc.

OUTSIDERS BOOST OCAD

The Assembly (lower house) of the California legislature gave a big boost to OCAD in July by unanimously adopting a resolution, sponsored by 70 members, endorsing the event. It commended the OCAD Association and invited the top students of the November competition to be guests of the Assembly and receive public recognition of their achievements. The local newspapers (including the *L.A. Times*) not only gave generous coverage but cited OCAD as one of the most exciting developments in education in many a year.

There may be some pretty strong arguments against an academic decathlon, but I have not been able to come up with any.

I should think that many school systems would be interested in conducting such a "tournament of minds." If they are, they can get full information from OCAD Board of Directors, 1910 West St. Andrews Place, Santa Ana, Calif., 92704. There is just about time enough to prepare for a trial run next fall in your schools.

WYOMING'S PROGRESSIVE CAMPUS

Mr. DIRKSEN. Mr. President, on behalf of the distinguished Senator from Wyoming (Mr. HANSEN), I ask unanimous consent to have printed in the RECORD a statement prepared by the Senator from Wyoming, together with an insertion.

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

WYOMING'S PROGRESSIVE CAMPUS

Mr. HANSEN. Mr. President, a number of colleges and universities in the United States have been plagued with unfavorable publicity brought about by small bands of lawless students and nonstudents.

Action by this undesirable leadership has closed classrooms to the hard-working students who want an education. The students most hurt by the closing of classrooms are the poor, who have a substantial investment in tuition, books and the cost of living while at school.

This is a national problem, when the progress of many of our youth is delayed.

The University of Wyoming is one of many institutions of higher learning where students have been able to maintain a responsible attitude. Such students as we have at

Wyoming do not resort to the primitive means of accomplishing progress, which is violence.

The *Daily Times*, an excellent newspaper published in Rawlins, Wyoming, has sought to analyze the reasons a good atmosphere exists on the Wyoming campus. I would like to offer the editorial of the *Times* for the *Congressional Record*, so that administrators at the troubled campuses might consider these techniques.

[From the Rawlins (Wyo.) Daily Times, Apr. 22, 1969]

UNIVERSITY OF WYOMING STUDENTS ADMIRE PRESIDENT; PRESIDENT CARLSON ADMIRES THEM

It is not inconceivable that the University of Wyoming at Laramie may one day be the center of student unrest and turmoil, but for the present, the Cowboy school has set a fine example of administration-student cooperation.

Saturday, according to the UW News Service, Student Body President Carl Sandberg, Albin, delivered high praise to UW President William D. Carlson, members of the board of trustees, and the administration, "for the work they have done with the student senate . . ."

Sandberg cited the President's Advisory Council meetings (where students have met informally with President Carlson at his home) and the several informal coffees held on campus for students and administrators to talk together.

"During the coffees, students could meet with the administration informally, present their problems, and receive support," Sandberg said.

"I personally feel communications have been excellent this year," he added. "Dr. Carlson and the administration have been very cooperative and sincerely interested in the students."

And, Dr. Carlson repaid the compliments.

"Students of the 'New Generation' are the finest in America's history," he said Friday night.

Carlson told the students that it is the responsibility of the University, the professors, the trustees, the governor and the legislature to make opportunities available to them.

TRUSTEE TELLS WHY

One member of the board of trustees, Eph U. Johnson of Rawlins tells why he thinks the University of Wyoming has escaped serious problems of conflict between administration and students:

"I think the high caliber of Wyoming kids and their training at home is the main reason we haven't had any trouble," Johnson said.

He said he thinks Wyoming residents train their children to believe when they enter the University of Wyoming, they enter for one reason—to get an education.

The trustee said a strong athletic program also contributes to the low conflict rate. Johnson estimates 80 per cent of the student body supports athletic events, for one of the highest averages in the nation.

"Dr. Carlson is doing a good job in keeping in constant communication with the students," Johnson pointed out. "And Carl Sandberg is a real fine young man. We are proud to have him as an ex-officio member of the board."

WE TALK TO THEM

Also opening the door to better communications is the board of trustees' policy of meeting students where the students meet—in cafeterias, in campus buildings, and even allowing the students to meet in the board's meeting room.

"When we eat on campus, we eat in the cafeterias to see if the food is as good as it should be," Johnson said.

"We talk to the students, that's the main thing," he continued.

Above all, Johnson expressed pride in the students at UW.

"I have great confidence in our student body," he concluded.

What is the solution to student unrest across the nation?

"The student body will solve it themselves," the trustee believes. He said where the minority is now causing a vast part of the trouble, soon the majority will correct that situation.

The residents of Wyoming can be proud of their only four-year college and the rest of the nation can look to UW as an example of a university where the administration is proud of its students and the students are proud of their school—OS.

NATIONAL TRAILS ACT

Mr. NELSON. Mr. President, some of the legislative history of the National Trails Act passed by the 90th Congress has been assembled by Fred Madison, a former legislative assistant in my office. Mr. Madison is now special assistant to the acting Federal cochairman of the Upper Great Lakes Regional Commission.

The Potomac Appalachian Trail Club Bulletin for January–March 1969 contains this report, noting:

The legislative struggle lasted 4 years and passed through several phases.

The passage of the National Trails Act was somewhat eclipsed by the signing on the same day, October 2, 1968, of the redwoods bill, the North Cascades bill, and the wild and scenic rivers bill. But the trails legislation is noteworthy in itself for several reasons.

First, The trails bill draws heavily on the work of many volunteer citizens from Georgia to Maine, who have maintained the 2,000-mile length of the Appalachian Trail.

Second. The bill notes that the recreational needs of the American people are growing so that the demand for additional trails throughout the Nation requires a national system of trails.

I ask unanimous consent that the complete text of the Madison article be printed in the RECORD:

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

TRAILS ACT INSPIRED BY SUCCESS OF APPALACHIAN TRAIL CONFERENCE

(By Fred Madison)

October 2, 1968, was a landmark day for conservationists all across the country. That afternoon, President Johnson capped the brilliant conservation achievements of his administration by signing into law four vital conservation measures—the Redwoods bill, the North Cascades bill, the Trails bill, and the Wild and Scenic Rivers bill.

For a variety of reasons, public attention was focused on the highly controversial Redwoods and North Cascades proposals while the Trails bill and the Rivers bill were relegated to the back of the bus. This was unfortunate for these two measures represent perhaps the most significant conservation achievement of the 90th Congress.

The establishment of national systems of hiking trails and wild and scenic rivers signifies an important and much needed, diversification of our national recreational system. Not only are more Americans participating in outdoor recreational activities each year, but also they are seeking a wider variety of activities. Watching Old Faithful erupt every hour is no longer enough! Outdoor enthusiasts today are interested in canoeing, sailing, hiking, camping—in short, they are interested in doing all that is to be done in the outdoors.

The new National Wild and Scenic Rivers System will open great new vistas for recreation-seeking Americans, and the System represents a Congressionally recognized alternative use of our Nation's water resources.

The new National Trails System will offer Americans a unique and thrilling recreational experience, and the System provides stimulus for the establishment and development of State and local hiking trails systems.

Completion of Congressional action on the National Trails bill signified the end of a long struggle which began legislatively on May 20, 1964, with the introduction by Senator Gaylord Nelson of a bill to protect the Appalachian Trail. The struggle really began over 40 years ago when people like Benton MacKaye, Arthur Perkins, and Myron Avery conceptualized and implemented the development and preservation of the Appalachian Trail.

The legislative struggle lasted 4 years and passed through several phases. First, there was the Appalachian bill in the 88th Congress; then in the 89th Congress, there were the Appalachian bill, the first National Trails bill (also introduced by Senator Nelson) and ultimately, a National Trails bill which included the Appalachian Trail. This latter bill was reintroduced in the 90th Congress; it was this bill, modified significantly by the House Interior Committee, which the President signed into law.

The sequence of events here is important for early actions set the tone for later developments. It was the need to protect the Appalachian Trail, which was threatened by highway development and urban encroachment, that stimulated Senator Nelson to introduce his first legislation in 1964. It was the success of the Appalachian Trail Conference that convinced the Congress that not only should the Appalachian Trail be protected but also that other trails across the country should be developed and protected in a similar way. The Appalachian Trail Conference showed that it could be done and its experience should show the way to the Park Service and the Forest Service as those agencies move forward in the development of the National Trails System.

It is worth noting here that as the Congress deliberated this legislation constant reference was made to the Appalachian Trail. As a matter of fact, the Trails bill which was passed by the House on July 15, 1968, proposed protection for the Appalachian Trail only. In a way, we were back in 1964 with the original legislation. This was unfortunate for a great deal of progress had been made since the introduction of the first trails legislation.

Introduction of that bill started the ball rolling and over the years an important concept evolved—that of setting up a National Trails System made up of the Appalachian Trail and several others. It was important this concept not be lost, and so ultimately the Pacific Crest Trail was included in the initial National System. Throughout all the negotiations, the idea first and foremost in the minds of the principals involved was the protection of the Appalachian Trail—a great tribute to those who have been involved with the Appalachian Trail Conference over the years.

HIGH QUALITY, LOW COST ADDITION

A careful reading of Public Law 90–543 should be an interesting experience for any member of the Appalachian Trail Conference. There should be an immediate recognition, a familiarity, a kind of "at home" feeling. This is as it should be for the Congress relied heavily on the experiences of the Appalachian Trail Conference when it worked on the legislation.

Basically, the Trails System was viewed as a low cost, high quality addition to our national recreational system. The Appa-

lachian Trail has been maintained over the years by volunteers, and the Congress saw no reason why this principle couldn't be applied on other trails across the country.

People today, both individually and as organizations like the Boy Scouts and various conservation groups, are asking what they can do to participate in the conservation movement and to play a part in the restoration of the quality of our environment. How about maintaining a segment of one of our national trails? For young people, what better way to learn about nature and at the same time to be involved in a constructive project in the outdoors?

Interested groups of citizens could be lined up all along our national trails and given responsibility for the maintenance of specific segments of the Trail. Planning and tools could be provided by the administering Federal agency. This approach can work. The work of many of the Conservation Centers of the Jobs Corps provides ample evidence of the kind of job that can be done.

The National Trails proposals elicited initially an unfortunate bureaucratic response. What was originally presented to the Nation as a low cost project came back to Capitol Hill from the agencies as an expensive program involving extensive land acquisition and even more extensive development. This was not anybody's intent.

The intention of the original sponsors of the legislation was that footpaths be established and maintained, that the trails be appropriately marked, and that shelters and other such facilities be provided as needed. Quite obviously, there will be sections of the Trails that will be used for horseback riding; this is consistent with the purpose of the legislation.

It was not intended that the national trails be merely wide swaths cut through the woods.

There was a great deal of concern expressed during deliberations on the legislation about the construction of trails through wilderness areas. The simple concept of a trail as a footpath—simply marked and with a minimum of development—is not inconsistent with the principles of wilderness preservation.

ADVISORY COUNCILS REQUIRED

The legislation requires the establishment of advisory councils for both the Appalachian and Pacific Crest Trails. This is in a way a sophistication, if you will, of the Appalachian Trail Conference. The idea for these councils is based on the ATC and the point was made during Congressional deliberations on the bill that members of these councils ought to serve without compensation—an obvious effort to capitalize on the spirit that has been an integral part of the ATC over the years.

It would seem that the members of the advisory council must play a major role—far beyond what is described in the legislation—in the development of the national trails. To these people will fall much of the responsibility for mobilizing local support for trail maintenance and development. The advisory council can, if it wants, set the tone for the program.

The legislation also stresses the idea that land is to be acquired only if all else fails. It is hoped that agreements can be worked out with landowners to provide the necessary rights-of-way. Not only is this approach cheaper, but also there are distinct advantages in having the consent and cooperation of people along the trail.

Condemnation authority is contained in the legislation but it is somewhat restricted. (There is to be no condemnation on the Pacific Crest Trail.) Condemnation is to be used in those areas where the integrity of a segment of the trail is threatened by development or urbanization or whatever. What authority there is was granted primarily to deal with problems on the Appalachian Trail.

In principle, at least, it would be nice to think of these national trails as continuous trails running for many hundreds of miles. In reality, there will probably be some breaks in the trails; but it is hoped that breaks and dislocations can be kept to a minimum.

Initially, two trails were included in the National System and another 14 were recommended for study for possible future inclusion in the system. There probably will never be more than six or eight trails in the system, but actually that is all that is needed to build the framework for a vast network of State and local trails. Ultimately, there ought to be a national trail running through every State to serve as the backbone for State and local trail systems.

The trails legislation in its recognition of National Recreational Trails takes the first step in encouraging the development of trails systems both to complement and supplement the National Hiking Trails. The requirement that these recreational trails be accessible to urban areas is vital for it will get trails into those areas where the demand is the greatest.

Likewise, the development of connecting and side trails on Federal lands associated with components of the National System is important, for this, too, will contribute to the building up of vast trails systems.

STATES NEED PRODDING

Encouraging the States to plan for State and metropolitan trails unfortunately is not enough. The legislation suggests that either HUD or LAWCON (Land and Water Conservation) funds be used for this. The problem is that, as the States allocate their LAWCON funds, the development of hiking trails will most probably receive very low priority. One of the early Nelson trails bills authorized funds specifically for this purpose. Unfortunately, that provision did not survive the legislative process.

At any rate, here is another challenge for trail enthusiasts: somebody must keep after State and local officials to see to it that trails programs move forward steadily and that they are not merely placed on the back burner.

Trails legislation started with the Appalachian Trail Conference and now it has come back to roost. The Appalachian Trail is the model on which the legislation was based; it is the prototype for the National Trails System. From the experience of those who have worked on the A.T. over the years will come the principles for the development and preservation of trails all across the country.

The National Trails System should be what it was supposed to be: a high quality, low cost addition to our national recreational system. It should offer to everyone who is interested both an unequaled recreational opportunity and a chance to participate in the building of an outdoor recreational program. This has been the heart of the experience of the Appalachian Trail Conference; this should be the basic premise in the development of the National Trails System.

TIMES FARM CAMP

Mr. RIBICOFF. Mr. President, the Times Farm Camp in Andover, Conn., is a summer camp for disadvantaged youngsters.

For 49 years, the Times Farm Camp has performed an important role in teaching boys and girls the beauty and vitality of their Connecticut countryside.

The camp's goals and activities reflect a high sense of community responsibility—and a keen awareness of the needs of our young people.

The camp is financed by an independent corporation and receives support from friends throughout the State of Connecticut.

But this support, generous as it is, is not enough, and annually the Hartford Times helps to raise money for the camp through a Times Camp Fund campaign.

This year, camp officials estimate that some $44,000 will be required in new contributions.

The camp's officers have published a brochure on the history, program, and goals of the Times Farm Camp. Other Senators may be interested in this brochure. I ask unanimous consent that it be printed in the RECORD.

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

THE TIMES FARM CAMP

WHAT IS IT?

Located in the historic and scenic town of Coventry, Connecticut, the Times Farm Camp is a well-established resident camp for less-privileged boys and girls from the Greater Hartford area—ages 8 through 12. Made possible by the many people and organizations who sustain it with their donations of time and money, the camp is equipped with the necessary recreational facilities and is dedicated to providing an opportunity to help our less fortunate youngsters grow into tomorrow's healthy and respected citizens.

The camp is sponsored by The Hartford Times and operated by the Almada Lodge-Times Farm Corporation—a tax-exempt charitable corporation.

In 1967 the camp served 416 boys and girls. The total now is 480—64 more needy children who will be rewarded with an unforgettable 12-day camping experience at no cost to the family.

HOW MANY CHILDREN AND HOW ARE THEY SELECTED?

Campers are selected on a quota basis by more than 20 agencies that work with children. Each of the participating agencies has a thorough knowledge of the people they serve, and they are thus able to select intelligently on the basis of need.

In addition to the regular summer program, the camp has, for several years, conducted 2-day outings in the fall as well as 1-day visits in the winter and spring. These events are for the guests of the previous summer. The expansion program includes winterized facilities, off-season programs, youth seminars and winter vacation camping.

WHAT FACILITIES DOES IT HAVE?

The Times Farm Camp occupies 175 acres of some of Connecticut's finest woodland. The camp complex is made up of 32 permanent buildings including screened sleeping cabins, dining hall, recreation hall, staff headquarters, infirmary, shower house and swimming pool. There are also a barn for the donkeys and equipment, the Almada Lodge (the original 2½ story farmhouse), the Director's home and several service buildings. The Skungamaug River running through the camp grounds provides ample boating and fishing opportunities. The natural rolling terrain has many winding, wooded roads that lead to secluded clearings used for overnight campouts. For many of the children who attend the Times Farm Camp it is the first time they have fished, boated, camped, been swimming or even seen the woods.

WHAT IS THE PROGRAM?

The program is designed to give the children the rewarding experience of living with others in a natural out-of-doors setting. The boys and girls receive plenty of restful sleep and three nourishing meals prepared by an experienced chef. Each day brings many new and exciting adventures, all designed to provide wholesome recreation. There is plenty of swimming (including instruction), boating, exploring nature, Indian lore, handicrafts, games and sports, cookouts and

picnics, campfire programs, storytelling, stunt nights, visits to nearby farms and camp songs.

Those responsible for the program and the curriculum work diligently throughout the year to provide as many children as possible with as much as possible in the short twelve days that any one boy or girl is at camp.

WHAT ABOUT THE STAFF?

The camp is directed by a year-round experienced camp director. In addition, it takes a staff of 32 to operate during the summer. The staff is made up mostly of college students and older high school boys and girls. Most of them have been connected with scouting or have a background of youth work.

Many of the staff have future plans which center around social work, and because of this they show exceptional interest and enthusiasm toward their work in the camp. In addition to counselors, there are a full time nurse, chef, waterfront director, unit leaders, grounds keepers and donkey handler. All of these dedicated people are under the leadership of the camp director. A week's training program is conducted before camp opens to orient the staff to the facilities, terrain and the responsibilities of each member.

WHERE IS IT?

The Times Farm Camp is 18 miles east of Hartford in the Skungamaug River valley, in the towns of Coventry and Andover. Leave Hartford on route 84 East, which joins route 15 in East Hartford; continue thru Manchester to Bolton Notch to route 6; take right hand fork on 6 to Andover and Willimantic.

Turn left off the highway at the camp sign, which is 2.9 miles after leaving Bolton Notch. The camp is one half mile from the highway.

HOW IS IT FINANCED?

The camp operation is financed through voluntary gifts to the corporation, most of which are a result of appeals in The Hartford Times to its readers to support this well-established and much-needed work with the children. Extremely helpful and increasing in numbers each year are the bequests being left by thoughtful citizens as endowment funds or memorials. This has helped assure an annual income for the camp. Volunteer groups have given of their time and labor toward maintenance of the buildings and grounds. These efforts have been most helpful in keeping costs down.

Bequests may be addressed to the Almada Lodge-Times Farm Camp Corporation (legal corporate title) and addressed c/o The Hartford Times, 10 Prospect St., Hartford, Conn. 06101.

BRIEF HISTORY

The Times Farm Camp began in 1910 when Mrs. Elizabeth S. Ayers, superintendent of the Union for Home Work on Market Street and an intimate friend of the family of the late Harrison B. Freeman, was given the use of Almada Lodge, the Freeman summer home in Andover. The camp began under her direction with 20 children and continued for ten years giving summer vacations until the Union could no longer physically or financially continue the work. In 1920 Mrs. Ayres appealed to The Harford Times to raise the funds and continue the work. This they did, and the response was immediate and generous. In a very short time a dining hall and two dormitories for sixty children were built. In 1931, the Freeman family deeded 65 acres and a 2½ story farmhouse over to a charitable corporation. The Times likewise deeded over all buildings and equipment and improvements that it had made, to the new tax-exempt corporation. From 1931 on the camp grew and expanded to a point where it now accommodates 120 campers at a time—480 for the eight-week summer period. Nearly a million dollars has been given since 1920 to build, maintain and operate the camp.

WHO IS BEHIND IT?

The affairs of the corporation are handled by a Board of Directors elected annually. The offices of President, Vice President, Secretary, Treasurer and Assistant Treasurer are elected from among the members of the Board. All are experienced in their special fields of endeavor and serve without pay. Their interests cover newspaper publishing, insurance, advertising, sales, banking, law, building, architecture, education, and social work.

The present officers are: President, Herbert R. Bland; Vice President, Robert R. Eckert; Secretary-Treasurer, Latham B. Howard; Assistant Treasurer, Connecticut Bank & Trust Co.; Camp Director, Edward F. Turn.

Directors: Francis T. Ahearn, Jesse M. Bailey, Herbert R. Bland, Philip W. Breux, Frederick U. Conard, Jr., Robert R. Eckert, H. Crowell Freeman, Charles N. Gilbert, Jonathan Goodwin, Richard J. Hartford, Latham B. Howard, Charles L. Munigle, James S. Peters II, Richard B. Redfield, Norman Ruderman, G. Frank Sweet, Miss Ruth A. Thomson, and Crampton Trainer.

IDENTIFICATION IN A POLICE LINEUP

Mr. HART. Mr. President, the current sharp criticism of certain decisions of the Supreme Court is not a phenomenon unique to the second half of the 20th century. In the history of the Court, criticisms often have been sharp; sometimes thoughtful.

One of the criticisms currently aimed at the Court is of its requirement that identification in a police lineup, to be admitted, must be based upon a lineup that has been fairly organized, with opportunity provided the suspect to have an attorney. Erle Stanley Gardner, the popular detective storywriter and lawyer, makes clear in his article "The Eyes Don't Always Have It" why criticism of the court in this instance should be restrained and measured. The article, describes several actual cases where incredible mistakes in identification have been made. I wish very much that the CONGRESSIONAL RECORD could include photographs which accompanied the Gardner article. The two men photographed could hardly be more dissimilar in appearance, the guilty man's shoulders coming to just about the elbow of the tall man who was mistakenly accused.

I ask unanimous consent that the article, which appeared in the This Week issue dated April 20, 1969, be included in the RECORD at the conclusion of my remarks. A study of Mr. Gardner's work will remind all of us that the testimony of eyewitnesses, particularly of the eyewitness identification of someone who is a complete stranger to him at the time the crime was committed, is anything but the solid, reliable evidence which too often is assumed to be the case.

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

THE EYES DON'T ALWAYS HAVE IT

(By Erle Stanley Gardner)

A merchant in a Southern California city was held up and robbed at the point of a gun. A short time later two other merchants were robbed.

The police, acting on a tip which was not fully disclosed, went to a rooming house in Los Angeles and picked up a man who was out of work. They took him to the city where the holdups had occurred, and the three victims were unanimous in their identification. They identified him by build, complexion, voice, gestures—the works.

The man protested his innocence, but was convicted of armed robbery and sentenced to prison. While in prison the man continued to insist that he was innocent, but this was an old story to the prison officials, just another "bum beef."

However, some of the convicts heard about it and one convict, in particular, was concerned. He knew that his cellmate was the man who had actually committed the three robberies. After having been apprehended on another crime, this man had been sent to the same prison as the innocent man.

Enough pressure was brought to bear so that finally the convict who had actually robbed the merchants confessed. But did the authorities receive the confession with enthusiasm?

Before they would believe the prisoner making the confession, he had to disclose all of the details of the crimes, showing that he was familiar with every small detail. Then he had to take a lie detector test, and then the man who had been convicted for the crimes had to take a lie detector test. Then a lot of red tape had to be unwound before the innocent man was finally released a few months ago.

This brings up the question of just how good eyewitness identification actually is.

Of course, if John Doe commits a crime in front of Richard Roe, and Richard Roe knows John Doe, the identification is very good indeed. But if John Doe is a stranger and the witness sees him under the tensions which accompany a period of excitment, the chance that the identification will be worth anything is very slim. Here is a case in point.

A businessman was driving home in one of the Eastern cities, when he saw a couple of girls beckoning frantically to a policeman on a motorcycle. The businessman pulled off the road to let the motorcycle officer swing past him to reach the girls. Then he drove on.

A few moments later the officer on the motorcycle stopped his car, asking for his driver's license and registration card. Then another policeman came up and the businessman was taken to the precinct station where he saw the two young girls studying him intently and nodding their heads.

The businessman found he was charged with indecent exposure. He was subsequently put in a so-called lineup where at least two of the other men were detectives, none of them being near the age of the businessman. He was promptly identified by the two girls.

This businessman had held the rank of commander in the United States Naval Reserve, he had had over 15 years' experience as a high-school teacher, and he had a spotless record. All of this did him no good.

Despite his efforts and those of his attorneys, he was found guilty. Sentencing was postponed for 30 days, but it was apparent that there was no hope for the businessman unless his attorneys could somehow find the man who was actually guilty. This they tried desperately to do. In the meantime, the newspapers were having a field day with big headlines: "Church Trustee Guilty of Sex Offense."

Then one day a man telephoned and said that he was the real culprit and that he had sent a letter to the prosecutor. Two such letters were received. The police "investigated," but their investigation consisted of an attempt to link the businessman with the letters, which had been written in longhand and were unsigned. The prosecution even took the surprising position that the letters had been written by the businessman's daughter.

Eventually, the real culprit came forward and confessed. As the businessman later stated, "I was amazed at the lack of resem-

blance between us. His age appeared to be at least 10 years less than mine, and he was four inches taller."

It is a peculiar thing that in these cases of mistaken identification, it quite frequently happens that there is absolutely no resemblance between the person accused and the actual offender.

A very good example of this appears in a story that was published in the San Francisco papers and that was later commented on by the internationally famous criminologist, Dr. LeMoyne Snyder, who is both a doctor of medicine and a doctor of law.

Dr. Snyder has had many years of experience on the firing line and I was fortunate enough to be associated with him in the so-called Court of Last Resort for a long period of time. He is a scientist and a thinker. His book, "Homicide Investigation," which has run through heaven knows how many printings, has been translated into Japanese, German and other languages, and is pretty much of a bible for law-enforcement officers. Here is the case he relates in his book:

A young woman was manacled in chains by a pervert. The police arrested a suspect, who was positively identified by a store clerk as being the purchaser of the manacles which apparently had been used in the crime. The victim also positively identified the suspect as being the man who had assaulted her.

Then, in connection with a narcotic investigation, the police picked up another man who turned out to be the man who had really been guilty of the assault on the young woman.

In Dr. Snyder's book, photographs of the two men are shown side by side. It is a revelation to study these photographs; the men could hardly be more dissimilar in appearance. The guilty man's shoulders just about come to the elbow of the tall man who was mistakenly accused.

The dangerous part of most cases of mistaken identification is that the witness is so completely sincere in his belief. He is the victim of autosuggestion and sometimes of what has, in more modern times, been described as *brainwashing*.

This brainwashing begins when a witness is taken to the police station to look through the *mug shots* of offenders who have a record of having committed crimes of the same nature. Perhaps the witness picks out one photograph that he decides is somewhat similar to the culprit that he saw commit the crime.

Later on, the police come to him and say triumphantly, "We've got the man that did it in custody." Then they show mug shots of the man they are holding. If the witness is a little bit dubious, the police are all too apt to say, "Now, don't try to make a positive identification from a photograph. Don't let your mind be influenced one way or another. Simply keep an open mind until you see this man in a lineup."

Then the next morning the witness is taken in to see the lineup. It is surprising how many times the witness is "accidentally" given a chance to see the defendant as he is pushed into the lineup cage. Having studied the mug shots of the suspect and seen, or at least glimpsed him in the custody of the police, the witness is very apt to point a finger at the unfortunate suspect and say, "That's the man."

Before the witness gets to court, the prosecuting attorney may also do a little coaching, "Now, don't let this defense attorney make a monkey out of you. Remember that if he can get you to say that you have even the slightest doubt in your mind about your identification, the case will be thrown out of court and you will be the laughingstock of the courtroom."

An interesting problem in the case of eyewitness identification took place some years ago in the trial of Willie (the Actor) Sutton.

Willie Sutton was badly wanted by the police, and the FBI had distributed photographs of him in different cleaning establishments. One Arnold Schuster, riding on the subway, looked across at a fellow passenger and immediately recognized him as Willie Sutton from the photograph which had been hanging in his cleaning establishment.

Schuster went to the police; pointed out Sutton, and Sutton was arrested. Shortly thereafter Arnold Schuster was brutally murdered in what had every appearance of being a gangster "contract." Things being as they were, it was popularly assumed that Sutton had taken his revenge on Schuster.

Subsequent developments indicated that Sutton had absolutely nothing to do with the murder of Arnold Schuster. But in the tense atmosphere of a courtroom where Sutton was later being tried for a bank robbery case, it was virtually impossible for the jury to separate the murder of Schuster from the question of Sutton's guilt in the bank robbery.

One of the officials of the bank that had been held up was put on the witness stand and positively identified Sutton as one of the men who had entered the bank. He stated that he had had an opportunity to observe Sutton for rather a short time but that he was a banker and was trained to remember faces. Sutton's attorney took the man on cross-examination, and it was one of the most brilliant pieces of cross-examination that I have ever witnessed.

Sutton's attorney asked the witness when he next saw Willie Sutton and it turned out he had seen him at the jail. How had the witness been taken to the jail? He had been driven by a detective. How long had he been with the detective in the automobile? Some 30 minutes or more. And then, how did he get home? Why, the detective had driven him home. Did the witness remember the detective's name? He did not.

"All right," Sutton's attorney said, "look around this courtroom and see if you can pick out the detective who drove you home . . . Now, no help from the audience, please. I want everyone to look straight ahead, no faintest signal."

The witness, unaccustomed to all of this publicity and somewhat flabbergasted by the aggressive nature of the cross-examination, groped his way around the courtroom, looking from face to face. He finally admitted that he was unable to recognize the detective.

The attorney, now more sure of his ground, threw him a harpoon, "Come now, Mr. Banker, you are trained to remember faces. You were with Willie Sutton a matter of seconds, yet you were with this detective for over an hour and you saw him *after* you saw Willie Sutton. Do you want this jury to understand that you can't pick out this detective?"

The witness had to give up.

How good is eyewitness identification? It is as good as the man who makes the identification, and it depends very largely on the extent to which he has been brainwashed. That is the reason that the Supreme Court of the United States has now laid down the rule that, in order to have an identification in a lineup, the lineup must be fair and the suspect is entitled to have his attorney with him.

Some years ago I wrote a Perry Mason book, "The Case of the Moth-Eaten Mink" and dedicated it to my friend, Dr. Russell S. Fisher, who is now the Medical Examiner of Baltimore, Md., and one of the leading forensic pathologists in the world. In the book's foreward, I referred to a case so bizarre that it would seem to be utterly impossible if it weren't for the fact that it is thoroughly documented. It happened more than 30 years ago.

Three young men were riding in a car on the streets of Baltimore when a car being driven by a Negro youth cut in on them—or at least the three white youths *thought* he had cut in on them. They took after the Negro and crowded his car against a curb. Then, bent on vengeance, the three youths got out of their car.

The Negro, determined to protect himself, jumped from his own car and advanced to meet his assailants. The white youth in the lead stepped belligerently up on the sidewalk, fists ready, and met the Negro youth, who was also ready.

Suddenly, the white boy fell, struck his head and was unconscious. He was taken to a hospital where he died. Several eyewitnesses claimed the Negro had landed the first punch, hitting the white youth on the chin just as he was stepping up on the curb.

Dr. Fisher went to work on an autopsy, making a more careful examination than most doctors would have done under the circumstances. He found that the youth had died from a cerebral hemorrhage; but, more puzzling, he found that the hemorrhage had been caused by the spontaneous bursting of any aneurysm in the portion of the brain known as the Circle of Willis.

It sometimes happens that when there is an aneurysm in the Circle of Willis it can rupture if, under the influence of rage, the person's blood pressure suddenly goes up. Since a careful study of the body revealed no sign of the impact of any blow on the jaw, the puzzled pathologist became convinced that there had been no blow.

However, the eyewitnesses who had testified they had seen the Negro boy strike the victim said they were positive.

Dr. Fisher took them one by one. He explained the circumstances to them, and a remarkable thing happened. It turned out that none of the eyewitnesses had actually seen the blow delivered. They had seen the action indicating that a blow was to be struck; they had seen the victim falling just as he would have fallen if he had been struck; and, when they were called as witnesses, they sincerely felt that they actually had seen the blow struck.

After talking with Dr. Fisher, all of the witnesses rather sheepishly concluded that they had not actually seen a blow delivered.

Further, Dr. Fisher was able to show conclusively by cross-examining one witness, that if a blow had been struck, he couldn't have seen it from the position in which he was standing.

Human nature being what it is, the testimony of eyewitnesses should always be carefully scruitnized. And this is particularly true of the eyewitness identification of someone who was a complete stranger to the eyewitness at the time the crime was committed.

A NATIONAL HERO FROM WYOMING

Mr. DIRKSEN. Mr. President, on behalf of the Senator from Wyoming (Mr. HANSEN), I ask unanimous consent to have printed in the RECORD a statement prepared by the Senator from Wyoming, together with an insertion.

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

STATEMENT BY MR. HANSEN

Mr. HANSEN. Mr. President, I would like to say a few words in tribute to the courage of Bob Minchow, a 21-year-old Marine from Casper, Wyoming.

Mr. Minchow sustained three separate wounds in our country's stand against Communism in Viet Nam. In addition to the three Purple Hearts, he holds the Silver Star for valor—for falling on an enemy grenade to protect comrades. He also has received a Navy Commendation Medal.

Mr. Minchow is a national hero. We are proud of him in Wyoming.

The Star-Tribune, a newspaper published in Bob's home town, has published an ex-

cellent article about this young man. I would like to see this article printed in the RECORD so that the students who are going to be his future classmates will know that Bob Minchow would not think kindly of anyone or any group that might seek to deprive him of his educational benefits earned under the GI Bill.

[From the Casper (Wyo.) Star-Tribune, Apr. 22, 1969]

I WAS SCARED, BUT I FEEL GOOD THAT I DID MY PART

(By Phil McAuley)

"Oh, yes, I was scared. If you weren't scared, you were crazy. Somebody was watching out for me. But I feel good that I went over and did my part instead of staying back here and burning my draft card and protesting."

So remarked a young Casper Marine who received the Silver Star, the nation's third highest award for heroism, for falling on a hand grenade in Vietnam.

Bob Minchow, 21, of 1028 South Poplar, received the Silver Star and his third Purple Heart following the July 16, 1967 mortaring of Da Nang, when 12,000 North Vietnamese prisoners of war escaped.

"We were going around a bend checking on the dead," Minchow recalled. "Two of them came at me and either my rifle jammed or I ran out of ammunition. There were five or six people behind me so I ran into the water. They threw a grenade and that's the last thing I remembered."

The young Marine went into a coma which lasted until Aug. 15. The Marine Corps sent for his father, an Army Chief Master Sergeant stationed in Hawaii, to be with him at the hospital in the Philippines. The father stayed with his son until he regained consciousness.

The grenade fragments opened Minchow's stomach, broke seven or eight ribs, and blew out a portion of his stomach, which had to be replaced with plastic. He spent 21 months in the hospital.

That was the third time Minchow was wounded. He was first wounded on Jan. 1, 1967, when he was hit by shrapnel in the legs. He was wounded again, a gunshot wound in the arm, on May 28, 1967.

The most shocking incident Minchow recalled from Vietnam was when he first saw somebody killed. It was a very close friend of his, his squad leader, who was shot through the heart at the age of 21.

Other incidents etched in his memory result from the backwardness of the Vietnamese people.

"It's a pitiful sight to see how backward the people are," said Minchow. "Even in Da Nang, the second largest city in Vietnam, the people lead a cruel, backward life. They never heard of things like us. The way they farm . . . their only food is fish and rice . . . they don't live too long . . . they age so fast."

Asked if he would do it again, Minchow replied:

"It had to be done. It's a question of whether you want to fight in somebody else's homeland or our own. I think we're winning the war but it's really hard to tell . . . we're not losing it, that's for sure."

Minchow reports the morale in Vietnam is "great, fabulous," and accounts for it in large measure as resulting from rest and recuperation leaves.

"You live for R&R," said Minchow. The leaves last seven days and I went twice. A lot of the Marines went to Hawaii to meet their wives and families.

The rioting going on in this country he considers "terrible."

"If they actually knew what was going on —what we are actually fighting for—they couldn't be going on like this," he said.

Minchow is a native Casperite but graduated from high school in Grand Forks, N.D. He married a nurse, the former Mary Catherine Even, of San Antonio, Tex., who took care of him after he was wounded the third time. They have one daughter, Jennifer Ann, two months.

Minchow is staying in Casper with his grandparents, Mr. and Mrs. John W. Minchow of 1028 South Poplar. He plans on attending St. Mary's University in San Antonio, Tex., where he will study law.

ANDY GRANATELLI: DISTINGUISHED SPORTSMAN, ENGINEER, HOOSIER

Mr. HARTKE. Mr. President, yesterday I had the privilege of visiting with a man whom I regard as a citizen of my home State of Indiana. He resides in my State only 1 month each year—the month of May when we prepare for the famous 500 miles of Indianapolis but he contributes as much to the progressive public image of Indiana, I must say, as do many who reside here all year long. This man is Anthony "Andy" Granatelli and, although his home and his business are in the constituency of my colleague, Senator EVERETT DIRKSEN, of Illinois, I feel that Andy Granatelli is as much a Hoosier as he is a resident of Illinois.

Mr. Granatelli is an automobile man, the president of a company that relates to the automotive aftermarket, which is a fancy way of describing that industry which keeps cars running well and safely after they are built and sold.

He is an advocate of and a development expert in the vital field of automotive safety. He has learned his subject well in the exciting enterprise of automobile racing, and I agree with him that many valuable lessons in safety are associated with high-risk enterprises. In my conversation with him, Mr. Granatelli offered the concept that safety is best designed into a vehicle rather than tacked onto it as an afterthought. He expounds such race-proved engineering principles as modern four wheel drive for better traction, braking, and overall vehicular handling. He believes in the concept of better-engineered braking and steering systems rather than minor engineering "band-aides" placed on prevailing systems. He believes in vehicular body designs with an eye to protecting the passenger by shock-absorption qualities of the chassis and body instead of trying to build girders into existing concepts. These are just a few of the large numbers of safety ideas we discussed in the meeting yesterday and I think this refreshing relationship of safety and automobile racing deserves further consideration and study. Mr. Granatelli's long fight to introduce gas turbine powered racing cars is well enough known by the American public not to mention here. I think it might be properly said, however, that by his stanch espousal of the gas turbine engine as a racing powerplant, he has done as much as or more than any other man to direct public attention to the practicability of the gas turbine engine as a vehicle powerplant. Turbines, of course, are one hopeful solution to our air pollution problem. Some indication of this fact is seen in the growing new interest in pollution-free turbines by a recently announced decision by both Ford Motor Co. and General Motors, as well as the giant Leyland Automotive Organization of England. They are planning to put turbine powered trucks into serious production durin 1970–71. An interesting sidelight is the fact that a turbine engine truck will be used by Mr. Granatelli in hauling his piston engined STP Plymouth racing car from Santa Monica, Calif., to Indianapolis. There may well be a turbine powered vehicle in the future for all of us.

Another recent move by Mr. Granatelli has been in the field of a design study on the utility of a simple steam powerplant—a study being presently encouraged by the Government through the Department of Health, Education, and Welfare as an automotive air pollution matter. Granatelli's people, teamed with Planning Research Corp. of Los Angeles, have a proposal to build a simple, 100 horsepower steam engine to power a typical six-passenger sedan. It is well known that the modern force-air combustion system that fires the boiler of a steam vehicle can provide almost complete combustion and would effectively eliminate the air pollution brought about by today's automobile engines. A notable goal, indeed, and one that should receive every encouragement.

Finally, I want to pay tribute to Mr. Granatelli today in the field of sportsmanship. He has been a strong contributor of time, money, blood, sweat, and tears to our great Indianapolis institution, the 500 mile, almost every year since 1946, as either a driver, car owner, crew chief, or in some other capacity. He has never won the coveted checkered flag with one of his racing cars despite his dogged determination, but I can think of no man in auto history who has tried more valiantly. He has been a credit to our State, to the sport of automobile racing, to his craft of engineering and the traditions of the Indianapolis "500." He has contributed much and promises to contribute far more in the years ahead.

Andy Granatelli is known to his fellow Hoosiers and to racing fans around the world as a pioneer in his field. At Indianapolis, it can truly be said, "they call him 'Mr. Five Hundred.'"

THE PESTICIDE PERIL—II

Mr. NELSON. Mr. President, today the Wisconsin State Department of Natural Resources is resuming its hearings on a citizens petition to ban the use of DDT in Wisconsin.

The petition, filed last year by the Citizens Natural Resources Association of Wisconsin and the Izaak Walton League, has stimulated the first major confrontation between the pesticide industry and concerned citizens and scientists.

At issue in the proceeding is whether the department shall issue a ruling declaring DDT to be a highly toxic persistent chemical that should be restricted in use so that it cannot enter the biological, geological, chemical, and ecological cycles of the biosphere, and also make a ruling that the use of DDT constitutes pollution.

Since the hearings began last December, the citizens groups and the Environmental Defense Fund, a Long Island, N.Y., based alliance of concerned lawyers

and scientists, have presented extensive testimony outlining the growing pollution of the environment by persistent pesticides in the chlorinated hydrocarbon family. Distinguished scientists, ranging from biochemists and biologists to ecologists and toxicologists, have presented volumes of testimony supporting the petition.

On Saturday, the Washington Post published an article regarding the Wisconsin hearings, which begin today as the National Agricultural Chemical Association launches its defense of the use of DDT. I ask unanimous consent that the text of the article be printed in the RECORD.

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

WISCONSIN IS SITE OF NEXT ROUND IN FIGHT TO BAN DDT

MADISON, WIS.—Another round in the fight to halt the use of DDT in the U.S. will begin here Tuesday as the Agriculture Chemical Association launches its defense of the pesticide at a Wisconsin Natural Resources Department hearing.

Since the first series of hearings gained national prominence in December and January, events have escalated over the finding of DDT-contaminated Coho salmon in Lake Michigan.

The Food and Drug Administration, which seized several tons of the frozen salmon, Tuesday set an interim tolerance level of 5 parts per million (ppm) in fish. Secretary Robert Finch of the Department of Health, Education and Welfare called for scientific studies before establishing a permanent tolerance level.

Tolerance levels set by the FDA are used as guidelines to determine the safe limits of pesticides found in meat, dairy, fruit and vegetable products. The tolerance level for DDT in meat is 7 ppm.

Meanwhile, the Agriculture Chemical Association will join farm groups here to defend DDT. Attorney Louis McLean of Chicago said the prime defense of the agri-chemical industry is the life-saving and food-production safeguard provided by DDT and a lack of evidence that current DDT uses are harmful to man.

The agri-chemical industry claims DDT has been responsible for saving more than 100 million lives since World War II by combatting malaria and other diseases. DDT also is the least costly of major pesticides (DDT costs about 17 cents per pound) used by farmers against agriculture and orchard pests.

On the opposing side, the Environmental Defense Fund of New York sees the Wisconsin hearings as a national forum to call attention to the hazards of DDT.

It is representing the Citizens Natural Resources Association and the Izaak Walton League of Wisconsin. Both groups petitioned the Wisconsin Resources Department to ban DDT on charges it was a source of water pollution. Attorney Victor Yannaconne of Patchoque, N.Y., who is "prosecuting" DDT for the Defense Fund, has said if the battle against DDT is won here, other pesticides "will fall like dominoes."

"The issue," said Robert L. Ackerly of Washington, legislature director for the agri-chemical industry, "isn't a dollar issue.

"The issue is whether agriculture chemicals are to be regulated individually by the legislature or whether they should be regulated by appropriate state agencies," he said. "We can deal with scientists, these other people are lobbying us to death. There are bills in Maine, Connecticut, Wisconsin, Illinois and Washington sponsored by the Environmental Defence Fund."

The agri-chemical industry in 1964, according to the latest Department of Agriculture figures, produced 457.5-million pounds of pesticides for agriculture use valued at about $500 million. In the past few years, the five U.S. manufacturers of DDT produced about 100-million tons of DDT, about 60 per cent of it being shipped overseas for malaria control and farm uses.

Joseph J. Hichey, a University of Wisconsin wildlife ecologist, said at the first series of hearings in Wisconsin last December that DDT in the past several years caused dramatic reductions in bird populations, particularly the peregrin falcon and bald eagle.

The pesticide is consumed by various organisms up the complex food-chain ladder with lower forms of life containing the least amount of the chemical.

Charles F. Wurster Jr., of New York State University in Stony Brook, N.Y., and scientific chairman of EDF, said the chemical "will upset the insect ecology any place it is used." Therefore, he said, "there cannot be a controlled use of an uncontrollable compound."

The question is "to ban or not to ban." He added.

The new series of hearings are expected to last several weeks before testimony is presented to the Wisconsin Natural Resources Department for its decision on a ban.

SCOTTS BLUFF COUNTY, NEBR., JUVENILE ADVISORY COMMITTEE

Mr. CURTIS. Mr. President, I speak against a backdrop of crime, violence, and immorality heretofore unequaled in our Nation's history.

But what I am going to say is optimistic. I am not at this time going to cite statistics and speak about the perpetrators of violence, obscenity, permissiveness, or any of the other acts which threaten to tear our civilized society apart.

I praise the work of a group of people in Nebraska who are waging an effective assault on the causes of such social ills.

The work of this group illustrates what parent power can do when properly organized and guided.

The group I am talking about is the Scotts Bluff County, Nebr., Juvenile Advisory Committee.

Nearly a year ago the president of the committee, the Reverend James F. Landrum, wrote a letter to me and sent me a copy of one of his meeting reports. The report contained this paragraph about the work of a film subcommittee:

A group of mothers and teachers were upset over the adverse effects of cartoons of violence and horror being run by network television on Saturday mornings. These persons stated that they felt these programs were contributing to a restlessness and would influence children to be violent in the future. They expressed a need for good educational film on crime prevention and narcotic education to be made available to the schools, police department, and Juvenile Advisory Committee. The group also expressed concern that the good cartoons on television were being shown at the Sunday School hour and thus children were losing a desire to attend Sunday School.

In reply to the Reverend Mr. Landrum, I wrote:

I certainly agree with your film committee's concern over network television programs which depict violence and horror. Through the churches, schools and possibly even the police department, it might be possible to obtain and show either some good educational films or some truly good cartoons to which children of the community could be invited at competing times.

A drop in the so-called ratings is the most effective way in the world of driving violence-prone programs off of television. If you decide to schedule local recreation or film activities in competition with specific violence-prone television programs, I suggest you publicize the fact and try to obtain national publicity for it. I might be able to assist you in this regard.

If the so-called good cartoons on television are being shown at times which compete with Sunday School, as your report indicates, turnabout should be fair play. Furthermore, any publicity you would get in combating violence on television by this method would shake up the network decisionmakers, I'm sure.

The Scotts Bluff County committee rallied parents throughout western Nebraska to write to the television networks and to Members of Congress. Moreover, the committee successfully urged parents to turn off their television sets when children's programs depicting crime and violence are being shown. Parents set up neighborhood children's clubs in their homes for singing, story telling, story reading, and constructive audiovisual programs. In some instances, college students conducted the club meetings and led field trips, picnics, and other forms of recreation for the youngsters.

A "Big Brother and Big Sister" program was established to help wayward youngsters get back on the right track. The committee set out to expand its program to include representatives of all civic clubs, churches, and schools in the area.

Without benefit of any funds for this purpose, the committee supervises between 30 and 35 homeless children whom it has placed in foster homes. It is conducting an educational campaign against marihuana, LSD, and other drug use.

Under the committee's auspices, college students began a major extracurricular research project to measure the extent of violence and horror in television programing for children. Their reports were sent to the television networks, news media, Congressmen, the President's Commission on Causes of Violence, and the National Association of Broadcasters.

Parents were given the names and addresses of the commercial sponsors of television programs depicting crime and violence, and thus the letter-writing campaign was expended to hit the television programers in the pocketbook.

Parents from other States were asked to join in the protest movement, and they did. The Reverend H. R. Landrum described it this way in one of his recent reports:

In an effort to bring about a nationwide protest parents in other States were asked to write letters to sponsors and networks in protesting Saturday morning programs. These persons were sent letters from the Juvenile Advisory Committee asking them to view Saturday morning cartoons, evaluate them, and if they felt that horror and violence were being over-simplified then to form neighborhood protest groups.

These parental groups were also sent lists of sponsors and addresses.

In October, 1968, the Scotts Bluff Juvenile

Advisory Committee began working with John Dillon, staff writer for the Christian Science Monitor. A group of thirty writers had evaluated the number of violences on television and had made these public through the news service. Mr. Dillon sent the Advisory Committee complete copies of this evaluation for the Summer and Fall programs.

The Fall programs indicated that violence on television programming had not decreased in 1968. In a news release to Congressional leaders, the National Association of Broadcasters and the Network Presidents a plea was made by the Committee for up-grading television for children. Following this a two-page letter was received by the Juvenile Advisory Committee from the National Association of Broadcasters asking the Committee to take initiative in creating and maintaining constructive interest in the television medium. The National Association of Broadcasters also invited the Juvenile Advisory Committee to not deprive the young people of the community the opportunity of education and entertainment. A group of the local parents were contemplating shutting off the television and refusing to buy sponsors' products if the situation did not improve.

In November of 1968 Senator Carl Curtis wrote the Juvenile Advisory Committee advising them that they were approaching the problem in the right manner by protesting through letters to sponsors, networks, and the use of national news media. He discussed the matters with other Senators in whose states the sponsors of Saturday morning cartoons had manufacturing plants.

The Committee also wrote other leaders throughout the nation asking their opinion on the National Association of Broadcasters Code for television regarding children. Such phrases as "no undue emphasis on violence for children," "program should reflect respect of parents," "television programs should bring about honorable behavior," and "material which is used on television should create in children no undesirable reaction" are outlined in Subparagraphs 2, 3, 5 and 7 of the Code.

At the beginning of December, NBC announced that they were going to be scrapping two Saturday morning cartoons and replacing them with a live animal show and a children's show. This cost the NBC Network $750,000. Other networks have followed in dropping similar shows and substituting comedy cartoons. However, there are still cartoons of horror and violence being shown on Saturday morning now which parents of Scotts Bluff County are still protesting. All three networks have new programs under development for the next season including some new cartoon shows. Last week CBS announced that it will present four or five original dramas on Saturday morning beginning next year on the CBS Children's Playhouse."

On March 3, the Associated Press reported the effects of parent power in an article published by the Denver Post. I ask unanimous consent that the article be printed in the RECORD.

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

PARENTS DRAW LINE ON CARTOON SHOWS

(By Jerry Buck)

NEW YORK.—The power of the public to affect television is aptly illustrated by the changes taking place in children's programming.

Parents made known their extreme displeasure with the cartoon diet of monsters and superheroes being fed their children on Saturday morning—and the networks reacted.

"Action-adventure cartoons were highly criticized and we took them off the air," said Bud Grant, director of daytime programming at NBC.

Ed Vance, vice president for daytime programming at ABC, said, "We knew there was adverse reaction to all the networks presenting cartoons with monsters and superheroes."

As a result of the steady barrage of complaints the Saturday morning monster cartoons are all but off the air. Those remaining on the networks probably will disappear at the end of the season. In many cases, however, they are simply being replaced by comedy cartoons.

NBC initiated the first changes last summer when it installed the hour-long Banana Splits at midmorning Saturdays. The program, a kind of "happening" for kids, was an instant hit.

Grant said some neighborhood children join his 7-year-old every week to watch the show in color.

"The other day I got a phone call from a cute little girl who usually comes over and she said, 'Mr. Grant, where are the Banana Splits?' I told her we had a special on, and she said, 'Okay, I'll watch it, but if I don't like it I'll come over and punch you in the nose.'"

At midseason NBC scrapped two of its most criticized cartoon series, Birdman and Super President and replaced them with Untamed World and Storybook Squares. The former is a live animal show and the latter children's version of the adult quiz, Hollywood Squares.

It cost the network $750,000 to scrap the cartoon shows.

Last fall CBS dropped two action cartoons and substituted animated comedies. The comedies, notably Archie, proved popular and CBS is sticking with an all-cartoon format for the rest of the season.

ABC retains Spider-Man and the Fantastic Four, with the rest of the morning taken up with cartoon comedies, The American Bandstand and Happening.

All three networks have new programs under development for next season, including some noncartoon shows.

The most significant development however, was CBS' announcement last week that it will present four to five original dramas on Saturday mornings next year on the CBS Children's Playhouse. The network is commissioning writers at $10,000 a script for this new program.

Mr. CURTIS. I will issue a warning now to the moving picture industry, Mr. President. The Scotts Bluff Juvenile Advisory Committee is broadening its scope to include evaluations and, where warranted, to protest movements against the production and distribution of movies that are smutty, obscene, or violence-inciting.

I commend the committee for its fine work toward improving children's television programs, and I wish the committee well in its campaign for similar improvements in moving pictures. I think ths group has set an example for parents and communty-spirited organizations everywhere.

MINNEAPOLIS TRIBUNE ANALYZES THE DEFENSE ESTABLISHMENT

Mr. MONDALE. Mr. President, one of the signs that a newspaper is great is its sensitivity to the great issues of the day.

Time and again the Minneapolis Tribune has shown this sensitivity. And now, as we approach debate on what may be the key issue of this Congress and this decade—the anti-ballistic-missile program and our defense posture—the Tribune has reached out again to grasp the essentials of this conflict for its readers.

In a series of 13 articles published in the Tribune during the past 2 weeks, Charles W. Bailey and Frank Wright have described "The Defense Establishment," analyzed it, speculated about it, and brought it into focus in the public forum. As a Minnesota Senator, I will be privileged to enter this debate in the knowledge that my constituents understand the issue and know how important it is to the Nation—because a great newspaper has done its work.

Mr. President, "The Defense Establishment" should be widely read, and not only in Minnesota. I commend this series to Senators. I hope that they will use the perspective it provides, both for themselves and their constituents as the debate goes on.

I ask unanimous consent that the series of 13 articles entitled "The Defense Establishment," written by Charles W. Bailey and Frank Wright of the Minneapolis Tribune's Washington bureau, and published from April 13 to April 26, 1969, be printed in the RECORD, along with the excellent summary editorial entitled "The Defense Establishment," from the Minneapolis Tribune's Sunday edition of April 27, 1969.

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

THE DEFENSE ESTABLISHMENT—I: ARMS TRIGGER AN ISSUE

(By Charles W. Bailey and Frank Wright)

(NOTE.—In a few weeks Congress will plunge into its first major debate in nearly 20 years on American foreign and defense policies.

(The immediate issue is the anti-ballistic missile system. But the debate is likely to range beyond that, to raise basic questions about the nation's defense policy, its military strategy and the multibillion-dollar outlays for it.

(Congress and the country have raised questions about the wisdom and effectiveness of U.S. defense policy. Some critics have assailed the so-called "military-industrial complex" and see dangers to basic freedoms rising from that blend of political, military and economic pressures.

(The frustrations of the Vietnam war and the growing demand for federal action to deal with social and economic problems at home have given new urgency to the public's concern.

(To help readers understand the background and the issues of the debate, two members of The Minneapolis Tribune's Washington Bureau have studied the nation's defense establishment.)

WASHINGTON. D.C.—John Sherman Cooper is 67. He has been in the United States Senate for most of the past 20 years.

He is not as strong now as he once was, and the remorseless turn of the calendar's pages suggests that most of his career is behind him.

But in fact the soft-spoken, gentle-mannered Kentuckian has just begun what may turn out to be the biggest and toughest fight of his long political life, as the Republican leader of the opposition in the coming Senate debate over the anti-ballistic missile.

The ABM issue has mushroomed in the weeks since President Nixon called for construction of a "modified" system. It has become the Number One Issue of this Congress,

a subject of emotional argument across the country and the opening round in what could become the first major debate in nearly two decades on American foreign and defense policies.

The talk here this spring is all about ABM. But the issue is already shaping up as a much broader one: What is the proper place of the nation's defense establishment in the government and in American society today?

Once again, as often before, an old bugaboo is being raised—the "military-industrial complex," the shorthand label for the far-reaching combination of political, military and industrial pressures which influence U.S. national security policy, military strategy, armed forces and defense spending.

Dwight D. Eisenhower first used the phrase in a 1961 farewell address drafted for him by Malcolm Moos, now president of the University of Minnesota. It was never completely clear what he meant, though it is certain that those who thought he was talking about some kind of conspiracy between generals and tycoons were guilty of gross oversimplification at best.

But now a combination of circumstances has thrust the former president's words back into the political vocabulary with more force than ever:

A war in Vietnam which has dragged on for years, and in which military victory, despite the repeated predictions of the nation's top civilian and military leaders, seems beyond our grasp.

The steady growth of military spending to the point where it swallows $80 billion a year —more than 40 cents of every dollar in the federal budget—plus the prospect that military requests for new and more costly strategic weapons will, in the long run, offset any savings that might result from an end of the Vietnam fighting.

The rising pressures for greater federal outlays to meet the domestic needs of a nation whose urban problems are multiplying, compounded by racial, social and economic stresses.

The hopes of many that now could be the time when the United States can negotiate some form of arms control with the Soviet Union that will stop the spiraling nuclear arms race and reduce the 20-year-old tensions of the cold war.

All these factors now are added to the long-submerged concern of many, in Congress and elsewhere, over the size, power and momentum of the nation's defense establishment.

The concerned voices do not sing in unison, and almost all of them not only recognize the complexities of the issue but also credit those with whom they disagree with the highest of motives.

The chorus is rising nonetheless:

"When I came back to the Senate in 1957, I noticed there was no debate on the Senate floor on military authorizations, though we had a great big defense bill," says Sen. Cooper. "The point was you couldn't get any facts. You couldn't find out anything. The (Armed Services) committee would say 'it's classified,' or 'we've gone into this already and have more information than you.' "

"The first thing I would do is repudiate any conspiracy," former Vice President Hubert Humphrey says. "It isn't as if bad men were conspiring against good people. It is that events combine to bring about a preponderant allocation of resources to defense. That preponderance inevitably affects national policies, inevitably brings a looseness of control, and feeds on itself."

"Probably the most relevant consideration is, in blunt terms, sheer power—where the muscle is," Philip S. Hughes, deputy director of the Bureau of the Budget, told a house committee last month. "And this is a very power-conscious town, and the secretary of defense and the defense establishment, are a different and more powerful group to deal with . . . than most other agencies.

"At first I thought it was just knee-jerk liberal criticism," Sen. Walter F. Mondale. D-Minn., recalls. "And I must say there are people who are just blind on this subject. But in the last four years I've become a lot more cynical than I was before about weapons spending."

One leader in the anti-ABM bloc, Sen. George S. McGovern, D-S.D., says: "I don't think there's any conspiracy between the military and industry, but it does develop a momentum . . . It has an effect. Even the clergymen know their congregations are swollen by defense installations. There's a subtle influence on labor unions, business, community groups."

Sen. Mike Mansfield of Montana, the Democratic majority leader, opposes the ABM program even though it would bring new federal money into his state. "I don't question the patriotism of anyone," he says. "I do question the judgment of creating a military-industrial-labor complex which exercises such great power . . . you have to control the money—control the spigot—and then you can get into philosophy."

The same metaphor is used by a former top official of the government, a man who—like many interviewed on this subject by The Minneapolis Tribune—would not permit use of his name: "First you have got to turn the spigot off, not just put your finger over it . . . it's a hell of a thing to say, but maybe the only way you can control them is to deny them the money."

Another man—this one a key domestic official in the new administration—is pessimistic about changing the ratio between military and civilian spending: "I make the assumption that it is not going to change too much. So that is not a problem for me. It may not be a wise or a moral position, but it is a practical one . . . the psychological stage has been set for larger defense expenditures."

Some take a darker view of the situation. One is Sen. Gaylord Nelson, D-Wis.: "The military-industrial complex is all-pervasive. The whole economy is infiltrated. We are a warfare state, not a welfare state."

Others, not so alarmist but deeply pessimistic, question whether the defense establishment is subject to congressional control. One man who served in a very high national security position during two administrations puts it this way: "The congressional (Armed Services and Appropriations) committees are more military-oriented than the military, partly because of seniority, which makes them unrepresentative of Congress as a whole—or of the country."

Another man who still serves in a critical diplomatic-military post sees the problem of congressional control this way: "When a congressman goes all-out for a defense plant in his district, he buys a piece of it—and he loses some of his standing to question overall spending."

Rep. Donald Fraser of Minneapolis, chairman of the liberal Democratic Study Group in the House, foresees a long struggle: "The ABM is only the opening round as far as post-Vietnam is concerned.

"The pressure is really on from the military to increase spending. The Defense Department is pushing for programs deferred because of Vietnam. Inter-service rivalries are beginning to crop up again; they are fighting for jurisdiction over the new stuff. We've got to find a way to combat that growth."

A parallel note is sounded by Sen. Eugene McCarthy of Minnesota, one of the first to challenge the military role in national policy-making.

"For a while," he predicts, "I think you'll see Congress challenging just specific projects, but later you may get into a general cutback. . . . You have to force the military, by giving them less money, to think of the politico-strategic aspects and not just plan for total victory everywhere in the world. When they can plan for anything, the plan too often becomes the policy—just because you have the plan, you use it."

One thing that all the critics agree on is the complexity of the problem—the sheer size of the defense establishment, the sophistication and cost of modern weapons, the difficulty of molding military force to fit established policy, and the uncertainties of world politics.

"The question is going to be oversimplified," Humphrey says. "You are going to have one group saying it's the greatest conspiracy since Hitler started killing the Jews, and the other group will say there is nothing wrong.

"You have to point up the complexities and the uncontrollables. We're not talking about devils or saints. We're talking about mortals. And if people just start hollering, we could wreck the Pentagon—and that would be wrong."

What is the "military-industrial complex"? Who is in it? Why did it grow up? What does it do—and not do? What are its effects on national policy? Are new controls needed—or possible? This series of articles will examine the nation's defense establishment in an attempt to throw light on these and other questions.

WE MUST GUARD AGAINST UNWARRANTED INFLUENCE

"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 total 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 process. 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." (Dwight D. Eisenhower, Jan. 17, 1961.)

THE DEFENSE ESTABLISHMENT—II: ONE IN 10 LINKED TO COMPLEX

(By Charles W. Bailey and Frank Wright)

WASHINGTON, D.C.—One of every ten Americans who work for a living is part of the nation's defense establishment.

He may be soldier or civilian, industrialist or worker, politician or professor, philosopher

or press agent, butcher or baker, young or old.

Whatever their callings, millions of men and women are part of what former President Dwight D. Eisenhower called "the military-industrial complex": that combination of industrial, political and military factors that make up the nation's defense structure.

You measure the defense establishment in terms of huge numbers. But you can also measure it in terms of individuals:

Gen. Earle G. Wheeler, U.S. Army, chairman of the Joint Chiefs of Staff and the nation's ranking military officer, who defines his task this way: "What the military has tried to do for nearly two centuries . . . is, if possible, to prevent wars, minimize the pain of peacetime defense as much as possible, and yet protect the American people so that they can live as they wish."

Edward J. Lefevre, Washington, vice-president of General Dynamics, the nation's largest defense contractor with over two billion dollars' worth of orders in the last fiscal year. "Over 90 percent of our business is military," he told a reporter recently. "We're in the business to stay."

Rep. L. Mendel Rivers, the South Carolina Democrat who is chairman of the House Armed Services Committee and the single most influential member of Congress on defense matters. His power is such that he can—and does—silence committee members whose criticism of the military displeases him.

Hugo Magnuson, mayor of Grand Forks, N.D., and the owner of a Piggly Wiggly grocery store. He recently wrote Sen. Quentin Burdick, D-N.D., urging him to vote for the ABM—because the planned site near Grand Forks would be good for business.

Retired Air Force Lt. Gen. L. C. Craigie, one of several three-star generals who have gone to work for Lockheed Aircraft Corp., the second largest defense contractor. He is a member of a large and growing group: Just over 2,000 retired officers—colonels and above—are now on the payrolls of the 100 largest defense contractors.

Howard Johnson, president of the Massachusetts Institute of Technology—which is not only one of the nation's most prestigious scientific universities, but which also happens to be one of the 100 biggest defense contractors.

Sen. Richard Brevard Russell of Georgia, former longtime chairman of the Senate Armed Services Committee who now heads the equally-powerful Senate Appropriations Committe. Russell capsuled his defense philosophy last year in backing the ABM: "If we have to start all over again with another Adam and Eve, I want them to be Americans."

Tony Downs, operator of a food processing plant in St. James, Minn., who in January 1969 received $4.1 million in government orders for army field rations.

Robert V. Coulter, an electrical workers union official who has spent a good deal of his time in the past eight years helping settle labor disputes at missile sites. He and other union representatives were called to a briefing by the Defense Department on ABM construction plans last Oct. 1—the day before the Senate voted the money for the program.

Lt. Gen. W. B. Bunker, deputy commanding general of the Army Materiel Command, who described his feelings about the defects in a new tank in this fashion: "It is an embarrassment to us to have a yardful of these things we can't deliver. We had a problem, and our optimism rose up and bit us."

Sen. Henry M. Jackson, long-time advocate of building up the nation's strategic weapons forces and a key figure in the successful fight to build the nuclear-powered ballistic missile submarine. "We have a large industrial complex that is privately owned, and we want it that way," he says. "The real problem is to maintain a private, highly competitive base, with no favoritism and with the rules clearly stated."

William M. Allen, chairman of the Boeing Company in Sen. Jackson's home state of Washington. Allen heads a firm that is the nation's seventh largest defense contractor. He also sits on the Industry Advisory Committee, which advises the Defense Department on a number of issues, including whether industry is getting adequate profits from defense contracts.

The former presidential assistant who defines the problem in the terms his boss used to make decisions: "Remember that when he is weighing priorities, a president asks himself not what this will do to the resources available to our cities, but what it will do to our capacities to meet challenges elsewhere in the world."

Willis Hawkins, who left a Lockheed vice-presidency in 1963 to become assistant secretary of the army for research and development. At the Pentagon, according to congressional critics, Hawkins participated in a two-year selection process which resulted in the award of a big contract to Lockheed to build a new helicopter. In June 1966 Hawkins resigned his government post—and returned to Lockheed.

First and last, Richard M. Nixon, President of the United States, commander-in-chief of the armed forces, the man who alone is finally responsible for the ultimate decisions that shape U.S. military forces—and who alone might, in some anguished quarter-hour, have to make the final decision to unleash the nuclear might we have stored up.

There are thousands of others in Washington, and millions across the country and around the world, who make up the defense establishment—from the secretary of state, whose foreign policies are sustained and sometimes shaped by the weight of U.S. military force, to the messengers who use bicycles to travel the endless corridors of the Pentagon.

As individuals they are, in the words of former Vice-President Hubert Humphrey, neither "devils nor saints," but "mortals." Taken together, they exert immense leverage on our government, our society—and our world.

THE DEFENSE ESTABLISHMENT—III: ECONOMIC IMPACT HITS EVERY STATE

(By Charles W. Bailey and Frank Wright)

WASHINGTON, D.C.—The U.S. Defense Department is the biggest business in the world.

Its projected expenditure of $78.4 billion for the budget year ending June 30 will be the highest since World War II. It also will be an increase of $33.7 billion over 1961, the year President Dwight D. Eisenhower in his farewell speech warned about the growth of the military-industrial complex.

In each of the two years, coincidentally, expenditures were 8.8 percent of the country's gross national product. Some would call that a tribute, perhaps, to the expanding economy's ability to absorb the cost of the Vietnam War, which now is running about $29 billion annually and is the biggest reason for the increase.

Every state—and almost every sizable community—feels the department's economic impact.

One of the best examples of its pervasiveness is the Air Force's C141 Starlifter project.

The Starlifter is a big new cargo and troop jet transport. The prime contractor is Lockheed-Georgia Co., Marietta, Ga., a division of Lockheed Aircraft Corp. But by no means all of the money for the plane is being spent in Marietta.

Lockheed-Georgia subcontracted the wing, for instance, to Avco Corp., which assembles it in Nashville, Tenn.

ALL TOLD 1,200 COMPANIES MAKE A PLANE

Avco needed a fuel pump for the wing, and bought it from Pesco, Inc., in Bedford, Ohio.

Pesco needed, among other things, a switch for the pump. The switch came from Micro Devices Co., Dayton, Ohio.

Micro made the switch with wire from Westbury, N.Y.; glass from Shanton, Conn.; electrical material from Chicago and New York City; discs and springs from Cincinnati, Ohio; ceramics from Paramoit, Calif., and Sun Prairie, Wis.; epoxy from Canton, Mass., and silver from New York City.

All told, Lockheed can count 1,200 companies involved in the C141.

In 1968 Congressional Quarterly listed the location in this country of 991 of the largest privately-owned defense plants and government-owned defense installations.

Every state had at least one. So did 363 of the 435 congressional districts.

The department has some 500 big military installations plus 6,000 smaller ones in the continental United States. Overseas it operates 400 major bases and 3,000 smaller ones in 30 foreign countries, Hawaii and Alaska.

Approximately 22,000 corporations are considered major defense contractors, and another 100,000 or so get their share through subcontracts.

LAND, LOTS OF LAND

The department controls 45,000 square miles of land in this country, enough to fill the state of Pennsylvania and leave room for one or two anti-ballistic missile sites. Overseas land holdings add another 4,000 square miles.

The land, buildings and other property of the department, including weaponry, are valued at slightly more than $200 billion, almost 200 times bigger than the Minnesota state budget.

The value of property held by the private contractors is uncalculated but would undoubtedly be even more astronomical.

More than 10 percent of the nation's workers are associated with the Defense Department.

The number of people in active military service is about 3.4 million. The department and the military also have almost a million civilian employees.

About 4.1 million men and women are employed in private industry directly or indirectly because of defense spending, an increase of more than a million in the last five years because of the Vietnam escalations.

That totals 8.5 million, or more than 1 of every 10 persons in a labor force that is close to 80 million.

Most of the defense money is spent on researching, developing and purchasing weapons and other equipment.

The figure for these purposes last year was $44 billion.

According to a 1960 congressional study, there were 38 million procurement transactions with a dollar volume of $228 billion during the decade of the 1950s. This is an average of $22.8 billion per year. Obviously, things have gotten better for defense contractors since then.

Despite the eventual dispersion of the defense dollar—as seen in the C141 project—the big prime contracts are concentrated among a relatively few companies.

FAMILIAR FIRMS IN TOP 10

The same firms appear at the top of the list year after year. Eight of 1967's top 10 also were there in the period 1958–60. Seven in 1951–53 and six as far back as World War II. Four—Douglas (now part of McDonnell-Douglas Corp.), Lockheed, General Electric Co. and United Aircraft Corp.—have been in the top 10 for every one of the past 24 years.

Last year's top 10, and the value of their contracts, were:

General Dynamics Corp.—$2.2 billion.
Lockheed Aircraft—$1.9 billion.
General Electric—$1.5 billion.
United Aircraft—$1.3 billion.
McDonnell-Douglas—$1.1 billion.

American Telephone and Telegraph Co.—$776 million.

Boeing Co.—$762 million.

Ling-Temco-Vought, Inc.—$758 million.

North American Rockwell Corp.—$669 million.

General Motors Corp.—$630 million.

The top 100 firms and their subsidiaries received $26.2 billion in prime contracts last year, 67 percent of the total.

As evidence of the defense establishment's invasion of the college campus, the list showed two schools among the top 100.

The Massachusetts Institute of Technology was 54th with $124 million. Johns Hopkins University was 85th with $58 million.

The Defense Department's role in research is described in the latest issue of the Defense Industry Bulletin, a department publication:

"DOD (governmentese for Department of Defense) is the largest user of research output in the nation and must emphasize those areas most likely to be of military benefit in the future."

DOD is spending $7.5 billion on research and development this year.

DEFENSE WORK GOES ON AND ON

Numerous companies depend on the department to keep them alive. An analysis of the 38 biggest defense contractors from 1961 to 1967 showed that 15 derived more than half their business from defense contracts.

Those most dependent were Thiokol Chemical Corp (96 percent of total business), Newport News Shipbuilding and Dry Dock Co. (90), Lockheed (88), McDonnel-Douglas (75), Avco (75), Ling-Temco-Vought (70), General Dynamics (67), Grumman Aircraft Engineering Corp. (67), Martin-Marietta Corp. (62) and Northrop Corp. (61).

The defense establishment, although it is spread around, crops up more often in some places than in others.

California, for example, gets far and away the most prime contracts. Last year firms there received $6.5 billion, one of every six defense dollars.

Texas was a distant second with $4.1 billion, about one dollar in every 10.

Former President Lyndon Johnson's enemies like to point out that his home state used to languish in sixth or seventh until he took office. Its climb, however, is due mainly to the awarding of the controversial TFX airplane contract to General Dynamics in 1962 during the Kennedy administration. Johnson was vice president then and had relatively little influence.

Others in the top 10: New York ($3.5 billion), Connecticut ($2.4 billion), Pennsylvania ($1.7 billion), Ohio ($1.6 billion), Massachusetts ($1.6 billion), Missouri ($1.4 billion), New Jersey ($1.1 billion) and Indiana ($1.1 billion).

THE DEFENSE ESTABLISHMENT—IV: MILITARY COMPLEX BORN OF WARS

(By Charles W. Bailey and Frank Wright)

WASHINGTON, D.C.—The nation's atomic-age defense establishment has grown to its immense size for many reasons. But there was only one reason for its birth: We live in a dangerous world.

Today, the halls of Congress echo with debate about military waste, sloppy contracting procedures, inadequate spending controls—and the alleged influence of a "military-industrial complex" in fattening the defense budget to its present $80 billion-a-year size.

But behind the growth of defense spending, and despite evidence that many of the current criticisms are justified, lie basic policy decisions made more than 20 years ago—decisions shaped by an unprecedented military and ideological challenge which demanded an unprecedented U.S. military response.

Men may be poles apart in the argument over current defense policy, yet agree on this one basic point. Take, for example, Sen Henry M. Jackson and retired Gen. David M. Shoup.

Jackson, long a backer of bigger and better strategic forces, sees three factors as instrumental in compelling the nation to build its first big permanent peacetime military establishment: "The expansionist drives of Soviet and Chinese communism; the historic shift of world power westward to the U.S. and eastward to the Soviet Union; and the continuing scientific and technological revolution."

Shoup, a World War II hero who became commandant of the Marine Corps only to turn into a bitterly emotional critic of the military, says the trend "was born of the necessities of World War II, nurtured by the Korean War, and became an accepted aspect of American life during the years of cold war emergencies and real or imagined threats from the Communist bloc."

Thus, while no two men could disagree more sharply on where we stand today—Shoup speaks of "our militaristic culture," while Jackson condemns such talk as "the latest version of the devil theory of history"—they both agree, in general, on the starting point.

Why did the United States abandon tradition to build a huge peacetime standing army?

At the end of World War II, the nation rushed—as it had after every other war—to dismantle its armed forces and turn its attention toward the search for the good life.

But this time things were different. The difference was the Soviet Union, which sought to expand its "dominion" and impose its Communist ideology westward across Europe and southward into Iran, Turkey and Greece. In Asia, another Communist government was coming to power, in a bitter civil war in China.

The United States hesitated—and then, in an extraordinary series of basic policy decisions, moved to check the Communists. In Greece and Turkey, in Iran, then in western Europe and finally in Asia, this country committed itself to the defense of nations threatened or attacked by Communist forces.

The rationale for it all was something called "containment"—which came to mean a U.S. commitment to meet, if necessary with armed force, any Communist encroachment on independent nations that asked for our help.

The soundness of this doctrine, and the way successive presidents have interpreted it, have come under increasing attack. But it was, and still is, the basic tenet of American foreign policy, and it required the nation for the first time to maintain a large peacetime military force.

Beyond these demands of national policy, there was another reason for the pyramiding growth—and cost—of armed forces: the scientific and technological advances of the past quarter-century.

The weapons of war became astronomically more expensive. The two billion dollars spent to produce the first atomic bomb dwindled to a drop in the bucket as the hydrogen bomb, the jet airplane and finally the intercontinental ballistic missile came into being, the successive developments spurred by continuing U.S.-Soviet rivalry.

SIMPLE WEAPONS WERE LEFT BEHIND

The new weaponry, too, was so complex that it took years to develop and build each new system; a nation committed by political decision to constant readiness for conflict could no longer wait until war began to beat its plowshares into swords.

It is all summed up by Sen. George McGovern, the South Dakota Democrat who is a leading critic of defense policy and spending:

"First, we were burned by not being prepared for the attack of the dictators in World War II. Everyone who could remember that took a pledge not to let it be repeated.

"Second, there was the fear of communism.

"Third, there is the complexity of modern military techniques.

"These combined to produce a situation where the military could get what it asked for from Congress. When you put a defense label on something, you get it through almost by calling the roll."

There are other reasons why defense spending has grown. Some of them have little to do with either high policy or the march of science.

One overriding factor is the bulk and complexity of the defense program. It is simply so big that neither the White House nor Congress has yet been able to devise a way of exercising anything like the kind of critical scrutiny that is routinely applied to domestic programs.

"The sheer mass of it is overwhelming," complains Sen. Gaylord Nelson, D-Wis. "You get the committee report five days before the floor vote, and it's a foot high. You don't even know where to look for anything. A senator doesn't have the staff."

The problem of size is compounded by the fact that it all has to do with the nation's security—a concept that sometimes boils down to an argument that "our boys" in service should get everything their commanders say they need.

"Every congressman should be interested in national security, and you can always justify a little extra," says Hubert Humphrey, recalling with a twinge his own vote years ago for a 70-wing Air Force that became obsolete before it could be built. "The sword of Damocles hangs over us all the time, and the new weaponry is very costly."

Because it has to do with national security, much of the factual data involved in the defense budget is secret—though many observers are convinced that the military often stamps a "secret" label on an item for less exalted reasons.

"The armed services committee will say 'it's classified,' or 'we've gone into this thoroughly and we have more information,'" Sen. John Sherman Cooper, R-Ky., says. He adds that he has learned from experience that the committee—on which he once served—does not always know more, and the secret information does not always change the picture.

PATRIOTISM, "PORK" AND POLITICS

And if there is patriotism involved, there is also "pork"—in defense contracts for constituents, or the economic shot in the arm provided by a big defense installation in a community. Such matters have a political impact, too, both in terms of votes and in the form of campaign contributions.

"This is the other side of the nuclear deterrent," Sen. Edmund Muskie, D-Maine, said last week. "We have become intimidated by the economic strength of our military as we have intimidated others by the might of its weapons."

There are more direct political implications, too—as McGovern discovered last year when his election opponent, backed by a retired general, suggested that the 15,000-man Air Force base at Rapid City, which adds some $10 million a year to South Dakota's economy, might be moved out of the state if McGovern were reelected.

Archie Gubbrud, McGovern's Republican opponent, told a luncheon audience that McGovern had consistently voted against funds for the B52 bomber program. "The people at the Pentagon know this," he said. "It's natural that they will stay with their friends."

And retired Gen. Neil Van Sickle, former Rapid City base commander, said that changes in weapons "coupled with weak congressional support from South Dakota could bring the closing of the air base."

All these factors play a part in the fattening of the military budget. Another element—and one with considerable leverage—is direct lobbying on Capitol Hill by the military services.

THE DEFENSE ESTABLISHMENT—V: MILITARY LOBBY IS NATION'S LARGEST

(By Charles W. Bailey and Frank Wright)

WASHINGTON, D.C.—At the end of World War II the military services had five legislative agents pleading their case before Congress.

This year 339 employees of the Defense Department are assigned that task.

That means there are two legislative specialists for every three senators and representatives.

No other special interest group comes close to the size of the task force working Capitol Hill on behalf of the military.

Nor, judging from the public record, does any other single lobbying organization spend as much. The Defense Department budget this year for legislative activities is $4.1 million. During 1967, the most recent year for which the House has compiled records, the leader among private groups was the Postal Clerks Union, which reported spending $277,524—one-fifteenth as much as the military.

The military lobbyists—199 civilians and 140 armed services officers—don't limit themselves to pushing the Pentagon legislative program.

They also spend a good deal of time currying favor with congressmen on a day-to-day basis.

Almost half of the 339 Pentagon agents process congressional inquiries on such things as contracts for companies back home or problems that sons of constituents may be having in the service.

Thirty others are stationed in congressional office buildings, manning military information centers. The centers provide an on-the-scene beachhead unmatched by any other lobby group, public or private.

Among other things, they pass advance word of defense contract awards to senators and representatives, who in turn send the announcements to newspapers and radio and television stations in their state or district. The process allows some of the credit for obtaining the contract to rub off on the member of Congress.

A MIGHTY MAN WAS TED

A good example of this occurred in 1963 after Sen. Edward M. Kennedy, D-Mass., was elected on the slogan "He can do more for Massachusetts." Republican congressmen from the state complained that so many announcements were funneled through Kennedy that it looked as if he single-handedly had obtained $100 million worth of contracts for Massachusetts within a month of his election.

The information centers also can give congressmen early warning of bad news, such as the closing of military bases. In November 1964, then-Secretary of Defense Robert McNamara announced plans to close 80 military installations in this country for budgetary reasons. The military, which usually doesn't like to lose a base for any reason, spread the word so fast on Capitol Hill that McNamara's office had 169 congressional protest calls before the day was over.

The Defense Department's constant interest in the well-being of influential congressmen is demonstrated in other ways, too.

For example: the home district of Rep. L. Mendel Rivers, D-S.C., chairman of the House Armed Services Committee, somehow has acquired a glut of military installations.

At last count, the economy of the district—which includes Charleston and the surrounding area—was enhanced by an Air Force base, an Army depot, a Navy shipyard, a Marine air station, a Marine recruit training base, two naval hospitals and a naval base that includes a supply center, a weapons station and a Polaris submarine training and operations center.

GEORGIAN FLIES HIGH, WIDE AND HANDSOME

Rivers' campaign slogan is "Rivers delivers."

Sen. Richard Russell, D-Ga.—who, like Rivers, has so many bases in his state that another one, according to an old Pentagon line, would sink it—has been the frequent beneficiary of plush air transportation provided by the military.

Once recently he was attending a convention more than 2,000 miles from Washington when Senate Democratic Leader Mike Mansfield of Montana called to say an important vote was imminent.

Russell had no trouble getting back in time. He simply used the VIP jet in which the Air Force had flown him to the convention—complete with a colonel to play host, a chef to broil the steaks and a bartender to smooth out the trip.

Russell for years was chairman of the Senate Armed Services Committee. This year he gave that up—but only to switch to the chairmanship of the equally powerful Appropriations Committee.

Most of the Pentagon's top brass flew on government planes to Jackson, Miss., one night last month and attended an appreciation dinner for Sen. John Stennis, D-Miss., who has succeeded Russell as chairman of the Armed Services Committee.

Those present included Secretary of Defense Melvin Laird; Secretary of the Navy John Chafee; Gen. John McConnell, Air Force chief of staff; Gen. Leonard Chapman, commandant of the Marine Corps; Gen. William Westmoreland, Army chief of staff; Adm. Willard Smith, commandant of the Coast Guard, and others.

NO, CASEY, YOU BEAST

The government also flew in the entertainment. The Naval Air Training Command choir from Pensacola, Fla., opened the program with "The Star Spangled Banner." The 14th Army WAC band from Ft. McClellan, Ala., provided dinner music. The Air Force Strolling Strings from Washington serenaded during dessert.

The military does have its limits, however.

It once said no to an inquiry about flying Casey, the gorilla from St. Paul's Como Park Zoo, to Omaha for a mating session with a girl friend in the zoo there.

The military also can turn a cold shoulder to its foes.

The other day four Republican senators who oppose the antiballistic missile flew to Dayton, Ohio, and held a press conference in front of the XB70 bomber at the Air Force Museum. They said the ABM would be as big a white elephant as the bomber, developed at a cost of at least $1.5 billion but never put into production.

The museum is at Wright-Patterson Air Force Base, where the commander likes to roll out the red carpet—literally—for anybody who comes close to being a VIP. He is so zealous, in fact, that the base labor union recently complained that civilian workers were spending too much time handling the carpet and not enough in productive enterprise.

But when the four senators, led by Charles Goodell of New York and William Saxbe of Ohio, arrived uninvited they were met only by a shavetail lieutenant—and no carpet.

"That press conference strictly was not an Air Force function," a base spokesman said.

Goodell later said that Laird had tried to talk him out of having the conference.

A HOT LINE TO THE PEOPLE

Sometimes, when Congress is giving the Defense Department a hard time, the services try an end run and go directly to the people for support.

The current argument in the closely divided Senate over the Nixon administration's ABM proposal is an excellent example of how the process can work.

Last fall Stanley Resor, the secretary of the Army, drafted a public relations program intended to arouse public backing for the ABM.

It proposed that, at public expense, friendly scientists be persuaded to write friendly articles; that high officials visit and brief hostile members of Congress and state and local officials from proposed ABM sites; that special calls be made on editors and publishers and trips be arranged for reporters to New Mexico and Kwajalein to see test firings of ABMs; that traveling exhibits and publicity kits be prepared, and that community groups be organized in favor of the ABM.

Defense contractors on the ABM project also were to be enlisted.

The plan was classified for "national security" reasons, and the public was unaware of it until a Washington newspaper disclosed its existence in mid-February.

At that point Laird said it was being junked.

This may be so, but it also can be said that new administration efforts to win public support are under way.

WESTMORELAND IN KANSAS SECTOR

Last week Westmoreland traveled to Manhattan, Kan., and made a speech on behalf of the ABM. Kansas happens to be the home state of Sen. James Pearson, a Republican and former member of the Senate Armed Services Committee. Pearson, who usually supports the military, has been persuaded otherwise this time and is opposing the ABM.

Last Monday Laird was scheduled to plead the case for the ABM at a meeting of the Republican National Committee in Washington. But he canceled out as Democratic and Republican senators complained that the administration was trying to turn the missile issue into a partisan political fight.

Such an obviously partisan performance by a secretary of defense would have been a rarity. Only last summer Republicans complained when Dean Rusk, then secretary of state, testified before the Democratic Platform Committee. Presidents traditionally have kept both of these top Cabinet posts out of party politics.

At least part of the growth in the military budget is accounted for by the effectiveness of the Defense Department agents.

But, even so, there can be small defeats along the way:

Last August a ceremonial test raising of a Minuteman intercontinental ballistic missile from its underground silo was arranged at a North Dakota installation. The audience included voters, congressmen, top officers of the Strategic Air Command and high Pentagon officials.

Sen. Milton Young, R-N.D., top-ranking Republican on the Senate Appropriations Committee and a candidate for re-election pressed the button to summon up the big missile.

Nothing happened.

THE DEFENSE ESTABLISHMENT—VI: LOBBYISTS AVOID THE SPOTLIGHT

(By Charles W. Bailey and Frank Wright)

WASHINGTON, D.C.—Milton Young of North Dakota, the senior Republican on the Senate Appropriations Committee, claims that defense industry lobbyists don't do a lot of lobbying.

Although Young is a key man on a committee that approves billions of dollars in defense spending each year, he says, "I'll bet I don't see more than three defense contractors a year. Most people probably think they lobby the hell out of you. They don't."

They do have their ways, however, and

there are plenty of them, as a glance through the lists of registered lobbyists in Congress or through the defense industry sections of the Washington telephone book will attest.

They spend little time in the spotlight.

One member of the House Armed Services Committee, asked by a reporter if a particular agent for a large aircraft manufacturer appeared often in public on behalf of his employer, replied, "He appears often in private on behalf of his employer."

Lobbying can be subtle, too, in contrast to the time-worn practices of wining and dining and asking outright for a friendly vote on an appropriations bill or a new weapon.

VOLUNTEER LOBBYISTS HELP COMPANIES

For instance, when Young was running for reelection last year he encountered some grumbling among the electorate that he "hadn't done enough for North Dakota" economically.

It wasn't long before Lockheed Aircraft Corp., the nation's second-largest defense contractor, arranged for Young to announce—in advance of the election—that the company had decided to open a parts plant in the state.

The company now is revamping a factory in Minot and is scheduled to start operations in early 1970 with a force of 100 employees that could expand to 200.

Firms find it is not always necessary, either, for them to do their own lobbying.

The economic impact of the industry is so great that it often gets volunteer help from chambers of commerce, state and municipal government officials and labor leaders who are eager to inform their congressmen or senators of the benefits that can accrue if their community lands a new military base or the local defense plant a new contract.

Two years ago a study of 27 of the prime contractors on the antiballistic missile (ABM) system underscored the potential for this kind of pressure.

The companies listed, which included Minnesota-based Control Data Corp. and several other firms that have facilities in the state, operate more than 300 plants and employ, at a conservative estimate, a million workers.

The plants were spread over 42 states and 172 congressional districts.

Thus it could be said that, along with other forces influencing them, at least 84 of the 100 members of the Senate and 172 of the 435 members of the House had some economic stake in the ABM.

ABM: A NEW ECONOMIC STIMULANT

More recently it has been estimated that some 15,000 firms, including subcontractors and suppliers, stand to benefit if the ABM system is installed.

There are those who would like to add to that number, as Sen. George McGovern, D-S.D., a leading opponent of the ABM, has discovered.

Shortly after President Nixon announced his revised Safeguard ABM plan McGovern was visited in Washington by a southwestern South Dakota delegation that "expressed some dismay over my stand because the area needs a new economic stimulant. They wanted to know, 'Why the hell didn't we get an ABM site?' They thought it was a mistake for me to sound off when the Department of Defense was picking sites."

McGovern's constituents were worked up because they and the 150 Minuteman missiles and the B52 bomber base in their part of the state were left out of the economic largesse proposed by Mr. Nixon for North Dakota and Montana, the states with missiles and bombers he designated for ABM protection.

Industry influence is felt at the Department of Defense as well as in Congress.

Because of the growing complexity of modern weapons systems, it has become increasingly difficult for the department to maintain an arms-length relationship with its suppliers.

No longer is it a matter of a general somewhere deciding that the Army has a need to fill, designing a new weapon to fill it and then advertising for somebody to build it.

John Moore, president of the Aerospace and Systems Group of North American Rockwell Corp., the ninth largest defense contractor last year, views the process as one of joint parenthood.

INDUSTRY AND MILITARY INTERACT

"A new (weapons) system usually starts," he said recently "with a couple of military and industry people getting together to discuss common problems.

"By far the largest part of the business comes from requirements established by the Defense Department . . . But it isn't a case of industry down here," he said, gesturing toward the ground, "and the government up here. They are interacting continuously at the engineering level."

There are those in industry who would go even further than Moore and say that most of the initiative indeed does come from industry, partly because the civilian technicians are more proficient than their military counterparts.

At any rate, it can be a mutually beneficial arrangement. Military men often get ahead in their careers by pushing hard for greater strategic emphasis on their specialty—missiles, tanks, planes, ships—and by being able to propose a new weapon to "advance the state of the art." Industry men often get ahead by designing new hardware that lands a contract for their firm.

The mutual interests involved have been recognized formally in a group called the Industry Advisory Council.

Created by presidential order in 1962, it consists of 21 of the top executives and business experts in the nation, most of them chosen from the biggest defense firms.

They meet three times a year under the chairmanship of the deputy secretary of defense to discuss common problems—such as improving adherence to production and delivery schedules and to procurement regulations and the adequacy of profits.

Defense officials claim the members try hard to avoid pushing their own products in the discussions.

TRADE ASSOCIATIONS HAVE INFLUENCE

Minnesota has had two members—E. W. Rawlings, a former Air Force general who was president of General Mills, Inc., at the time, and Paul Wishart, then head of Honeywell Inc., last year's 20th largest defense contractor.

Industry and the military also join hands in other ways.

One of the most influential entwinings is the trade association.

These include the Association of the U.S. Army, the Navy League, the Air Force Association, the American Ordnance Association, the Aerospace Industries Association, and the National Security Industrial Association, formerly known as the Navy Industrial Association.

In some, the members are active or retired military officers and defense company officials. The membership ranges from about 40,000 or 50,000 to more than 100,000 for the Air Force group.

In others, membership is limited to defense corporations.

The income of the associations often is high, almost $2 million annually in some cases. It comes largely from the corporations and their officials. They pay big dues, $75,000 or more for the larger firms, and advertise heavily in profitable association publications.

Last month, for example, Honeywell bought two full pages in Air Force and Space Digest, published by the Air Force Association, to tout the automatic flight control system it is building for the Air Force's new C5A jet transports.

The stated purpose of the organizations is to push for a continuing substantial role for their particular service and for the weapons to carry out that role.

QUESTIONS OF PROBITY ARISE

Another evidence of mutuality is the ease with which some men move from industry to the Defense Department—and vice versa.

For years many top civilian spots in the department have been filled by people from the defense industry, and the cases frequently have raised questions of probity.

The most celebrated cases are those of Deputy Secretary David Packard, former head of Hewlett-Packard, and two former secretaries—Robert McNamara, head of Ford, and Charles Wilson, head of General Motors.

But there are many lesser-known instances, such as that of Willis Hawkins, a vice-president of Lockheed.

He became assistant secretary of the Army for research and development in 1963, a position in which he had jurisdiction over the Cheyenne helicopter-gunship project.

During his tenure expert evaluators ranked Lockheed third in the competition for the development contract, only to be overruled by their superiors. Lockheed got the contract in March 1966. Hawkins resigned in June and returned to the company.

Rep. Otis Pike, D-N.Y., who likes to dig up that kind of information as an anti-establishment member of the House Armed Services Committee, called the chain of events "fascinating."

The same mobility applies to the military.

Sen. William Proxmire, D-Wis., reported last month that a new study had shown that . . . retired officers of the rank of colonel or above are employed by the top 100 military contractors.

This is three times the number 10 years ago.

Proxmire called it a "most dangerous and shocking condition" that "represents a distinct threat to the public interest."

The senator also disclosed that 1,065 of the officers were working for 10 of the companies, an average of more than 100 per firm. The 10 were Lockheed, 210; Boeing Co., 169; McDonnel-Douglas Corp., 141; General Dynamics, 113; North American Rockwell, 104; General Electric, 89; Ling Temco Vought, 69; Westinghouse Electric, 59; TRW Inc., 56, and Hughes Aircraft Co., 55.

THE DEFENSE ESTABLISHMENT—VII: POWER IN HANDS OF CONGRESSIONAL ESTABLISHMENT

(By Charles W. Bailey and Frank Wright)

WASHINGTON, D.C.—A few senior members control congressional action on defense policy and spending.

They hold this power because they have been around for a long time, have their hands firmly on the machinery of Congress and don't let other people play with it.

Four committee chairmen—all Southerners, all conservatives, all well along in years and all with over 20 years of congressional service—are the ranking barons in the Capitol Hill defense establishment. They are:

Mendel Rivers of South Carolina, 63, a congressman for 28 years, chairman of the House Armed Services Committee.

George Mahon of Texas, 68, a congressman for 34 years, chairman of the House Appropriations Committee.

John Stennis of Mississippi, 67, a senator for 21 years, chairman of the Senate Armed Services Committee.

Richard Russell of Georgia, 71, the senior member of the Senate with 36 years service, and chairman of the Senate Appropriations Committee.

There are a few others, such as Milton R. Young, 71, the North Dakotan who is ranking Republican on the Senate Appropriations Committee, and Florida's Robert Sikes,

62, ranking Democrat on the House Military Appropriations Subcommittee. But the four chairmen hold the ultimate power.

They hold it partly because they are strong and talented men in their own right. But the primary source of their power lies in the way Congress operates.

Rivers, Mahon, Stennis and Russell sit where they do because of the seniority system, because of the way congressmen are chosen for advancement and because of the structural and jurisdictional traditions of Congress.

In the House, for example, members are limited to one "major" committee seat. Assignments to such blue-ribbon panels as Armed Services and Appropriations are tightly controlled by party leaders—who naturally like to pick men who will see things as they do.

A similar system operates in the Senate, though the strict structural rules of the Houes are somewhat softened by the smaller membership and "club" atmosphere of the Senate.

SOUTHERNERS RUN DEFENSE POLITICS

The Southern flavor of the key defense positions—one official calls it "the South's revenge in perpetuity for Gettyburg"—is a self-feeding process. Here's how it looks to Hubert Humphrey, who as senator and vice-president had ample reason to study it:

"By geography and climate, a substantial amount of military funds find their way into the Southern states, so you find that the members from those states gravitate to Armed Services and Appropriations.

"By the fact of easy reelection, Southerners gain seniority. This means that those congressmen who are ordinarily the most conservative in domestic matters really become partners—and not conservative partners, either, but generous partners—in military matters."

The power is even more tightly focused in the Senate because of multiple, interlocking committee memberships. The three top-ranking members of Armed Services—Stennis, Russell and Republican Margaret Chase Smith of Maine—also serve on Appropriations: Russell and Sen. Henry M. Jackson, D-Wash., another Armed Services stalwart, also sit on the joint Atomic Energy Committee.

Whether because of such dual memberships or merely because of parallel inclinations, the net effect of the congressional defense structure is almost always the same: Armed Services Committees approve the proposals of the military, whereupon the Appropriations Committees approve the funds to put them into effect.

The two committees in each house have other, more personal ties to the military, too. Two members of the Senate Armed Services Committee—Democrat Howard Cannon of Nevada and Republican Strom Thurmond of South Carolina—are major generals in the Air Force and Army Reserve, respectively. Sikes, who writes the annual military construction appropriations bill, is an Army Reserve major general.

(Dozens of other congressmen, on and off the "military" committees, hold reserve commissions. A survey by The Minneapolis Tribune in November 1967 turned up 32 senators and 107 representatives—or one member of Congress out of every four—with reserve officers' commissions, mostly in the "standby" or retired categories.)

"The two committees," says one former top national security official who served in two administrations, "are more military-oriented than the military . . . they are unrepresentative of either Congress as a whole or of the country."

But if this is so, why doesn't "Congress as a whole" overrule the committees?

CONGRESSIONAL JEALOUSLY IS FACTOR

The answer is complicated. Part of it is jurisdiction—the body of rules and precedents which discourages one congressional committee from sticking its nose into another's specified area of authority.

The Armed Services and Appropriations Committees guard their territory with relentless zeal; when another committee does intrude—as is currently the case in the Senate Foreign Relations Committee hearings on the antiballistic missile (ABM)—they are quick to fight back.

Another factor is the mass and complexity of defense legislation. Military authorization and appropriations bills are big not only in dollars but in pages; the hearings that support the bills often run to five or six thick volumes.

"The sheer mass of it can be overwhelming," says Sen. Gaylord Nelson, D-Wis. "You get the committee report five days before the floor vote; and it's a foot high. You don't even know where to look for anything."

Nelson recalls that when he tried to write an amendment last year to knock ABM funds out of the defense bill, he had to be rescued by an Armed Services Committee staff member who knew where to find all the references to the ABM in the voluminous bill.

"He didn't want me to be embarrassed not only by not having the votes but also by not even having an amendment that would do what I wanted it to do," Nelson says.

Even if a congressman could find time to read all the hearings, he might have difficulty getting the information he wanted. For one thing, most key defense hearings are held behind locked doors, and the testimony is censored for "security" reasons before publication.

In addition, the Armed Services and Appropriations Committees simply do not seek out witnesses who oppose military proposals, so the record tends to be lopsided. (This may change this year; Stennis has agreed to hear anti-ABM scientists, and House members opposing the project hope to testify before Rivers' committee.)

Sometimes the committees go a step beyond just not seeking anti-military testimony. A case in point is hearings by a Senate Armed Services Subcommittee in 1963 on the nuclear test-ban treaty. The Armed Services sessions, held concurrently with the formal ratification hearings by the Foreign Relations Committee, turned into a parade of Air Force officers—testifying in opposition to the treaty.

MILITARY BUDGETS HALLOWED

When it comes to appropriations bills—which provide the actual money to build planes, ships, missiles and so on—another factor operates in favor of big outlays. It is described this way by a current high White House aide:

"One problem is that you start with what you already have—that is somehow sanctified—and then you make minor adjustments based on political pressures or insights."

These words echo the complaints of such congressional critics as Sen. William Proxmire, D-Wis., who argue for "zero budgeting"—meaning that each existing military program would have to be newly justified each year before it got any more funds. Most of those who have worked closely on defense programs—including many critics of present practices—say this simply would not work; but they agree with Proxmire that the present system takes too much for granted.

"When you start a program it's hard to stop it, and when you start a big program you magnify the difficulty," says Sen. Walter Mondale of Minnesota. "Everybody can be against it, but it's still as hard to kill as moss."

Beyond all these specific reasons why Congress as a whole has a hard time challenging its "military" committees, there is one other factor that can carry more weight than all the others combined.

It is simply the fact that when a congressman votes on a proposed new weapon or an appropriation to pay military costs, he is voting on something that could involve the security of the nation and the lives of American servicemen.

Thus he may think twice before voting against a new weapons program—such as the ABM—or for a cut in the defense budget, regardless of the arguments for or against the specific item.

If this consideration is not uppermost in his mind, the wavering congressman can usually count on someone putting it there. A classic example was Rivers' remark last year in a debate over funds for buying a new Army helicopter whose cost had far exceeded the original estimates:

"There is no one on our committee," the chairman said, "who arrogates unto himself the authority to tell those experts in the department of the Army what they have to have.

"I called and talked to Gen. Westmoreland (the Army chief of staff) just this morning. He told me how badly needed these weapons systems were, and asked me please to make sure our forces got them."

As he usually does, Rivers won—by a three-to-one margin.

THE DEFENSE ESTABLISHMENT—VIII: MENDEL RIVERS GIVES MILITARY WHAT IT WANTS

(By Charles W. Bailey and Frank Wright)

WASHINGTON, D.C.—Rep. L. Mendel Rivers makes no bones about being an autocrat.

The House Armed Services Committee is his domain and, as its chairman, the 63-year-old Democrat tolerates little or no rebellion in its ranks.

His heroes are the generals and the admirals from the Pentagon, his enemies the occasional committee member or civilian witness who dares to question his customary endorsement of what the military wants.

It is not for nothing that Charleston, S.C.—which is home to Rivers, about 80,000 other persons and a dozen or so military installations—was on the original list of 25 cities to be defended by the proposed anti-missile system.

Nor is it for nothing that Rivers has received the "Minute Man" awards from the Reserve Officers Association and the Citation of Honor from the Air Force Association and has been made an honorary member of the Fleet Reserve Association, the National Guard Association and the Air Force Sergeants Association.

Rivers is a friend of those in uniform—and they know it.

His power over the money spigot is immense, largely because most committee members think as he does or, if they don't, are afraid to challenge him.

DISSENTERS ARE IGNORED

Committee members critical of the defense establishment say they have found themselves ignored by the chairman for as long as a year when they wanted to question witnesses.

One member was given 35 seconds in the committee last year to offer and argue—unsuccessfully—for an amendment cutting out of the budget $138 million for the first Cheyenne gunship helicopters destined for use in the Vietnam War.

Rivers' handling of the Cheyenne is an example of his ability to protect a costly new piece of hardware that has come under fire.

When the principal opponent, Rep. Otis Pike, D-N.Y., chairman of the committee's Tactical Air Subcommittee, asked for a congressional investigation of why the Defense Department's cost estimate kept going up, River simply said no.

After the amendment deleting the appropriation lost in committee, Pike carried the fight to the floor.

He sent to each House member a letter detailing the project's financial history, a good deal of which had been deleted—

allegedly for security reasons from the public record of the committee's closed hearings.

The $138 million would procure only 15 helicopters, at a cost of $5.8 million each, and parts for additional ones, Pike said. He called the program a "disaster" and the cost "staggering."

He said that in view of previously inaccurate Defense Department estimates of the cost of developing the aircraft, money for actual production models should be withheld until development was completed.

Pike noted that the Defense Department originally, in 1965, had estimated that 10 experimental prototypes could be produced by the developer, Lockheed Aircraft Corp., for $78 million and that Lockheed had said the cost would be less.

COST UNDERESTIMATE IS CLAIMED

As it turned out, Pike said, the figure rose to $186 million in three years.

He also complained that the Army, without waiting for Congress to appropriate the $138 million for procurement of the helicopters for field use, had gone ahead and awarded the contract for their production to Lockheed. In addition, he said, the contract failed to spell out a firm price.

Pike's arguments had little effect.

Rivers told the House that the Army "says that they need it. I had rather (they) have it than want it."

The money was approved by a vote of 121 to 47.

Congressional supporters of the project contended all along that the cost increases were due mainly to design changes—such as the addition of improved night-vision equipment—which could not be foreseen.

It now develops that there also have been expensive—and fatal—problems encountered in making the Cheyenne work properly.

A test pilot was killed March 12 when an experimental Cheyenne crashed into the Pacific Ocean near Lockheed's plants in Santa Barbara and Ventura, Calif.

Witnesses reported that three of the helicopter's four main rotor blades came off, and the craft exploded in the air before plunging into the sea.

The chairman of a government advisory committee, appointed before the crash to provide the company with counsel on rotor difficulties, said the fatal flight was ordered by Lockheed over the committee's objections.

Word of the crash did not become public until last Friday.

The mishap helps explain why the Army—in a rare action April 11—announced that it was sending to Lockheed a letter giving the firm 15 days to "satisfactorily demonstrate in writing your ability to cure your failure to make satisfactory progress" toward production of the gunship.

The Army's announcement of the letter made no mention of the crash.

The letter said that unless Lockheed can comply, "the government may terminate the contract . . . for default," an almost unheard-of step.

ARMY PLOY IS SUSPECTED

Rivers this year has been demonstrating another talent—his ability to provide more money than requested by the military or, at least on the record by industry.

The other day a $76-million military-authorization bill was approved overwhelmingly by the House.

It included $14 million as the first installment on an eventual $62-million subsidy to finance the retooling of Northrop Corp.'s Hawthorne, Calif., production lines for an improved version of the F5 fighter plane.

The United States does not use the F5, but has sold or given 725 of them to foreign countries for their defense.

The Defense Department did not ask for the money nor, says the company, did Northrup. Judging from the transcript of a closed meeting of the committee on March 12, the main proponent was Rivers.

He pushed for inclusion of the $14 million in the bill, explaining that the plane needed improving if it was to remain competitive with French aircraft being offered to the same countries.

He predicted a market of 400 to 1,000 planes, at a price of $1.3 million each, and said their sale not only would increase the ability of the recipient nations to fend off attacks by advanced Soviet jets but also would benefit the United States balance of trade.

When asked by another congressman why the taxpayers had to pay for the retooling when the market appeared to be "such a good deal," Rivers replied that "nobody" in the defense industry finances that sort of thing out of his own pocket.

"It just doesn't happen . . ." he said.

Later, on the floor of the House, Rep. Leslie Arends of Illinois, assistant Republican minority leader, sided with Rivers, saying that government controls over foreign military sales "preclude contractor investment risk to develop these markets." Arends also said the United States government eventually might recover its subsidy to Northrop.

IT JUST DOESN'T HAPPEN

The vote was 341 to 21.

Rivers now is going to bigger things—the promoting, at a time when attention is centered on missile systems, of a new Navy.

Armed with a subcommittee report that calls most of this country's fleet obsolete or almost so, he has introduced a bill to appropriate $3.8 billion during the coming year as the start of a long-range ship-building program.

The $3.8 billion is what the Navy says it wants. Civilian officials in both the Johnson and Nixon administrations trimmed the Navy request to about $2.5 billion before passing it on to Congress.

The amount provided last year by Congress was $1 billion, mostly for nuclear submarines. Rivers has crossed swords with Defense Secretary Melvin Laird several times in recent weeks over the issue.

Rivers, while looking out for the plane-builders and the Navy, is allowing critics to take picks at the Army.

He has permitted a subcommittee to probe the tank development program, which has been plagued by numerous problems, delays and cost increases.

The major criticism has been that the Army ordered hundreds of missile-firing light tank bodies even though difficulties with the ammunition and the turret had not been solved.

TANKS SITTING IN STORAGE

The Army admits that hundreds of turretless tanks now are sitting in storage, a costly testimony to its failure. It says it is continuing to seek a solution.

Those in storage are modified versions of an older tank, refitted to use the new turret whenever it is deemed ready.

Another version, called the Sheridan, is new from the ground up and has been ordered into limited production.

A few have been shipped to Vietnam and are in action there, although the list of restrictions and warnings concerning their use and the list of improvements needed is 30 pages long.

It is recommended, for example, that crews using one model of the Sheridan not be exposed to more than four missile firings a day because of carbon monoxide problems.

There also has been criticism because the tank, which is supposed to be used for reconnaissance among other missions, can be heard 3 miles away and spouts an easily identifiable "rooster-tail" exhaust.

Rivers, however, does not want the investigation overdone, as he indicated a few days ago.

After Rep. Samuel Stratton, D-N.Y., chairman of the special three-man investigating team, called the tank program a "billion-dollar booboo," Rivers told him to stop talking publicly about it.

Said Rivers: "I'm not trying to put the lid on anything. I'm simply concerned about the morale of our troops in Vietnam."

Stratton has not been heard from since.

THE DEFENSE ESTABLISHMENT—IX: MILITARY CONTRACT WASTE COMES UNDER FIRE

(By Charles W. Bailey and Frank Wright)

WASHINGTON, D.C.— The Air Force originally planned to buy 120 of its new C5A jet transports, the biggest airplanes it ever ordered, for $3 billion.

The Air Force now estimates that the planes, none of which has been delivered, will cost $5.2 billion.

Those figures tell why the C5A has become the latest Washington "horror story" of waste and inefficiency in the defense establishment.

Such stories are legion. They have been so numerous over the years that usually they sink quickly and almost without a ripple, attracting little sustained attention.

But now they are beginning to get more notice and, along with the criticism of the Vietnam War, are helping to erode the seldom-challenged idea that the Defense Department always knows what is best in time of cold war or hot crisis.

No longer would the admission of a $1-billion error in judgment on a military matter escape without a peep of protest—as happened on the floor of the Senate only last fall.

During a speech on the antiballistic missile (ABM), Sen. Richard Russell, D-Ga., chairman of the Defense Appropriations subcommittee and one of Congress's most powerful men, said: "One of the most serious mistakes I ever made was in allotting vast sums to the Navy for missile frigates before we knew we had a missile that would work on them. It was an honest mistake . . . it probably cost the taxpayers $1 billion."

The new feeling was evidenced this year by Sen. Stuart Symington, D-Mo., a former secretary of the Air Force who always had been looked upon as a faithful friend by the military.

He inserted into the Congressional Record a list of 43 missile systems which were abandoned prior to their depolyment or have been replaced because they became obsolete.

Their cost, according to Symington, was $23 billion.

Procurement waste thus eats at the innards of the defense budget, consuming billions that could be used for other purposes.

Adm. Hyman Rickover, the fiesty head of the Navy's nuclear submarine construction program, summed it up this way in a congressional hearing last fall:

"First, the laws and regulations concerning Defense procurement are toothless, loose and outmoded. They contain many loopholes that industry is able to exploit.

"Second, in procurement matters, the Department of Defense is too much influenced by the industry viewpoint.

"Third, Congress will have to take the initiative in correcting deficiencies . . . neither the Department of Defense, the Department of Commerce nor the General Accounting Office will do it. It should not be left to a self-interested defense industry to decide what is best for the American people."

RICKOVER ALLEGES MALPRACTICE

He went on to detail several examples of what he considered malpractice, most of them dealing with the ticklish question of profits:

A Defense Department official who refused to approve one of Rickover's submarine contracts, for $50 million, because the official

felt the contractor should get a higher profit than he already had agreed to accept.

Another official who told Rickover he had no business negotiating a profit lower than the 8 to 10 percent maximum contained in department regulations.

The continued granting of a total of $1.2 billion in contracts to a firm over a six-year period despite the firm's failure to provide the department with cost and price information required by law.

The department's insistence that contractors do not receive unreasonably high profits, as contrasted with its refusal to require uniform accounting practices among contractors—which would make more accurate cost and profit information available—and its failure to obtain any facts at all on profits in more than 50 percent of defense contracts.

—The discrepancy between reports from a group of contractors who said they earned profits of 2 percent to 22 percent, based on cost, and reports of government audits which showed the profits actually ranged from 10 percent to 33 percent.

Rickover countered the contention of low to barely reasonable profits with a survey of his own which showed that the 35 top defense contractors in 1967 earned 12 percent more on their investment than did half of the 500 biggest industrial firms in the country.

HOW MUCH IS ACTUAL COST?

Part of the profit problem is figuring out how much is actual cost and how much is not. One of the issues here is the practice of profit pyramiding.

A Senate investigating committee found a classic example in 1962:

Western Electric Co. received more than $1.5 billion for work on the Nike missile system. The company showed profits of $112 million, a reasonable 7.9 percent of the total contract.

But it actually had done only about a quarter of the work itself, producing some $359 million worth of electrical equipment. Its $112-million profit, on that basis thus amounted to 31 percent.

The remainder of the work was subcontracted to firms which each made delivery directly to the Army.

The principal subcontractor—in the amount of $645 million—was Douglas Aircraft Co. It produced $103-million worth of aeronautical equipment and passed the mechanical and trailer subsystems on to subcontractors.

Douglas claimed a profit of $46 million, 7.6 percent of the $645 million—but 44 percent of the $103 million in work it actually performed itself.

The trailers were built by Fruehauf Corp. for $49.3 million.

Along the way, all three firms took a profit on the trailers. Fruehauf, the producer, was allowed $4.5 million; Douglas which never touched them, $3.7 million, and Western which also did nothing on them $3.3 million. The total profit on the trailers was thus $11.5 million—23 percent of their cost.

Today, the president of Western Electric is a member of the department's high-level Industry Advisory Committee, chaired by the deputy secretary of defense.

PROFITS AREN'T ONLY PROBLEM

One of the committee's current projects is a study of whether profits are adequate.

Profits, however, are far from the only problem in procurement, which covers 15 million transactions and $44 billion in expenditures this year.

For some reason, new projects always seem to cost more than originally estimated, both by the defense department and by the contractor.

"Cost increases of 200 percent and more over original estimates have become common," says a new report by Congress's Joint Economic Committee, of which Sen. William Proxmire, D-Wis., is vice-chairman.

Most of the difficulty, the report says, arises with major weapons contracts on which the department has dealt only with a single supplier from the very beginning.

Some of the excess is due to the pressure of war. When you have to get something done in a hurry, it often costs more than it otherwise might.

Case after case of this has been documented in the construction of military installations in Vietnam, for instance.

Another reason simply is inflation. Everything is going up, and it often takes five years to develop a weapon and produce it. Sometimes longer.

Another is that the Defense Department frequently changes its mind about the details of what it wants after a contract for research and development of a new item has been awarded.

This "over-design" is the real problem, in the opinion of a high-ranking budget officer. It means "you have to pay a lot more for research and development and a lot more for operations and maintenance."

Translated, he means there's too much gold plate on too many new weapons.

Another reason for the ballooning is that bidders often underestimate cost in order to get the development contract, secure in the knowledge that they probably can recover any losses later when they are awarded the production contract as well—because nobody else will be equipped to produce the new item.

NOT ALL BUSINESSES EFFICIENT

Not all businesses are run efficiently.

In the case of Lockheed and the C5A, all of these forces seem to be at work, according to government officials.

When he took office, Secretary of Defense Melvin Laird quickly became aware of the "over-run," as it is called.

In one of his first appearances before Congress he noted that he had discovered projects in which costs were exceeding estimates by upwards of $1.8 billion.

Included were Navy destroyer escort construction, the Army's Cheyenne helicopter and the Air Force's F111 bomber as well as the C5A.

Laird, the man at the top of the department, was considered rather candid about it, which is more than can be said for some of his underlings.

A Navy captain, during appropriation hearings last year, told Congress: "We do not call it cost escalation. We call it engineering judgment."

Laird indicated that in the C5A program, at least, the department might order fewer planes than originally planned, in order to keep the cost down. If that happens, it will be something new.

Says Sen. Walter Mondale, D-Minn., an opponent of the present practice: "Once you fund a military program initially, you never deny money later for the over-runs. With a human program it's different; we set ceilings."

Another issue, in addition to profits and over-runs, is whether the country and the taxpayers get a product that works as well as it ought to even when they have to pay more than perhaps they should for it.

COMPONENTS OFTEN WORK POORLY

Making the rounds now in Washington is a 41-page paper which concludes that very frequently they don't—at least not in the case of the sophisticated electronic systems that make up the heart of modern weapons.

The paper was written about a year ago by Richard Stubbing, who then was at Princeton University and who now is an examiner for the Bureau of the Budget.

The study found that often the computors, radar, gyroscopes and other gadgetry worked only a fraction as long as their developers had promised they would.

The study covered 13 major missiles and airplanes started since 1955 and costing $40 billion and 11 others begun in the 1960s.

Of those from the 1950s, only four could be counted on to function 75 percent as well as promised. Of those from the 1960s, only three reached 75 or better.

The study brought out other factors, too, indicating that the Pentagon sometimes pays well for poor performance.

North American Aviation, Inc., had only two good performers out of seven of its weapons in the study; but yet its profits were 40 percent above the average for the aerospace industry.

General Dynamics, the biggest defense contractor, also had above-average profits although none of its seven systems "measured up to expectations" in the study.

Both firms do virtually all of their business with the Pentagon.

Admits one former top Pentagon official: "They (the new weapons) never quite perform in the field as well as they do on the test range. But they always perform better than last year's systems.

"In the meantime, of course, the enemy is developing his systems, too, both in conventional war and in strategic war. So we have to keep working on these things in order to stay ahead of the game."

IS IT POSSIBLE TO REDUCE WASTE?

Is it possible to reduce waste?

Rickover and Proxmire think more can be done.

Rickover argues that $2 billion annually could be saved, just for starters, by tougher and more uniform contractor accounting procedures that would prevent the piling up costs that lead to bigger profits.

Proxmire says there is too much pressure on the Pentagon's 25,000 procurement agents and "too much reliance on their zeal" for holding costs down in negotiating contracts.

He urges that more contracts be awarded on the basis of advertised competitive bidding—only 11.5 percent was so handled last year—and fewer through competitive or noncompetitive negotiation.

Helpful as such moves might be, they really may be only tangential.

As one top former budget official put it: "You don't diddle with an F111. You can save a billion dollars here and a billion there that way.

"What you do is you go to the real guts of it—evaluating and making decisions on the underlying security posture you are willing to pay for."

The official, over the long haul, probably is correct.

But saving a billion here and a billion there has its merits nonetheless. And, given the long Santa Claus list of new projects being requested by the military, the opportunity for cutting waste certainly will continue to exist.

THE DEFENSE ESTABLISHMENT—X: PEACE "SAVINGS" ALREADY SOUGHT

(By Charles W. Bailey and Frank Wright)

WASHINGTON, D.C.—The U.S. government estimates it is spending $29 billion a year on the war in Vietnam.

With peace talks under way and the Nixon administration talking of "disengagement," the scramble is already on for this money the military won't need to spend in Vietnam when there isn't any war there any more.

Members of Congress, governors, mayors and the heads of a dozen federal domestic agencies are reaching for a chunk of that $29 billion—to say nothing of those who would like to see their tax bills trimmed a bit.

But what some optimistically call "the peace dividend" could prove to be little more than small change if the military services persuade Congress to buy all the new and improved weapons they want.

One of the pessimists on this score is a man who should know: Charles Schultze, the former director of the budget who presided over the sharp boost in military spending for Vietnam.

In a study early this year, Schultze raised two big questions about the "dividend."

First, he suggested that the $29-billion figure is inflated. He argues that some of that money would have been spent, war or no war, in one way or another, by the services.

Second, Schultze said there are enough large weapons systems already planned, approved or even being bought to push defense spending back up—after an initial postwar drop—to a level close to the present $78 billion a year.

The list of new weapons being researched, designed or already procured is long and varied. It includes:

Bigger and better land-based long-range offensive missiles to replace the existing Minuteman force.

New multiple warheads which can carry nuclear bombs thousands of miles to strike at several separate targets at once.

New antiballistic-missile defense systems—in addition to the Nixon administration's Safeguard program—that include not only land-based but also shipboard or airborne weapons.

A new and more powerful offensive missile to be fired from undersea by a new generation of nuclear-power submarines.

A new intercontinental bomber to replace the present B52 and the disappointing FB111 which was touted as its successor.

New "air superiority" fighter planes for the Air Force and the Navy.

A new navy anti-submarine plane for which $100 million is being sought this year to start what is eventually planned as a $2-billion, 200-plane program.

(This demonstrates another facet of the weapons-buying business: the initial outlay may be relatively small, but in practical terms it commits Congress to come up with a lot more money in subsequent years.)

A whole new air defense system against enemy bombers, including two kinds of airborne radar and a new interceptor plane.

New devices to help present and future U.S. bombers penetrate enemy defenses, including short-range attack missiles and flying decoys, both of which would be fired from the bombers themselves.

A new light transport plane, now in the preliminary planning stage, to combine a very short takeoff ability with a relatively heavy load capacity.

A new, bigger troop-carrying helicopter to ferry twice as many men as the familiar "Huey" used in Vietnam.

A new "heavy lift" helicopter to carry loads of from 20 to 30 tons of cargo.

The new Cheyenne fire-support helicopter, scheduled to start coming off the production line this year after a series of cost-boosting design problems and changes.

A new Army heavy tank, still in the research stage and under "reassessment" because of "development problems."

A fleet of 15 "fast deployment logistics" ships which would be able to remain at sea for long periods of time, fully loaded with heavy weapons and equipment which could be put ashore quickly to support U.S. military operations. Congress has twice rejected a 30-ship program, but the Defense Department is asking for $187 million to start a trimmed-down version of the program.

New nuclear-powered attack submarines, some designed primarily for high speed and some to combine speed and silence of operation. The Defense Department has asked for nearly $400 million to start the first three of "a substantial number" of these submarines.

Three new nuclear-powered aircraft carriers, costing something over half a billion dollars each. One is scheduled to join the fleet in two years, another two years after that, the third still later.

The manned orbital laboratory, designed to put men into space for long periods of time to find out whether there are possible military uses for space vehicles. This year's proposed installment of this project: $556 million.

There are dozens of other projects on the Pentagon "shopping list." Their abbreviations and acronyms—numbers and letters and nicknames—fill a 106-page handy little pocket glossary published by the Defense Electronics Products Division of RCA, one of the major defense contractors.

ANNUAL OUTLAY FOR RESEARCH INCREASING

One measure of the future as the defense planners see it is in the annual outlay for research and development by the Defense Department.

It's going up. In the 1965 fiscal year, the figure was just under $6.5 billion. For the coming year, the request is $8.3 billion. For "basic" research alone—work on "long-term scientific problems" and "basic natural phenomena"—this year's request is $443 million, a $65 million rise over two years ago.

Included in this "basic figure is a $33 million item for something called "Project THEMIS"—a program started in 1967 which aims at establishing, by the end of 1970, a total of 150 "additional academic centers of defense-related research."

(This was one of the issues raised by former President Dwight D. Eisenhower in his farewell address. While his warning about a "military-industrial complex" is most often cited, Eisenhower expressed equal concern about the danger of government domination of the nation's universities and research institutions.)

The appetite of the Pentagon for new weapons development evokes concern not only from traditional congressional opponents of "military waste" but also from a range of others in and out of government.

A high-level military budget specialist raises one basic question: "You have to look at the whole array of doctrines. If the Air Force is preparing to fight a 36-hour war and the Navy is preparing to refight World War II, which one do you want?"

A top domestic official in the Nixon administration cites a specific case to make a general point: "The ABM decision has a strong scientific component. Whatever the moral implications and so forth if it doesn't work, we're crazy to build it."

A former defense aide has a different kind of reservation: "If you have these things lying around, the temptation is to use them. You may be less willing to consider alternatives. This is not an argument against having weapons—but an argument for more effective control."

ABM CALLED HERALD OF FUTURE SPENDING

A number of members of Congress say they regard the ABM as a symbol of things to come—that unless it is stopped, the spending floodgates will open.

"Tne ABM is only the opening round as far as post-Vietnam is concerned," says Rep. Donald Fraser, D-Minn. "We've got to find a way to combat the growth."

"We should have asked more questions in the past," says Sen. Quentin Burdick, the North Dakota Democrat who opposes the ABM installation proposed for his state. "Nobody is against security, but this time it isn't security that is the real issue . . . It's the whole question of whether this thing just keeps going on and on."

When they look beyond the ABM, the critics in and out of Congress tend to point to one item above all others on the military "shopping list"—the program to put multiple warheads on the existing U.S. intercontinental offensive missiles.

This "multiple independently targeted reentry vehicle"—MIRV in the Pentagon's acronym-happy jargon—would provide a multiple boost in U.S. strategic offensive power, for it would, if it worked, allow one missile to carry three or more warheads against an equal number of separate targets.

But to men like Fraser, MIRV would be anything but an addition to this nation's security.

"MIRV is really a more serious threat to escalate the arms race than ABM," he says. "If you get it fully developed and ready to deploy, the other fellow can no longer tell but what you may have deployed it.

"Then he has to do the same to keep up. As long as it is being developed, he can trace it by following test flights. But after that, his detection systems won't tell him if it is deployed. He can't tell how many warheads are under the tip of the missile in the silo.

"Disarmament efforts may be immensely complicated by MIRV."

A former top official intimately involved in strategic weapons decisions takes an even more ominous view:

"Once the MIRV tests go past the point where we *can* deploy it, the Soviet planners will *have* to assume we have deployed them.

"In six months to a year we will have passed the point of no return—as far as the Soviets are concerned."

MULTIPLE WARHEADS INCREASE PERIL

What worries these men is the arithmetic of MIRV. If, for example, three warheads instead of one could be put in the nose cone of each of our 1,700 land-based and submarine-based offensive missiles, we could triple the number of nuclear warheads we could fire at the Soviet Union—raising the figure to 5,100.

If Soviet planners concluded the U.S. had the ability to do this, and if they were unwilling to gamble that we had not done it, they might decide they had to do the same thing. If they then put triple-warhead tips on the 1,000 intercontinental missiles we now believe they have, they could boost their nuclear warhead total to 3,000.

This process would, in one stroke, raise the total nuclear strategic arsenal of the two super-powers from 2,700 to 8,100 warheads—without the construction of a single additional missile.

And if either side found it could put more than three warheads on each missile—a development that is not at all unlikely—its planners would have to assume that the other side had the same capability. Then the ensuing build-up might involve not a three-fold, but a five- or even eight-fold increase in warhead numbers.

"The balance of terror would have been cranked up another notch," as former Vice-President Hubert Humphrey wrote recently, and the difficulties of limiting nuclear arms would not only be added to—but would be literally multiplied.

But whether the United States builds MIRVs—and many of the other new weapons proposed by the military—is a decision not yet finally made.

Gen. Earle G. Wheeler, chairman of the Joint Chiefs of Staff, told The Minneapolis Tribune that "these weapons don't belong to the military, but to the American people for their defense. We, the military, are merely the custodians or operators of them."

How, then, are decisions made in the U.S. government on defense policy, military strategy and weapons procurement?

THE DEFENSE ESTABLISHMENT—XI: OTHER OPINIONS ARE NOT HEARD

(By Charles W. Bailey and Frank Wright)

WASHINGTON, D.C.—American defense policy is shaped in many places and by many men.

The great decisions are formally made, in the end, by only one man: the president of the United States.

But those decisions are strongly influenced by others, and the coinage of presidential action is often designed and minted long before it is issued by the White House.

Proposals for U.S. foreign policy, defense policy, military strategy—and for the spending to implement them—all come together on the president's desk.

They come separately from many sources: the secretary of state, the secretary of defense, the Joint Chiefs of Staff of the military services, the staff of the National Security Council, the Bureau of the Budget and the Congress.

Each of these has statutory or constitutional authority in the defense field. Each should, in theory, contribute to an orderly policy-making process which will permit a president to select the best course of action from a set of options whose cost and consequences have been calculated in advance.

But it doesn't always—or even often—work out that way. The reasons are varied. Some are political, some are personal, some are structural and some are simply a matter of money.

The secretary of state is supposed to be the president's principal foreign policy adviser and overseer of almost all overseas U.S. government operations.

But his department is ill-equipped, according to men both inside and outside of it, to provide the kind of policy guidance a president needs—or to provide it when he needs it.

The Defense Department, on the other hand, is amply staffed ("They have full colonels over there just to handle the junk mail," grumbles one White House aide), and possesses both the resources and the expertise to provide proposals for almost any national security contingency.

One man who has served in both the Defense and State Departments offers this wry comparison of their relative strengths: "Which one has handball courts, squash courts, a bowling alley and a whole gymnasium right in the building for any junior officer to use—and which has one little rowing machine in a closet which only the secretary and two or three other guys can use?"

The Budget Bureau, which can reject the spending proposals of any other Cabinet officer and force him to bear the burden of an appeal to the president, cannot do this to the secretary of defense. Instead, it is the budget director—the president's own fiscal agent—who must appeal the decisions of the defense secretary.

In addition, while every other department is required to deliver its final budget proposal by Sept. 15 each year, the separate military services do not have to get their money requests to the secretary of defense until Oct. 1, and he does not deliver his overall proposal to the White House until late November—leaving little time for appeal before the budget goes to the printer.

The National Security Council (NSC) staff is supposed to make sure that the president hears all relevant opinions and has the widest choice of options to deal with problems before him.

But the NSC staff is small—about two dozen men—and must depend on the State and Defense Departments, and the government's intelligence agencies, for much of its basic material. Because the departments are always advocates of their own proposals, it is hard to get dispassionate papers from them; thus the NSC staff, as one of its members says, "is always flying in the face of gravity."

The Congress, under the Constitution, has great power. It alone can levy taxes and appropriate funds, it alone can "raise and support armies," and the Senate alone can consent—or refuse consent—to treaties with other nations.

But these are essentially negative powers—Congress can influence policy by refusing to tax, by limiting military strength, by refusing to approve treaties—and in any event, as previous articles in this series have indicated, congressional attitudes on defense matters have in the past been shaped by the Armed Services and Appropriations Committees, which tend to see eye-to-eye with the military services.

LOGIC SOMETIMES REVERSED

In theory, decisions should flow in an ordered sequence: first basic foreign policy; then defense policy to support it; then military strategy to implement defense policy; then military force structures to carry out strategy; and finally budget decisions to provide the needed forces.

Again, it doesn't always work out so logically. Sometimes money decisions determine force levels, these in turn affect strategy, strategy influences defense policy—and defense policy dominates foreign policy.

The major concern of those members of Congress and present or former officials of the executive branch who question the workings of the nation's foreign policy and national security machinery is that the Defense Department, and the military services, carry a disproportionate share of influence.

"What is needed," says one former top official, "is a counter to the parochially presented programs and decisions of the Defense Department. No other part of our society functions with so little check and balance. This is not a plot—it is the failure of the rest of our society to develop the expertise to permit reasoned decisions on basic policies."

A key White House assistant puts it this way: "The question is where the initiative will lie. The secretary of defense will get proposals anyway—the services are staffed to do it. So they will take the initiative.

"The State Department is notoriously weak, and it has trouble anyway because it is always arguing 'political considerations' against what the services call 'military necessities.'"

PENTAGON MAKES DECISIONS

Another former high-level official raises a question about the way basic defense policies have been decided:

"Our basic policy is to maintain forces sufficient to fight a land war in Asia, a land war in Europe and a small 'brush-fire' conflict somewhere else, all at the same time.

"This was never debated in Congress or by the public. The decision was made in the Pentagon, not in the Congress or the Budget Bureau . . . decisions in the Pentagon are not 'hidden,' but they are made. The costs of the missions are not laid out, though the costs of the weapons are."

As for the prospect of building up the Budget Bureau as a tool for controlling the Defense Department—an idea that has gained some favor in Congress—men who have served high up in government think it wouldn't help much by itself.

"You have to have leadership, but you can't expect leadership to get too far ahead of the country," says one. "The Budget Bureau is not going to take off against the Joint Chiefs without congressional support. The Budget Bureau has no political support on its own . . . I can't imagine them going over to the Pentagon and saying "it's about time to stop thinking in terms of a land war in Asia."

One present official suggests that the State Department is an unlikely controller of the Defense Department for the same kind of reason:

"The State Department has no American constituency. The Pentagon has an enormous one—in Congress, in terms of jobs, industry, and so on. That's the politics of the Pentagon—they can do things for you."

WHICH QUESTIONS WHEN?

Some see the problem as a matter of the wrong questions being asked at the wrong times. This is the opinion of one man who served several years in a top defense-related job:

"It is not basically a military judgment, for example, whether to keep forces in being to fight a land war in Southeast Asia. That's a political decision. If you say 'yes,' then you bring the military expertise in.

"The paradox is that we are more likely—in the office of the secretary of defense, or in the Budget Bureau—to question the second step than the first."

Another authority in the national security field also sees the problem as one of asking the right questions—in the wrong order:

"First, you have to ask whether a particular military force element (i.e., weapons system or military unit) is relevant to any possible conflict.

"Then, given a decision that a certain item is needed, what is its cost? If you need a certain number of air groups, for instance, can you use $4 million planes instead of $12 million ones?

"If you say as (former Defense Secretary Robert) McNamara did to the Navy, 'you can have 12 aircraft carriers,' then the Navy builds costlier carriers. If you say 'you can have X million dollars for carriers,' then they build cheaper ones so as to get the greatest possible number of ships for their officers to command."

It is not simply a matter of one department competing with another, either. Sometimes it is a matter of several departments trying to work together but failing to produce what is needed: Sometimes it is officers in one department playing the wrong roles: sometimes it is one agency being forced to fill a vacuum created by another agency's failures.

Washington is full of inter-agency working committees, and the national security field is no exception. Sometimes—as in the case of the emergency working groups set up to deal with the 1961 Berlin crisis or the 1962 Cuban crisis—they work well. Often, however, the result is what a retired senior official likens to "the Indian rope trick: it has no top and leads nowhere. You climb up the rope with your problem and both you and the problem disappear."

PERSONALITIES ARE A FACTOR

Sometimes the built-in checks and balances don't work because of the people involved. An authoritative study of the national security machinery early this year put it this way: "The civilians in the Department of Defense, who must battle daily with the joint (military) staff, are in fact often less 'military' than their colleagues in the state department."

And when a department does not produce, the system is further warped. As the same study said in discussing the growth of the NSC staff: "In those instances where the State Department response did not measure up to the president's expectations, the NSC staff moved in. The result was a slow but perceptible increase in the size and activity of the NSC staff."

Often the presence—or absence—of one man makes a difference. Deputy Budget Director Philip S. Hughes, testifying before a house committee this year, explained recent changes this way:

"The personalities have changed, and obviously relationships between personalities do not affect the balance of power within the executive branch.

"Mr. McNamara was a very able man, and he had a unique set of relationships because of his capacity and various other considerations with two presidents, and with the Congress on these matters—and these things affected his ability to act as an individual."

Freely translated, this would read as follows: McNamara had such standing with Presidents John F. Kennedy and Lyndon B. Johnson, and was such a master of detail, that he was able to hold off challenges to his authority from the military and from Congress as well.

But this very determination—some would call it "stubbornness"—got McNamara in trouble. His personality, the frustrations of the war in Vietnam and his own mistakes (above all the failure of the F111 plane, a pet McNamara project) were major factors in

producing the congressional discontent which is now beginning to surface—and which may produce the first searching look in two decades at basic national security policy and the defense establishment itself.

THE DEFENSE ESTABLISHMENT—XII: HALLS OF CAPITOL ECHO DISSENT

(By Charles W. Bailey and Frank Wright)

WASHINGTON, D.C.—These are the voices of dissent in Congress:

"The illusion of national security offered by the ABM offers no sanctuary against hunger, poverty and ignorance. Hunger and poverty are more dangerous than Communism."—Senator Edmund Muskie, D-Maine.

"The proposed deployment of the ABM arouses my fear of the military-industrial complex of which President Eisenhower warned. I have . . . my doubts about its military effectiveness, enormous cost and adverse affects on possible disarmament talks."—Sen. William Saxbe, R-Ohio.

"Laird is using the missile gap in Congress the same way Kennedy did—to scare us and get more money and more weapons."—Sen. William Proxmire, D-Wis.

"First here's the cost. The ABM seems to be more a beginning of a separate weapons system, with a clearly identifiable purpose, not an extension of existing weapons. On the policy side, I am more concerned with what it would do to the arms race, to the possibility that we will ever be able to bring it under some control."—Sen. John Sherman Copper, R-Ky.

"If Congress is going to bring the ABM and military spending and policy under control, it needs outside help from the independent scientific community. This is the first time we've had it."—Sen. Quentin Burdick, D-N.D.

BASIC POLICIES FACE CHALLENGES

For several reasons—concern over effectiveness and cost, fear of accelerating the arms race, antagonism toward the tactics of Secretary of Defense Melvin Laird, fear of further growth of the defense establishment—opposition to President Nixon's proposed deployment of antiballistic missiles has mushroomed into a challenge of the country's basic domestic, foreign and military policies.

Sen. Mike Mansfield of Montana, Democratic majority leader, has expressed the hope that Congress will cut $5 billion from the Nixon administration's request for $77.6 billion in defense funds for next year.

He says those seeking the trims will have "greater strength this year" and "more cohesion" in their efforts than in the past.

The most appealing targets, he said, along with funds for deployment of the ABM, will be $187 million for fast-deployment cargo and troop ships and the general areas of overseas bases and research and development.

Sen. Walter F. Mondale, D-Minn., a young liberal in his fifth year in the Senate, sees the issue this way:

"I've watched every fiscal dividend be dribbled away. There's not a dime left for people.

"We ought to put out a book on ourselves.

"The first chapter ought to be what we think we are as white people.

"The rest should be on what we really are and what we do to people who can't defend themselves—the Indians, the blacks, the Mexican-Americans.

"And then we call them animals because they don't react right after we've beat them flat.

"If you want to destroy the defensive capacity of our nation, just keep it up the way we've been going. If these young militants on the campuses and in the political parties are going to be the leaders—and someday they are—they are not going to be interested in keeping this kind of society together."

In addition to the cost, Mondale sees these results flowing from an ABM deployment:

"You might start a war" because—with only 15 or 20 minutes at most to react to an incoming missile or what is believed to be an incoming missile—the decision to fire an ABM "devolves down from the President to a lieutenant on the line or maybe to a computer."

It strengthens "the hard liners in both camps, our side and the Russians."

You "focus society more on weapons." And, when people are "afraid in a military sense, there is *no* environment for dealing with human problems."

You "fracture" your society even further because "when there is no money for dealing with human problems" you "harden the splits."

The opposition to the ABM numbers about a third of the House and, more importantly, about half the Senate.

LARGE, MORE VOCAL OPPOSITION

Although it is conceded that the ABM will pass the House, the opposition there is expected to be larger, better organized and more vocal than ever before.

Much of it is centered around members of the Democratic Study Group (DSG), headed by Rep. Donald Fraser, D.-Minn.

Its interest is not limited to the ABM.

The DSG task force on defense matters is urging members to testify on the entire 1970 military budget before the House Armed Services Committee.

The committee, chaired by Rep. L. Mendel Rivers, D-S.C., almost never hears witnesses hostile to weapons proposals. They are not invited, and in the past seldom have asked to appear.

Fraser will be among those who will ask this year.

He said he intends to propose that some of the "lower priority military items"—such as Rivers' pet proposal for a $3.8-billion start next year on a new Navy—be dropped in favor of domestic programs.

Rivers is arguing that we need a new Navy because the existing one is getting old, and the Soviet Union rapidly is building a new one.

Others, including a former high-level official of the Defense Department, say we don't need a new fleet.

"A ship is just a platform to fire weapons from. It doesn't have to be new . . . It just has to be seaworthy," he argued.

The Senate opposition to the ABM is more solid than in the House, claiming enough votes to defeat deployment appropriations. The administration, while not conceding defeat, acknowledges the vote will be close.

SENATE WILL FEEL PRESSURE

Also, although the opposition includes Democratic floor leaders Mansfield and Edward Kennedy of Massachusetts, it is more bipartisan than in the House. Some 15 to 20 Republicans have sided with 30 to 35 Democrats against the ABM.

When the Republican administration starts to put on the pressure at voting time, it will be those 15 or 20 who will feel it most.

The question is whether they will be organized well enough to hold firm.

As in the House, the Senate challenge to the defense establishment has broadened beyond the ABM.

A subcommittee headed by Sen. Stuart Symington, D-Mo., is probing the whole structure and rationale of the vast U.S. system of more than 400 overseas military bases.

Proxmire, chairman of the economy in government subcommittee, is trying to block Defense Department plans to start work on a new manned bomber to replace the B–52, workhorse of the Vietnam war as well as our principal strategic bomber.

Efforts will be made to challenge other weapons systems, too, and, in the words of Sen. Gaylord Nelson, D-Wis., "There will be a lot tougher evaluation from now on."

Some moves also have been made to make the structure of the Senate at least a shade more flexible.

Sen. John Stennis, D-Miss., chairman of the Armed Services Committee, was persuaded to allow several scientists critical of the ABM to testify earlier this week, a most unusual procedure for a committee used to hearing only the Pentagon side of things.

And Sen. Albert Gore, D-Tenn., has moved his disarmament subcommittee, a division of the Foreign Relations Committee, onto Stennis' territory by holding his own ABM hearings.

LAIRD'S BELLIGERENCE IRKS FOES

One of the things which has hardened the opposition is Laird's occasional personal belligerence on the issue and his contention that the Russians will in a few years be able to knock out our Minuteman and Polaris retaliatory power with their SS9s.

Numerous members of Congress simply do not accept the argument that the Soviet Union by the mid-1970s could destroy in one swoop so many of our 2,000 intercontinental ballistic missiles—stashed in scattered concrete silos on land and in moving submarines at sea—that we could not fight back effectively.

"I find it incredible to be expected to believe that the Soviets could knock out our retaliatory power. It's irresponsible for Laird to claim they could," Fraser said.

"Laird is ridiculous when he says we couldn't retaliate without the ABM to protect us," Burdick said. "We'd have a second-strike capability no matter what they did."

Sen. Eugene McCarthy, D-Minn., expressed the theory that part of the attack on Laird is pent-up congressional venom left over from the days when many members felt intimidated and silenced by his predecessor, Robert McNamara.

"McNamara may have reestablished civilian control at the Pentagon, but he also established the idea that they couldn't do anything wrong over there," McCarthy said. "That made it doubly hard for Congress to get at the Defense Department.

PENTAGON INFALLIBILITY IS GONE

"It was worse than trying to lay siege to a fort. You were really trying to lay siege to a fort with a moat around it.

"With Laird it's different. People here have served in Congress with him. And there isn't anybody who doesn't think he knows at least as much about defense as Laird. The infallibility is gone. That's why he's such a good appointment," McCarthy said.

McCarthy is hopeful that Laird will permit the military services to resume the frequent public feuding over money and weapons that existed in the days before McNamara managed to confine most of it inside the Pentagon.

The senator said he thinks that public claims and counterclaims from the Army, Navy and Air Force will give Congress a chance to make better informed decisions.

"You know how the services are—each branch wants enough to not only defeat the enemy but the other two branches as well," he said.

It should be pointed out, however, that such a system depends for its success on the congressmen who oversee it. The feuding of the pre-McNamara era did not result in many cutbacks.

Help against the ABM is coming from outside Congress.

Technical information is being provided by scientists ("not one independent scientist has spoken out for deployment," says Burdick) and political support by citizens groups.

The newest and most prestigious of the latter is the National Citizens Committee Concerned About Deployment of the ABM.

Its cochairmen are Arthur Goldberg, United Nations ambassador during the Johnson ad-

ministration, and Roswell Gilpatrick, deputy secretary of defense in the same administration.

THE CAMPAIGN IS UNDER WAY

Other members include Dr. Herbert F. York, director of defense research and development under Eisenhower and now chancellor of the University of California at San Diego; R. J. Miller, vice-chairman of Ford Motor Co., which ranked 19th among defense contractors last year; Whitney Young Jr., director of the Urban League; Averell Harriman, former Vietnam peace negotiator.

So, the campaign is under way.

Arthur Larson, director of the World Rule of Law Center at Duke University and former special assistant to Eisenhower, described it thus:

"The only voice in the land is no longer the one that says the boys in the Pentagon must have everything they say they need. We now are saying that the children back home must have some of the things they need, too."

It appears that the opponents have a fair chance, at least, to block the ABM.

They hope to go on from there to apply a newly critical and continuing judgment to the entire defense establishment.

THE DEFENSE ESTABLISHMENT—XIII: IS IT BIGGER THAN THE U.S. GOVERNMENT?

(By Charles W. Bailey and Frank Wright)

WASHINGTON, D.C.—Can the nation's defense establishment be controlled?

"There is a real question whether you can exercise either fiscal or policy control over it," says former Vice-President Hubert H. Humphrey, who has been involved in the process for the last 20 years.

"It is either so patriotic you can't touch it—or so semantically removed you can't even reach it," says a key official who has spent a decade in the national security field.

"It isn't a question of good against bad," Minnesota's Sen. Walter F. Mondale says. "But we have such a big defense establishment now that there's a good question if it isn't bigger than the U.S. government."

Not all the opinions are so gloomy—one former defense aide senses "a tide swinging against the military, and it may swing hard"—but a common strain of pessimism runs through the comments of the many men in and out of government who are concerned about defense policy and spending.

The question is getting more attention right now—from Congress, the public, in print and on the air, and within the defense establishment itself—than ever before.

PROPOSALS ARE LISTED

A half-dozen proposals for study of the current U.S. defense structure and its implications for future national policy are either under way, about to start or in the planning stage:

Defense Secretary Melvin Laird has announced a "blue-ribbon" committee to make "a thorough, independent and objective study of the defense community."

Deputy Defense Secretary David Packard is now directing a high-priority administration review of U.S. defense strategy and examination of both the U.S. role in the world and the military forces required to fulfill that role.

There are a number of proposals for congressional study of both short-range and long-term issues, from how to exercise continuing closer scrutiny over defense policy and spending to whether we need so many overseas military bases.

At least one major privately financed study is in process, and influential public men and private citizens are working to establish a permanent nongovernmental commission to keep a continuing watch over defense programs and policies.

Finally, and perhaps most significant, a growing number of senators and representatives are preparing to try to force a major public and congressional debate on the entire range of U.S. defense policies.

The starting point will be the Senate fight over the Nixon administration's antiballistic missile system. But, as one top White House aide says, "The Senate is not really debating the ABM. I think the issue is really our whole foreign policy and our whole scale of military spending. Some think that we have gone too far."

EVERYTHING THEY ASKED—AND MORE

The very fact that a major floor fight is brewing is itself testimony to the frustrations and failures of previous efforts to put a brake on the constantly growing defense establishment—or to influence the policies that have spurred its growth.

One factor, mentioned earlier in this series of reports, has been the readiness of the congressional Armed Services and Appropriations Committees to give the military services everything they asked for—and sometimes a little bit more.

Most of the critics see no hope of persuading these "military committees" of Congress to exercise tighter control. So they are looking to the Senate and House floors, or to the creation of some new joint Senate-House committee with ample staff and a strong grant of authority, as possible alternatives.

But some see this as an unlikely remedy. "There is no structural way Congress can control this," Mondale said. "We just have to do it politically—we just have to fight."

Others look in different, and sometimes conflicting, directions.

"We've made cuts from time to time," claimed Sen. Henry M. Jackson, D.-Wash., a powerful member of the Senate Armed Services Committee. "But the real move has to come from the head of the Defense Department."

That won't be enough, argued an aide to former Defense Secretary Robert McNamara. "Probably the best way is to build up the Bureau of the Budget . . . not so much to review or appeal on dollar amounts as to compare national needs.

Humphrey, from his own experiences in both the legislative and executive branches, agreed but sees an additional requirement:

"You have to have a strong inside White House staff, loyal only to the president, with no departmental loyalties at all."

HOW MUCH IS ENOUGH?

Another ex-official pointed to a little-noticed presidential staff office as a potential strong point of control over military policy: "I think there is a real possibility of restoring the President's Science Advisory Council to the position it had under Eisenhower. Then it was critical—in both senses: It played a key role and it provided essential defense critiques. Those are not going to be done in The Building."

(There is a hint where power lies in the fact that people who work in the Pentagon refer to its as "The Building." As one of them says, "The other place is the White House.")

But the same man goes on to argue that in the executive branch of government, it is really all up to one man: "The president has the crucial role. The White House is the real place where the buck stops."

And, in a sense, he is supported by all the others who seek tighter controls in other executive offices, for all of them—in State and Defense, in the Budget Bureau, on the president's own staff—can, in the end, only provide information and advice to the man who must decide.

The kind of question that a president—and sometimes only a president—can ask is exemplified by one former official's account of a decision on the size of U.S. missile forces:

"Once McNamara had a great fight with the Joint Chiefs over how many missiles we needed. They wanted 1,200 and he wanted 1,000. He won, and went to the President with the recommendation.

"Kennedy looked at the paper, and the first thing he said was, 'How do you know you don't only need 500?'"

ISSUES ARE FAR FROM SIMPLE

Another retired high official, recalling former President Dwight D. Eisenhower's success in holding down military spending by simply imposing a budgetary ceiling, suggesting this may be the only practical device:

"It's a hell of a thing to say, but maybe the only way you can control them is to deny them all the money they need to meet all the policy commitments."

But if it comes down to a matter of money—and most of those who wrestle with the issue agree in some form with the former White House aide who said, "Christ, yes, it's the money"—then even a determined President must rely on Congress to back him up.

As pointed out earlier in these articles, the powers of Congress in the national security field are essentially negative. While this limits congressional ability to shape policy formation, it means that in theory, at least, Congress is ideally situated to control spending—although in practice it has failed to exercise this power.

But however strong the will to control at either end of Pennsylvania Av., the underlying questions trouble men of good will no matter what their personal views.

No one would disagree with Jackson's assertion that "public officials have an overriding responsibility to the American people to make the most careful, balanced judgments on the critical issues of national safety and survival." But those issues are far from simple:

What should be the nation's priorities? Can we have both all the guns and all the butter we wish—or must we, in order to meet urgent domestic needs, cut back on our foreign policy and defense commitments? Or must we leave those commitments undiminished and meet them in full regardless of problems at home?

"The defense of the country has to have the highest priority," said Packard. "The solution to our social problems has to have a high priority—almost as high, perhaps."

"We've got a combined domestic problem of perhaps a trillion dollars," said Mondale. "If we keep on taking weapons first, there will never be anything left."

Can defense spending be cut in the face of a continuing Communist threat to world peace? Do we dare limit our arms outlays while the Soviet Union continues to preach and—as in Czechoslovakia—to practice expansionist policies?

How big a role can the public—and the average member of Congress with only limited access to secret data—play in defense policy-making in an era of immensely complex, very expensive and awesomely destructive weapons?

Here the argument runs both ways. It is hard for the average citizen to grasp the technicalities, understand the scientific arguments or measure the destructiveness of modern weaponry. But just because of these difficulties, it may be all the more important for decisions to be made on the basis of the broadest possible participation.

What is the proper role for the United States in the world of today and tomorrow? Should the United States go back to the start and reexamine all the decisions of the 1940s which put it for the first time in a world role?

Must the United States somehow, whether because of domestic needs or changing world political circumstances, cut back its role in global peace-keeping? Or should it maintain its established policy of containing the spread of communism, by military force if necessary?

None of the answers to these questions will come easily, especially in a world where nations build great military forces not to go to war but in an effort to prevent war—a world

where weapons are built, as one scholar suggested, "not to be used but to be manipulated."

But however hard the questions, they are at least being asked, some for the first time in 20 years, some for the first time ever. Upon the course of the debate, and the kind of answers that emerge, may depend the place of the United States in the next decades—or the next century.

THE DEFENSE ESTABLISHMENT

Enormous by any measurement—budget, destructive power, influence on American society and world politics—the defense establishment of the United States is beginning to receive public attention commensurate with its size. A series of 13 articles in The Tribune by Washington correspondents Charles Bailey and Frank Wright has examined the political and economic interrelationships which, by their number and complexity, make control of the defense establishment so difficult. As the last of those articles pointed out yesterday, "the underlying questions trouble men of good will no matter what their personal views."

The difference between 1969 and previous years is that now, for the first time, many of those underlying questions are being brought out for examination. More than at any time since the Korean War, members of Congress are showing an unwillingness to accept without question the budget proposals urged by the administration or by their own armed services committees. The questioning arises on two related but separable grounds.

One is national security policy. There seems to be no serious move to repudiate this country's role of defense leadership as one of the two nuclear superpowers. There is not much question that the United States has the industrial strength to continue and, if necessary, expand its defense spending. But there is a serious question whether national security is best served by the defense posture that has evolved in the past decade. That is, should the United States strive toward a military readiness which combines nuclear deterrence with the ability to fight limited (non-nuclear) wars anywhere in the world and the ability to provide counterinsurgency advice or special forces for friendly governments?

The answer, we suggest, lies neither in the omnipotence which an affirmative response would imply nor in such rhetoric as "No more Vietnams." Nuclear sufficiency is at hand; containment is no longer an adequate catch-all policy to justify the present extent of overseas bases and commitments; but no neat list of contingencies can be drawn to cover the future. This means selectivity, not across-the-board shrinkage. There is evidence, for example, that the U.S. contribution to NATO should be increased, rather than held at present levels or diminished.

The other source of questioning is economic, the meshing of defense and domestic priorities at a time of increasing pressure to restrain the national budget, slow inflation and reverse the adverse trends in balance of payments and trade. High levels of defense spending work against all those objectives, and the growing movement for a substantial reduction in the defense budget seems to us well-founded.

If lower defense spending is a practical objective—and we think it is—two approaches are apparent. One is that old saw, "Cut out waste." The phrase is old but not obsolete. The Bailey-Wright series quoted Adm. Rickover's assertion that $2 billion could be cut simply by better management. Examples were given of excessive defense contractor profits, contrary to recent documentation offered by the industry group itself. Congress has been too prone to fund questionable projects and in some cases to exceed departmental requests. Improvements are therefore needed, but even if all defense "waste" were eliminated—a goal achieved by no other organization—only the periphery of the problem would be attacked.

The core is the political decision on national security. Budget management, congressional pressure, study commissions and public opinion can influence but not control the defense-policy decisions which, in the end, must come from the White House. Bitter critics of Vietnam or the ABM or the F111 should not be faulted for trying to correct what they see as unjust or foolhardy. Similarly the Defense Department should not be condemned for advocating military preparedness or failing to produce an evanescent Vietnam "peace dividend."

We believe the requirement for political decision is causing the country to re-evaluate, not retreat from, global military responsibilities. We believe it is a necessary examination and one which is leading to the conclusion that both national and international security will be served by a smaller U.S. defense budget. And we believe that President Nixon should begin now the process of selective reductions.

PRESIDENT'S MESSAGE ON ORGANIZED CRIME IS ENCOURAGING OMEN

Mr. HRUSKA. Mr. President, in another place in this issue of the CONGRESSIONAL RECORD will be found the Attorney General's transmittal letter addressed to the Senate concerning the proposed "Illegal Gambling Business Control Act of 1969," together with remarks, discussion, and text relating to it.

It is the first concrete step to implement the President's declaration of war on organized crime as set out in his message on organized crime which was received in the Congress on Friday of last week. My instant remarks will be directed to the substance and the significance of that message.

The American people will be greatly encouraged by that message because it clearly constitutes a declaration of war on organized crime. The President correctly analyzed and stated the threat which such crime poses for the Nation. He correctly called attention to the necessity that this Government undertake a concerted and persistent attack supported by the necessary funds and man power.

As we know, recent statistics have shown that serious crime has increased 17 percent. Murder has increased 14 percent, armed robbery has increased 29 percent, and larceny has increased 21 percent. We must not forget that perhaps as much as 50 percent of the street crime is a direct or indirect result of the activities of organized crime. When the President levels his guns on organized crime, then he is attacking one of the great causes of street crime.

It is the deliberate destruction of human beings, their health, and their dignity, however, that makes organized crime the heinous thing it is. Through narcotics, prostitution, gambling, loansharking, bribery, and extortion, the human toll is terrible. And it is the poor, Mr. President, crowded into our large cities who furnish many of the victims. It is easy to pick on the downtrodden. Fear is all the more a formidable weapon when used on the defenseless.

In the past, Federal and local governments have aimed their efforts at prosecuting and imprisoning the leaders of organized crime. This, of course, is an essential step. Despite the number of prosecutions and convictions, however, the fact remains that not one of the 24 known families of La Cosa Nostra has been destroyed. The reason is simple. Organized crime is a business that may gross as much as $50 billion a year. With such an incentive, there are always eager replacements, willing to take a risk of prosecution.

The assault against organized crime, then, must be two pronged. Prosecute the overlords and destroy the financial structure and stability of their empire. This is precisely what President Nixon has proposed. Although he recommends a witness immunity statute and effective laws on bribery, it is in designating gambling revenues as the prime target that the President has aimed at the jugular vein of organized crime.

It was most pleasing to me to note that President Nixon has endorsed S. 1624, the Wagering Tax Amendments of 1969, which I introduced on March 20, 1969. Identical legislation was introduced also in the other body by the distinguished Representative from Virginia (Mr. POFF).

The wagering tax bill will revitalize the provisions of the Internal Revenue Code aimed at gambling which were rendered ineffective by the U.S. Supreme Court in the Marchetti and Grosso decisions. By regulating the use of information furnished to Internal Revenue, the problems posed by the fifth amendment prohibition against compelled testimony are removed. The 10 percent tax on gross wagers will then be collectible. In addition, the fees required by operators of a gambling enterprise will be increased from $100 to $1,000.

During the presidential campaign, President Nixon called organized crime the tapeworm of American society and promised forceful action against it. In his message to Congress today, he said:

> Organized crime has deeply penetrated broad segments of American life. In our great cities it is operating prosperous criminal cartels. In our suburban areas and smaller cities, it is expanding its corrosive influence.

This is the threat that must be met. The priorities are clear. The President's decision to increase the budget for the Department of Justice by $25 million to increase the fight against crime was a necessary one. It will be the purpose of this admnistration to do everything possible to protect the lives and livelihood of the American people from the ravages of crime.

Further, the President has ordered an evaluation of the effectiveness of existing organization to fight crime. This is a wise procedure to follow. The Advisory Council on Executive Organization, can provide valuable guidance in this field.

In emphasizing the importance of permanent field offices to fight organized crime and in using the special Federal-State racket squad in New York City, the President has affirmed his willingness to organize and reorganize in any way necessary to most effectively fight organized crime.

President Nixon has covered many of the major parts of the effort against

organized crime in his message. As we progress in our hearings in Congress, I am confident that additional weapons will be forged for use in this battle against this criminal conspiracy. The interest of President Nixon and Attorney General Mitchell has made it clear that the legislation now pending before Congress will receive the careful consideration and helpful recommendations of the administration.

S. 30, the omnibus organized crime bill, introduced by the senior Senator from Arkansas, has been the subject of several days of hearings in the 91st Congress. I am a cosponsor of this measure. Clearly there is agreement that a much improved witness immunity statute can be drafted. This will be a valuable tool in the Government's arsenal.

Other provisions of S. 30, including strengthening the grand jury and revising the rules against perjury are most promising. Further hearings will be held on these and the other provisions of S. 30.

In addition to the bill I introduced today entitled "Illegal Gambling Business Control Act of 1969," there are several other measures on which hearings have not yet been held which hold great promise for attacking the financial fabric of organized crime. The first of these is the Criminal Activities Profits Act, S. 1623, which I introduced on March 20. The second is the Corrupt Organizations Act, S. 1861, introduced on April 18, by the distinguished chairman of the Criminal Laws Subcommittee (Mr. McCLELLAN), and which I also cosponsored.

S. 1623 first makes it a crime to invest money derived from criminal activities, or money which had not been reported for Federal tax purposes, in any business enterprise. Second, it authorizes civil remedies drawn from the antitrust laws, including treble damages for any private individual or governmental agency suffering financial loss due to the use of this illicit money to control businesses. It also makes available the use of civil discovery devices in such cases.

The availability of civil discovery promises to be one of the most important features of the bill. Under the rules of criminal procedure discovery is greatly limited. Rule 15 specifies that depositions may be taken only if a prospective witness:

> May be unable to attend or prevented from attending a trial or hearing, that his testimony is material and that it is necessary to take his deposition in order to prevent a failure of justice.

Contrast this with Rule 26 of the Rules of Civil Procedure.

> Any party may take the testimony of any person, including a party, by deposition . . . The deponent may be examined regarding any matter, not privileged, which is relevant to the subject matter involved . . .

In attempting to construct the illegal financial manipulations of organized crime, this tool is potentially invaluable.

The distinguished Senator from Arkansas (Mr. McCLELLAN) has gone a step further in the use of antitrust mechanisms. In S. 1861, the remedies of criminal forfeiture or civil divestiture are proposed. In addition the bill incorporates the use of civil demand in investigations. The bill will serve as a useful vehicle for hearings. All of these ideas should be carefully explored. It is possible that the hearings will reveal constitutional problems or practical problems of enforcement. If so, the effort can be made to modify the provisions to correct the deficiency.

I do wish to emphasize that I am not wedded to any provision of these bills. As hearings progress, however, I am confident that valid, workable legislation, using some or all the suggestions contained in the proposed measure will be developed.

The chairman of the Subcommittee on Criminal Laws (Mr. McCLELLAN) and his staff have been doing an excellent job in investigating and preparing legislation aimed at organized crime. With the support of the Nixon administration, I foresee a dynamic partnership between the legislative and executive branches which promises an effective effort against organized crime far surpassing anything done previously.

President Nixon is to be commended for his direct attack on organized crime. I call upon Senators to join in supporting the President's recommendations and in enacting, at this session, the legislation that will greatly help the executive branch to hound organized crime either into prison or out of existence.

DEATH OF HENRY MELVIN HART, JR., PROFESSOR, HARVARD LAW SCHOOL

Mr. KENNEDY. Mr. President, the death of a great scholar and teacher leaves the Nation the poorer. In the case of Henry Melvin Hart, Jr., professor of Harvard Law School, who died last month in Cambridge, the loss is of special significance to us in Congress because of his lifelong dedication to the Constitution, the legislative process, and our Federal system. His landmark case book, "The Federal Courts and the Federal System," is a continuing source of challenge and reference to lawyers and many others throughout the Nation. He was a giant of the law. So long as men search for the meaning and interpretation of the Constitution, they will find their way lighted by his knowledge and wisdom.

On March 27, Harvard Law School honored Henry Hart in a memorial service in Cambridge. At the service, three members of the law school faculty—Dean Derek Bok, Prof. Albert Sacks, and Prof. Paul Freund—spoke eloquently of Henry Hart and his contributions to the law. I believe that their remarks, which help to reveal Professor Hart's extraordinary character and achievement, will be of interest to all Members of Congress and others who have felt his influence. I ask unanimous consent that the remarks at the memorial service be printed in the RECORD.

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

IN MEMORIAM: HENRY M. HART, JR.

(Remarks of Dean Derek C. Bok at the memorial service, Harvard Memorial Church, March 27, 1969)

All of our lives have been touched in one way or another by Henry Hart. As teacher, colleague, or friend, he has moved us all. I speak for many of us in middle years who would not have undertaken the teaching of law had it not been for the example of this man. When we were law students—in that time when youth seemed more placid and conforming than today—it took real inspiration to turn a student aside from law practice, from the established firm, from the world of action. More than anyone else, Henry Hart brought the vision, the promise, the excitement to the study of law that lured so many of us into academic life.

In many ways, Henry was the purest embodiment of the values of the institution to which he devoted his life. At a time when these values are increasingly questioned, it is fitting to think back for a moment on the ways in which these virtues found expression in his life.

One value surely was an unwavering devotion to his vocation. Some are inclined to question tireless dedication of this kind and wonder whether it is not overdone; but when one remembers Henry, can one forget the magnificence of a devotion so great that it drove this man to meet his students and teach his courses until he literally lacked the physical strength to travel the scant half mile from home to classroom.

A passionate devotion to principle—perhaps no other trait so marked Henry Hart than the ardor and tenacity with which he maintained his values and held them free from compromise. One may wonder, perhaps, whether such fervor is too rigid for the quickening flux, the complexity, the doubts and questionings of our times, yet surely it is worthy of great respect that a man should care so much for his principles—surely it is cause for rejoicing that he should have managed to the very end of his life to keep his ideals so unblemished by skepticism, cynicism, and hypocrisy.

Uncompromising honesty and rigor of thought—this too is an ancient ideal that burned particularly brightly in the mind of Henry Hart. Many here will remember when he was honored by being the only member of the Faculty ever asked to give the annual Holmes Lectures. No one who was there can forget the last of those Lectures on that most difficult of all issues—the relation between fact and value—when Henry, having carefully built his argument step by step, confessed at the very end that he had been constrained on the very eve of the Lecture to recognize that the conclusions he had intended to reach were premature and that the truth he sought still lay a little bit beyond his grasp. In a period when so many in our community claim answers to so many problems, that difficult and disappointing moment in the Ames courtroom, must surely stand unequaled as an act of sheer intellectual courage.

Although these values may have been shared by many, Henry often seemed to live them with a fiercer passion than those around him could aspire to do. The difference was one of degree, though the degree was often inspiring.

Yet there was one quality which Henry held almost alone among his colleagues. In our small world of legal scholarship—where efforts are so often marked by thoroughness and rigor and so seldom by imagination and vision—Henry Hart almost alone could succeed in creating an entire system of thought, a system linking all of law and legal institutions into a grand design which could define the proper role and function of each part of the legal process. To us, this was a great intellectual achievement. If it was not neatly captured in a book or an article, it nevertheless suffused his teaching, imbued his colleagues, and eventually left its traces throughout the entire field of legal education. It was the magic of this grand design that taught our generation to understand legal opinions in a different and deeper way, to see transcendent issues in the most work-a-day products of the legal system. It was

this vision, in the end, that lured us to teach and write and set great and impossible goals toward which to strive. No teacher could have asked for more than this; no scholar could have wished a richer legacy.

REMARK OF PROFESSOR ALBERT M. SACKS AT THE MEMORIAL SERVICE, HARVARD MEMORIAL CHURCH, MARCH 27, 1969

Almost precisely twenty years ago, in my last term as a student at Harvard Law School, I came to my opening class in a seminar entitled "Legislation," and for the first time encountered Henry Hart as a teacher. His first question to the class was, "What do we mean by law, as in the phrases 'teaching law' or 'studying law'?" Then he spied me, and he added, "or, Mr. Sacks, in the term 'Law Review'?" I tried to answer and we began a dialogue which has been as rich for me as any I have ever known. The dialogue has ended, and I am impoverished, as are we all.

Henry's first question to me conveyed an accurate sense of the scope of his concerns and the reach of his mind. He viewed law as "an on-going functioning, purposive process." The study of law was a study of the process and of "the various institutions, both official and private, through which the process is carried on." Since he conceived of law as a process of doing, he drew no distinction between understanding law and developing law. To understand law was to develop it. To develop law intelligently was to understand it. The law scholar and the law doer were one.

We are insistently told today that academic study must be shifted to emphasize the "relevant." I never heard and wouldn't have expected to hear that remark directed at Professor Hart's teaching and studies. Of greatest relevance to him were the questions encountered in some form by almost any legal system in almost any era. His message was that, even as we struggle to solve the distinctive problems of our own time—and they are important and urgent—we can not overlook the universal and the timeless.

Henry Hart placed his stamp on the Harvard Law School. By his teaching, he powerfully influenced generations of students in their feeling for law and their mission as lawyers. He conveyed to students the sense that law was a good deal more than a series of frustrating and perhaps insoluble problems to be manipulated by bright mental gymnasts. The students could construct a coherent and intelligible view of the legal system; they could develop standards to test whether the system was just. The intellectual undertaking was difficult but it warranted sustained idealistic effort. Thus, he provided an exciting perspective to the student on what his legal education was about.

He taught by a method that he called one of irritatingly dogmatic assertion. But neither the method nor the precise content was crucial. The students observed a mind insistently probing questions to their roots, never content with the answers at hand. They heard a gentle man grow so indignant over unprincipled or unreasoned decisions that he would hurl verbal thunderbolts akin to those of the biblical Jehovah.

His writings, whether in articles or casebooks, were like rare gems giving off a steady, deeply penetrating light. Whether he wrote of the relations of federal and state law, the aims of the criminal law, the power of Congress over the Supreme Court's jurisdiction, or the Hohfeldian analysis, he transformed that with which he dealt.

In any law school, one finds but a few people whose impact on others is so great that they set the intellectual and moral tone. Henry Hart, with a few others, played this role. For he taught not only students who became teachers but also teachers who had never been students. Through power of mind and by force of character he has given us a rich legacy. A handful of men have played a decisive part in my intellectual development, and I count myself fortunate that Henry Hart was one. Many would say the same.

He was a warm and gentle colleague and friend, uncompromising with legal missteps, but compassionate and understanding of the personal weaknesses and foibles of others. Those who knew him admired him. Those who knew him well loved him.

REMARKS OF PROF. PAUL A. FREUND AT THE MEMORIAL SERVICE, HARVARD MEMORIAL CHURCH, MARCH 27, 1969

For almost forty years I have stood in the circle of enchantment woven by Henry Hart. When I first came to know him, to be sure, I saw him, the august President of the Harvard Law Review, through the awestruck eyes of a junior editor. And yet the authority of Review Presidents is not invariably bewitching, their charisma not inevitably irresistible. It was Henry Hart's formidable intellectual powers, his unswerving commitment to principle, the grace of his pen and the deep-throated charm of his utterance that in rare combination made him a supremely attractive figure and a supremely compelling force.

Two incidents, forty years apart, will tell the tale. Only a few months ago, when the class in Federal Courts knew that Professor Hart would take a currently unfashioned position espousing a canon of self-limitation on the part of judges, a group of the ablest students held a caucus and found that they, as men of the hour, were solidly hostile to that position. At the end of the discussion in class, the group caucused once more and discovered that, to their astonishment, every one of their number had been converted. They had seen opened up before them philosophical dimensions and historical perspectives that we were theretofore outside their range of vision.

I could not help recalling a similar act of conversion in those distant days when Henry Hart was President of the Review. Having received from an eminent Philadelphia lawyer an article on shareholders' preemptive rights which he thought publishable if properly reconstructed, he proceeded to tear it down and build it up, quite transforming it in form and content. When the resulting product was returned for the author's approval, the author responded by sending an explosive letter to Dean Pound demanding that Mr. Hart be removed from office forthwith. The Dean, of course, disclaimed any jurisdiction over the Review, as befitted the relation between two proud and independent sovereigns. There followed a protracted exchange of letters between editor and author, the latter slowly finding himself persuaded to agree on point after point, until finally a letter went again from author to Dean, this time urging, if not demanding, that Mr. Hart be appointed forthwith to the Faculty of the Harvard Law School. That event followed happily after a year spent in postgraduate study with Professor Frankfurter and a year's indelible experience as law clerk to Mr. Justice Brandies.

In between these episodes of tutelage, the case of the Philadelphia lawyer and that of the classroom sceptics, Justice Frankfurter (as he had become) was himself pleased to go to school to his former well-loved student, though the religious experience of conversion was in this case somewhat harder to achieve. When Henry Hart and his co-author, Professor Wechsler of Columbia, dedicated their immensely challenging book on *The Federal Courts and the Federal System* to Felix Frankfurter, "who first opened our minds to these problems," and sent him a copy of the volume, he pened an acknowledgement that succeeded in stopping a little this side of idolatry. A copy of the message, dated October 3, 1953, is preserved in the Frankfurter papers:

"When Henry hinted the other night of the problem in truth telling presented by having the terms of your dedication take due account of my apostasy or at least obtuseness regarding questions of Federal jurisdiction since I came down here, I was prepared to read the following: 'Who first opened our minds to these problems, but in his judicial capacity closed his own.' Evidently, tenderness triumphed over candor. That is not always a wise principle but I am glad to have been its beneficiary this time . . . [Having spent a number of hours with the book] the overriding feeling that is left in me is one of profound respect for what you have done. I am very glad that I do not have to answer even a fraction of your naughty questions. . . . Nor do I give you any assurance that I shall be able to answer any of them correctly whenever they may come before the Court—correctly, that is, in the light of the Gospel of St. Henry and St. Herb. One thing I can assure you: the book will hereafter be my first resort for enlightenment on any question with which you have dealt."

It is no accident, I think, that Henry Hart's interests were centered on procedure. For, as a true disciple of Justice Brandeis, he saw the integrity and fitness of the legal process as a kind of transcendent natural law, a law above laws, standing as the scientific process does to the mutable body of science itself, and reminding us that there is indeed a morality of morality. He taught an early course on Legislation at the law school. He succeeded to Frankfurter's course on the Federal Courts. He developed the course on the Legal Process, monumentally conceived, employing telescope and microscope to match the myriad tasks imposed on the legal system against the appropriateness of the various institutions of the system for resolving each of these tasks. In an essay on "The Aims of the Criminal Law," which a distinguished trial judge thought as illuminating as volumes on criminology, Henry Hart insisted that, whatever might be the appropriate forms of post-conviction treatment, the criminal process should be brought to bear on conduct if, and only if, the conduct is deserving of moral reprobation. Of this essay, weighty beyond its modest size, and containing some acerbic comments on the insensitivity of the Supreme Court to its truths, Justice Frankfurter wrote, in 1959: "Unlike so many things one reads, it has not only given me pleasure and enlightenment but its stimulus to reflection will not have ceased with the reading of it. I shall duly ponder on the spanking you have given me. . . ."

The impact of Henry Hart on the thousands of students who came under his influence has been enormous. No one could doubt this who has heard his students speak of him as did one of them not long ago when he voiced the ultimate tribute: "I feel sorry," he said, "for any student who has not had the course in Legal Process." No one could witness the anxiety and anguish of his students in these last months as they saw him carrying on against insuperable physical burdens—no one could witness this spontaneous outflow of affection and doubt the presistence of that influence, through oral tradition, through his students who have carried his insights far and wide, and through his writings, which have the enduring quality of a luminous critical framework that long outlives its objectives.

Without contrived display, eschewing the shallow arts of showmanship, constitutionally immune to flattery as either a donor or donee, he captivated pupils and colleagues as he had made a spiritual captive of a junior editor forty years ago.

"Where the light of the life of him shines
on the generations that will live,
"Death only dies."

PESTICIDE REPORT

Mr. NELSON. Mr. President, one of the most comprehensive analyses to date on the national and world dangers from the misuse of pesticides has just been done by the Conservation Foundation in its April 25 issue of CF Letter.

To anyone concerned about the pesticide problem, a reading of the report is a must—particularly the sections which discuss the potential pesticide dangers to man.

The report takes note of current uncertainties over the effects of pesticides on human health but adds in this regard that there are "ominous signs that some long-term surprises lie ahead." Examples include a number of scientific studies that have linked pesticides and other chemical compounds with cancer; reports that suggest that pesticides are a genetic hazard to man, and questions as to the possibilities of synergistic effects when different pesticides interact in man, or when a pesticide interacts with a medical drug.

Finally, the report takes note of the fact that pesticides have brought important economic returns, but points out that "in the headlong rush to rely on expedient chemicals, many mistakes have been made and many safer alternatives have been passed up."

The CF Letter is a valuable contribution to the current national discussion of this critical issue, and it presents further evidence of the urgent need for effective action to deal with the hazards presented by the misuse of pesticides.

I might add that the CF Letter, issued on a monthly basis, has always been an extremely informative and well written publication presenting in-depth analysis of current environmental concern.

I ask unanimous consent that the April 25 report on pesticides be printed in the RECORD.

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

POLLUTION BY PESTICIDES—SOME NOT VERY WELL CALCULATED RISKS

(NOTE.—In this issue: The first of a two-part examination of the problem of pollution by pesticides . . . This installment covers the widespread use of pesticides, their effects on wildlife and natural systems, their possible effects on man, some ironies, and some international ramifications . . . The next issue of *CF Letter* will deal with government regulation and the politics of pesticides, and will explore alternatives.)

Pesticides, complex chemical compounds, pose a complex dilemma. They have caused incalculable damage to the world's fish and wildlife resources. They are causing serious and subtle changes in the environment. Indeed, they are under suspicion of endangering man himself. Yet man finds them tremendously useful in his struggle for health and survival.

For some 25 years, man has been concocting an astonishing assortment of synthetic chemical poisons and spreading them over the planet. In doing so, he has been taking some not very well calculated risks. He has been rebuked and warned for being careless, for not fully understanding the consequences. Some restrictions have been imposed; somewhat greater care is being taken; but man continues the liberal use of pesticides to wage war on the endless varieties of insects, bacteria, rodents and other small creatures which plague him so relentlessly—by attacking him directly, or by devouring much of his precious food and fiber supply.

To be sure, the widespread dissemination of pesticides has had extremely tangible benefits which, it is argued, would otherwise have been unattainable. Pesticides are credited with making life comfortable and nuisance-free, indoors and out. They are credited with saving countless lives through the control of malaria, cholera, typhus, Rocky Mountain spotted fever, encephalitis and other diseases. And they are credited with helping man raise and protect an extraordinarily plentiful supply of inexpensive food.

The farm and chemical industries point to the crops and livestock saved from destruction, with values measured in the billions of dollars each year. Put another way, it has been estimated that for every dollar invested in protection by pesticides, between $4 and $5 worth of production is saved.[1]

But the evidence also shows that, in the headlong rush to rely on expedient chemicals, many mistakes have been made and many safer alternatives have been passed up. There have often been unintended, damaging side effects, including heavy losses of fish and wildlife. Finally, the evidence *suggests*, at least, that man may be seriously harming *himself* in the process. Certainly he is taking risks. Dr. Robert L. Rudd, zoologist at the University of California at Davis, warned in a study for CF: "The appearance of new kinds of pesticides and of new and profound effects from those long in use has outpaced the rate at which their effects can be investigated."[2] Says Dr. William A. Niering, Connecticut College botanist: "We are obviously dealing with many biological unknowns in our widespread use of presumably 'safe' insecticides."[3]

How extensive is the use of pesticides? U.S. farmers last year spent an estimated $800 million on them. Total domestic sales this year are forecast at $1.7 billion, most for agriculture, but including $255 million for household and garden use, and another $255 million for industrial and institutional use.[4] The $1.7 billion represents a dramatic increase from the 1965 total of $1 billion.

Other indications of increasing use: the percentage of corn acreage treated for insects or disease rose from 1% in 1952 to 33% in 1966; for tobacco crop land the increase was from 47% to at least 81%.[5] In 1966, agricultural aircraft flew a million hours, spraying pesticides over 65 million acres.[6] Many additional millions of acres—roadsides and utility rights-of-way as well as crops—are treated with herbicides to stunt growth or control weeds.

There are some 900 basic chemical compounds used to formulate thousands of synthetic commercial pesticides. Classed according to purpose, these include insecticides, herbicides, miticides, fungicides and rodenticides. Most famous—or infamous—is the ubiquitous DDT. But there are many others—endrin, dieldrin, aldrin, chlordane, toxaphene, lindane, methoxychlor, heptachlor, parathion, malathion, 2,4–D, 2,4,5–T, captan, carbaryl, warfarin, etc.

There are chlorinated hydrocarbons (DDT), organic phosphates (malathion), and carbamates (carbaryl). Their properties, effects, dosage and use vary widely. The crucial questions raised by the use of a pesticide are: Is it effective on the target insect? What other organisms does it kill? Is it dangerous to fish, wildlife, man?

A pesticide may or may not be highly toxic, or poisonous, on direct contact, to various living things. It may or may not be highly persistent, or resistant to being broken down by nature into harmless components. The insecticide parathion, for example, is extremely toxic. A user who spills some on his skin can expect to die soon afterwards, as has happened to thousands throughout the world. Yet it breaks down quickly in the environment. On the other hand, DDT is considered only slightly toxic to man; but it may persist for years, with consequences unknown.

Footnotes at end of article.

SOME EFFECTS OF PESTICIDE USE

Many ill effects of pesticides on marine life and wildlife are well documented; the literature on the subject is voluminous. A sample of the findings:

Experiments indicate that DDT in very small concentrations can reduce growth and photosynthesis in certain marine plankton. "Such single-celled algae are the indispensable base of marine food chains," says Dr. Charles F. Wurster, Jr., of State University of New York, Stony Brook. Photosynthesis by marine plankton is estimated to account for more than half of the world's oxygen supply—and some scientists theorize that we are already in an oxygen deficit situation. Wurster says that "interference with this process could have profound, worldwide biological implications."[7]

"Marine organisms, especially crustaceans," says Niering, "are extremely sensitive to the persistent pesticides. As little as 0.6 to 6 parts per *billion* (in the water) will kill or immobilize a shrimp population in two days."[8] The Interior Department's Bureau of Commercial Fisheries says tests show that "oysters stopped feeding and exhibited erratic shell movements when exposed to less than one part per million of many chlorinated hydrocarbons. Shell formation in oysters was inhibited by concentrations of a few parts per billion."[9]

Cases in which large numbers of fish have been killed are plentiful. The most celebrated, probably, were the massive kills in the lower Mississippi River from 1960–64.[10] And elaborate investigation traced the cause to endrin, apparently from a chemical plant.[11]

Nearly a million small coho salmon were killed recently because of DDT, say Dr. Howard E. Johnson and Charles Pecor of Michigan State University, who deduced that residues were accumulated in the egg yolk of adults, and their fry were poisoned during final absorption of the yolk sac.[12]

The widespread loss of robins and other birds—where elm trees are treated with DDT for Dutch elm disease—provides a simple example of "biological magnification," or the unique way in which "hard" or persistent pesticides can be concentrated in more and and more potent doses as they move up the food chain. When leaves from a sprayed elm fall, they are eaten by earthworms. The DDT doesn't harm the worms; but it accumulates in their tissues. When robins eat the worms, they accumulate it in ever larger and finally lethal doses.[1]

The magnification process also occurs when minute quantities of a pesticide accumulate in tiny marine organisms, and are transferred in ever increasing amounts to plankton-eating fish, carnivorous fish and finally birds of prey. This is possible because pesticides such as DDT are almost totally insoluble in water, but very soluble in fat. So they accumulate and are stored in the fatty tissue of birds. When fat reserves are used up rapidly, such as in migration or reproduction, the poisons enter other parts of the system, apparently attacking the nervous system. Says Dr. Ralph A. MacMullan, director of the Michigan Department of Conservation: There is "strong circumstantial evidence" that this sort of magnification is responsible for the alarming decline of many species of birds such as the bald eagle, osprey, peregrine falcon and sparrow hawk.[14]

Oddly enough, such birds are not normally poisoned directly by the toxic pesticides. It is now widely believed that *reproduction* is severely hampered, because residues of pesticide such as DDT are transferred in lethal amounts to embryo birds via the egg yolk, or because the pesticides upset liver enzyme activity and therefore calcium metabolism, resulting in eggshells so thin embryo chicks

cannot survive in them. Studies have also indicated that some birds become strangely nervous and aggressive and destroy their own eggs.

There have been innumerable cases in which frogs, snakes and birds, as well as wild and domestic animals—have been killed by pesticides, sometimes in massive numbers. Rachel Carson, in her eye-opening best-seller *Silent Spring* (Houghton Mifflin Co., 1962), cited dozens of instances. Many such kills are due to outright misuse, which of course greatly magnifies the dangers and damage of pesticides.

But knowledge, or communication of it to the right people, has not been sufficient to prevent misuse. We do not in fact yet know all the ways in which pesticide applications may be upsetting the balance of nature, though examples from the past are plentiful.

We do know that persistent pesticides are carried throughout the world by wind, water and living organisms. Often cited is the fact that even penguins in the Antarctic—so far from any pesticide use—contain residues of DDT. Dr. George M. Woodwell, an ecologist at Brookhaven National Laboratory, speaks of the "serious and subtle changes caused by continuous exposure to low levels of pesticides in the environment . . . that threaten to degrade the biota of the earth and especially the oceans in a very serious way." [15]

THE DILEMMA FOR MAN

The weight of expert opinion currently holds that humans are not *directly* harmed by careful use of pesticides. There is apparently no solid evidence of such harm. But practically every human accumulates some pesticides which, as in birds, are stored in body fat. In the U.S. the average is thought to be about 10 to 12 parts per million. (In some countries it is apparently much lower, in some much higher.) Scientists believe that man manages to get rid of pesticide accumulations over a certain level, given a reasonable amount of time.

Research on the long-term effects of pesticides on humans is virtually impossible; and it is extremely difficult to extrapolate research on animals to humans. So while there is no convincing evidence that pesticides seriously damage man, neither is there proof that they don't. In fact, there are ominous signs that some long-term surprises lie ahead. Some examples:

A number of scientific studies have linked pesticides and other chemical compounds with cancer. They have been thoroughly discussed at congressional hearings.[11] "The total number of pesticides capable of producing cancers in various organs and tissues of man and/or animals is appreciable," Dr. W. C. Hueper, former director of the National Cancer Institute, has said. He also had a comment for an industry scientist who claimed that "there is little likelihood that an epidemic-like occurence of cancers will result in 10 to 30 years":

"He is distinctly whistling in the dark. The facts already on hand do not support such a soothing prophecy." [11]

And in early March it was reported that preliminary analysis of a large-scale study of 130 such compounds—conducted for the Institute—indicates they are carcinogenic to mice (in very large doses). Pesticides are reportedly among the compounds under suspicion.[16]

Other reports suggest that pesticides are a genetic hazard to man, capable of producing mutations, which are usually harmful. Dr. James F. Crow of the University of Wisconsin says "there is reason to fear that some chemicals (including pesticides) may constitute as important a (mutagenic) risk as radiation, possibly a more serious one." [17]

Dr. Osny G. Fahmy of the Chester Beatty Research Institute in London says "the amount of pesticide chemicals man is now absorbing from his environment is enough to double the normal mutation rate." [18] He says they are capable of disrupting the DNA molecule; the effects are cumulative; and the mutations may not show up for generations.[3]

Dr. Marvin Legator of the Food and Drug Administration says the widely used and relatively nontoxic fungicide captan breaks chromosomes in mammalian cell cultures and may be capable of inducing mutations in man. Dr. M. Jacqueline Verret, also of FDA, says such chemicals can cause birth deformities in chickens. (The chemical structure of some fungicides is similar to that of thalidomide, she notes.) [19]

Medical World News has reported that a great many genetics experts are concerned about mutagenic chemicals "as either a proved or at least a potential menace to human health . . . Most believe that direct evidence of a chemical's deleterious effect on man could be difficult or impossible to obtain—and incalculable damage could already have been done before it became apparent." [20]

Dr. Richard M. Welch, a pharmacologist with the drug firm Burroughs Wellcome & Co., says sex hormones in rats are affected by enzymes activated by DDT, and the same hormones are found in man, whose residue of DDT is "within a range" to produce the same effect. "Thus, if one can extrapolate data from animals to man, then one would say that the changes in these enzymes probably do occur in man." [21]

Dr. Robert W. Risebrough of the University of California's Marine Resources Institute says consideration is not being given to the enzyme inducing ability of pesticides. "No responsible person could now get up here and say that this constant nibbling away at our steroids (sex hormones) is without any physiological effect. It would be irresponsible." [22]

Very little is known about the possibilities of synergistic effects when different pesticides interact in man, or when a pesticide interacts with a medical drug. Tests have shown that a pair of chemical compounds in tandem may be more than 100 times as toxic as either one alone. Since the symptoms of pesticide poisoning are likely to be common to other diseases, diagnosis is difficult. Stanford University's Dr. Joshua Lederberg, a Nobel Prize winner, speaks of the way in which DDT and other compounds cause changes in the metabolism of the liver, adding that man "can therefore be expected to show a changed reaction to a number of other chemicals and drugs, even under conditions where the DDT alone shows little toxic effects. The long-term effects of such combinations are poorly understood." [22]

Since pesticides interfere with drug metabolism, says Chicago pharmacologist Dr. Kenneth P. DuBois, they can have a marked effect on patients. He says that barbiturates, for example, are counteracted by DDT. "Such a counteraction has generally been written off by physicians as the patient's natural resistance to the drug." [23]

None of these scientists claims to have *proved* any mass dire effects due to pesticides. But they are warning man that he should not be blind to the possibilities.

Man was surprised, after all, when he found that the drug thalidomide could cause children to be deformed; that cigaret smoking could cause cancer; that simple X-rays could cause a skin ailment that didn't show up for decades; or that amounts of radiation presumed to be safe could apparently cause tumors in children more than 10 years later.

More obvious are the effects of pesticide poisoning in household, occupational and industrial accidents. "Each year," says a government study, "approximately 150 deaths are attributed to misuse of pesticides in the United States. About half of these occur in children who were accidentally exposed at home." [24]

It would be impossible to guess the number of non-fatal poisonings. But cases of occupational poisoning "have become more frequent," and "the adequacy of safeguards . . . is put in question by reviews of the effects of pesticides on human health." [25]

In California alone in 1964, there were some 1,328 reports of occupational disease attributed to pesticides and other agricultural chemicals.[26] This has now become a major new issue in the long, bitter strike and boycott against California's table grape growers. The union argues that many cases of poisoning are not reported, and many others are mistaken for other illnesses because the symptoms are so similar.[27] It has filed suit to halt the use of DDT in the state.

In Mexico, 17 were killed and some 600 made violently ill in 1967 when parathion contaminated bread supplies. A week later, a truck loaded with parathion overturned and spilled the deadly pesticide over a California highway. The pavement had to be ripped up to prevent death or injury.

THE IRONIES OF IT ALL

Aside from misuse and danger, the application of pesticides is likely to be fraught with irony and paradox—in fact, with failure.

In the first place, it should be noted that agriculture, particularly in the U.S., has tended to spread single crops over larger and larger areas, sometimes over thousands of acres. Such monoculture is efficient and economical. But it is also an invitation to pests which thrive on a particular crop, especially since their natural enemies may no longer find the area to their liking. Such invitations, of course, have been answered with massive invasions.

Perhaps the greatest irony in pesticide use is the destruction of beneficial insects and rodents in addition to the target species. (There has been some limited success in developing pesticides with narrow, specific effects.) Thus the victims are likely to include the very natural enemies which have been holding the target pest in check. There are many cases in which pest populations have burgeoned anew as a result.[3] Sometimes the destruction of parasites and predators simply clears the field for a surge of *several* new crop pests, compounding the problem of control.

Says Wurster: "DDT is like a drug. The more you use it, the more you need to use it." [21]

A second irony is that pests have a perverse tendency to develop resistance to the poisons man lavishes on them. Says a congressional report: "When a pest population, reproducing rapidly, is exposed to a lethal chemical, the laws of natural selection are dramatically demonstrated. The variety of genetic makeup, even within a single species, means that some insects in the population will have a biochemical mechanism for resistance and a new population will build up, unaffected . . ." [28]

Then there is an inclination to increase the dosage, or shift to another, perhaps more poisonous chemical, to kill off this tougher breed. But the report cautions that "there appears to be no toxicant powerful enough to kill every member of a large population." [28]

There's another kind of "resistance." For example, Professor Walter Ebeling and Donald A. Reierson of UCLA write of cockroaches that learn to avoid hazardous insecticides even after the first contact, with the result that the most toxic substances may be the least effective.[29]

A further problem, even when spraying is done carefully, is drift. Winds frequently carry a pesticide many miles from the target area, fouling another's land. Thus, alfalfa and other crops have often been inadvertently contaminated, and many a dairyman has had his milk barred from the market because its pesticide content was too high. (Farmers in this predicament often receive indemnity payments from U.S. taxpayers.)

Footnotes at end of article.

Typical of the farmers' dilemma is this comment in the Wisconsin Farm Bureau's newspaper: "On one hand, dairymen have been penalized when a trace of the chemical (DDT) is found in milk. On the other, vegetable, field crop and fruit growers have found no substitute for the compound in assuring a crop for market."

There is a similar dilemma because many crops and orchards depend heavily on bees to pollinate them. But, says Ward Stranger, extension apiarist at the University of California: "Honey bees are exposed to a great variety of pesticides. . . . Approximately 19% (76,000 colonies) of California's bees used for pollination were killed by pesticides in 1967. This is more than twice the kill reported in 1963. In addition, hives of bees are damaged to such an extent that they are no longer productive or effective pollinators." [30]

So one farmer's meat may be another's poison.

INTERNATIONAL PROBLEMS

Foreign countries are fertile ground for the sale of pesticides. They are often desperate to increase agricultural production, or protect their crops from insects and rodents. Much of their pesticide use is to control malaria. Says Dr. Ray F. Smith of the University of California, "in many countries nearly 100% of the pesticides used go onto cotton." (In fact, half of those used in the U.S. are for cotton crops.) [13]

The United States produces an estimated two-thirds of the world's supply of pesticides. Of some 900 million pounds manufactured in 1967, more than 400 million pounds were exported. The value (at the manufacturing level) was $195.7 million, up 13% from 1966.[6]

Moreover, the chief federal law controlling the registration and labeling of pesticides in the U.S. does not apply to exports. Thus pesticides could be marketed and used abroad in varieties and doses considered unfit in this country.

The catalog of mistakes in international pest control is long. A classic case occurred in the Canete Valley in Peru where, says Professor Teodoro Boza Barducci, the progressive use of a wide variety of pesticides on the cotton crop proved to be "disastrous." For one thing, after temporary control of the primary pest insect, resistance developed and it returned along with six new insects that needed control. Damage to the crops was extremely heavy, with a 50% loss in one year.[15]

A number of experts have spoken of the great publicity and promotion used to market pesticides in foreign countries and encourage their heavy use. They also tell of the resistance of farmers to using other methods recommended by scientists. Says Smith: "This is the case everywhere in the world. They don't change until there is a crisis that forces them to do it." [13]

Then there is the problem of misuse and misapplication, perhaps more serious in underdeveloped countries because of more limited literacy and education (the fine print on labels is a challenge to anyone), fewer technical and legal safeguards, and less effective or immediate medical attention in case of exposure. As an extreme example, for a time Japan alone had several hundred fatalities a year attributed to accidental parathion poisoning. Then there was this report from Rome not long ago:

"City health workers wearing rubber suits and gas masks filled a crowded market with white, stinging insecticide spray today, poisoning 13 persons, who were sent to a hospital. Merchants who have stalls in the market said they had asked the city to spray the area but had meant after the market closed." [31]

The Russians, too, have their problems with pesticides. These have been discussed by Harry Rothman of Manchester University, who cites in particular a case in August 1966, when a wasteland area 30 miles from Yaroslav was sprayed with a herbicide to increase the amount of meadowland—despite warnings of the dangers to wildlife. The result was the death not only of many birds, but 27 rare and highly-prized elk. This and other elk kills, he indicates, have galvanized concern in the USSR.[32]

Smith warns that some cotton-growing nations in Central and South America "are on the brink of disaster through misuse of pesticides." He says "the possibilities of a cotton crop failure . . . are very great in the next year or two if current practices are not modified. The possible social and political implications are many, especially when one considers that over 30% of the export dollars for countries like Guatemala and Nicaragua come from the sale of cotton fiber. It is no exaggeration to say that pest control advice which leads to an economic calamity may topple a government." [13]

There is no telling what the future may hold. For instance, recent research indicates the possibility that the insecticide lindane, much of which is used in vaporizers, is far more toxic when exposure is linked with malnutrition, and perhaps should be used with particular care—or not at all—in countries where the diet is low in protein.[33] Other studies indicate similar links for other pesticides.

Clifton R. Wharton, Jr., vice president of the Agricultural Development Council, warns of possible dangers in the widespread use of the new highly productive varieties of grain. "Large tracts planted in one of the new varieties may be susceptible to disease and infestation which could cause massive losses. Heretofore . . . heterogeneity provided a built-in protection . . ." He also notes that such losses to thousands of farmers are "far more likely to be blamed on the producers and spreaders of the miracle seed than on Fate." [34]

Where do we go from here? What can be done to slow down the lavish use of pesticides, to protect wildlife, and to mitigate the risks to man? And, at the same time, to control harmful pests and protect valuable food and fiber? The next issue of CF Letter *will review the present state of pesticide regulation, and explore improvements and alternatives to chemical control.*

TO BAN OR NOT TO BAN, THAT'S THE QUESTION IN WISCONSIN

Rarely has there been a dispute over pesticides as hearty and full-blown as that now going on in Wisconsin. Rarely have the issues been more sharply and vigorously drawn.

The scene of the dispute is Madison, where the Department of Natural Resoruces is holding administrative hearings on a petition to ban the use of DDT in the state. The Department has jurisdiction over the state's water quality standards, and can prohibit the use of a pollutant which reaches the water and causes health problems or "acute or chronic (injury) to animal, plant or aquatic life."

The petition was filed by the Citizens Natural Resources Association, which was joined by several other conservation groups. CNRA also invited help from the Environmental Defense Fund, Inc., an organization founded in the fall of 1967 for the purpose of bringing environmental issues to a legal test. The result, at the first stage of the hearings last December and January, was a strong indictment of DDT by a formidable array of expert witnesses, bolstered by EDF's attorney, Victor J. Yannacone, Jr.

This attack, said the Wall Street Journal on March 4, "seemingly caught (the pesticides industry) off balance." But the industry expects to make a full-scale effort to rebut when the hearings resume. This is scheduled for April 29.

The anti-DDT case rested to a great extent on damage to fish and wildlife. The industry—led by a DDT task force organized by the National Agricultural Chemicals Association—has made some attempts to mock its opponents, but in its rebuttal is expected to emphasize the benefits of pesticide use and the lack of evidence that they harm man.

Though the issues are limited to Wisconsin, to DDT and to water pollution, the nature of the hearings and the publicity they have spawned have created nationwide interest. The outcome is seen as an important precedent for other states whichever way it goes. Both sides have indicated that they would appeal a loss to the courts.

(Meanwhile, on April 16, the Michigan Agriculture Commission moved to cancel the registrationn of DDT for all uses in the state. This would make the sale of DDT illegal in the state.)

FOOTNOTES

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[4] Farm Chemicals, January 1969.

[5] *Extent of Farm Pesticide Use on Crops in 1966,* Agricultural Economic Report No. 147, U.S. Department of Agriculture, October 1968.

[6] *The Pesticide Review 1968,* Agricultural Stabilization and Conservation Service, USDA, December 1968.

[7] Biological Conservation, January 1969.

[8] Garden Journal, November–December 1968.

[9] Testimony before Senate Commerce Committee, May 17, 1968.

[10] Nuclear Information, May 1964.

[11] Hearings of Senate Government Operations subcommittee on reorganization and international organizations, 1963–64.

[12] Address to 34th North American Wildlife and Natural Resources Conference, 1969.

[13] Conference on the ecological aspects of international development, sponsored by CF and the Center for the Biology of Natural Systems, Warrenton, Virginia, December 8–11, 1968.

[14] *The Case Against Hard Pesticides,* Michigan Department of Conservation.

[15] Letter to Washington Post, June 2, 1968.

[16] Washington Post, April 17, 1969.

[17] Scientist and Citizen, June–July 1968.

[18] New York Times, May 4, 1967.

[19] New York Times, May 7, 1967.

[20] Medical World News, April 26, 1968.

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[22] Washington Post, January 4, 1969.

[23] World Medicine, January 10, 1968.

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[25] *The Pesticide Problem,* Resources For The Future, 1967.

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[28] *Interagency Environmental Hazards Coordination,* Senate Report No. 1379, Senate Government Operations subcommittee on reorganization and international organizations, July 21, 1966.

[29] California Agriculture, February 1969.

[30] Congressional Record, February 24, 1969.

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[32] Journal of the Soil Association, January 1969.

[33] Archives of Environmental Health, August 1968.

[34] Foreign Affairs, April 1969. *For further information: Pesticides and Pollution,* Bureau of National Affairs, Washington, D.C., 1969, $4. Fish and wildlife legislation hearings before House Merchant Marine and Fisheries subcommittee on fisheries and wildlife conservation, March 14, 1968. *Pest*

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CINCO DE MAYO, A GREAT HOLIDAY

Mr. YARBOROUGH. Mr. President, on May 5, our neighbor and good friend to the south, Mexico, will celebrate one of its great national holidays, Cinco de Mayo.

Cinco de Mayo commemorates the Battle of Puebla, fought May 5, 1862. It was in Puebla that the Mexican forces, under the able direction of Gen. Ignacio Zaragoza, defeated the invading French Army. It was the first defeat of a great French Army in 50 years.

The French forces later prevailed temporarily in vast areas of Mexico. However, the victory at Puebla gave the Mexican people new pride in their army, new faith in their ability to win against overwhelming odds. The spirit of Cinco de Mayo kept alive in the Mexicans the knowledge that they could win and that they would again regain their independence.

This great spirit still lives in the heart of every citizen of Mexico. This spirit helped build modern day Mexico, helped create the great nation to the south of the United States.

I come from a State having a large Mexican-American population. Many cities and towns in my State will have ceremonies in honor of Cinco de Mayo. General Zaragoza, the Mexican general who defeated the French at Puebla was born in Goliad, Tex. Just south of Goliad, we have the General Zaragoza State Park.

I believe that on the 5th of May—Cinco de Mayo—we should all pay special tribute to Mexico. I salute the people of Mexico, congratulate them for their great achievements in building a nation and say to them that we want, in the years ahead, to bring our two nations even closer together.

STUDENTS FOR A DEMOCRATIC SOCIETY

Mr. ALLOTT. Mr. President, for nearly 3 weeks now the colleges and universities in this Nation have been subjected to an unprecedented and dramatically well organized assault by the Students for a Democratic Society—SDS—and their auxiliary organizations. That assault is continuing, and indeed appears to be leading toward a climax between May 1 and 7.

Indications are that more than 30 colleges and universities may be struck with violent confrontations of varying degrees this next week.

In some cases, thanks to the actions of concerned students, SDS will not be successful. In others, due to the capitulations of university authorities, SDS will triumph.

Whatever the outcome, there is no question that SDS is "flexing its muscles" in an effort to show that it, rather than campus or community authorities, is the dominant force in our major educational institutions today.

SDS officials have been quoted as saying that they view this moment in history as one similar to the 1905 Russian revolution which, while it was temporarily crushed, established the organizational structure enabling the 1917 revolutionary efforts to succeed.

The question for educational leaders, for civil authorities, for congressional leaders, and indeed for the people is a simple one: Are we going to allow this militant and tiny minority of anarchists and revolutionaries to turn campus properties into a base for subversive and militant activities against the United States?

On March 25, 1969, I delivered a statement to the Republican policy committee in which I cited the aims and goals of SDS as outlined during a meeting in Princeton, N.J., February 1 and 2. The statement was also inserted in the CONGRESSIONAL RECORD on March 26, 1969.

Like Lenin and Hitler before them, the SDS leaders are making their plans for America abundantly clear. As indicated at the Princeton regional meeting, the SDS spring offensive has several major goals, and I quote from their own words:

Smash the Military in the Schools.
No ROTC.
No war or counter-insurgency research.
No military or war recruiting.
No draft assemblies in high schools.
No high school sending of names to draft.
OFF the Pig; no police training on campus.
No tracking in high schools.
Open admission.

SDS promised in Princeton that it would begin its national mobilization for the spring offensive on April 12 and 13 followed by, as I noted in my speech before the policy committee, "a spring rebellion."

At a recent Texas conference, SDS put the finishing touches on its plan to culminate the "spring rebellion" with a general campus disruption between May 1 and May 7, but particularly focusing attention on May 1, which has long been a symbolic day of "solidarity" for all movements of the left.

Let us examine then, what has taken place between my earlier Policy Committee statement of March 25 and the present. Does SDS mean business?

First of all, across the Nation SDS has been moving into and organizing high school students to initiate disruptions. Whereas issues such as the Vietnam war and so-called racism are the main focal points of SDS activity at institutions of higher learning, these issues are not nearly so popular in high schools where political awareness is considerably less.

Not surprisingly, then, the "New Left" is concentrating its high school efforts in nonpolitical areas. Syndicated Columnist Alice Widener, who was one of the earliest reporters to expose the revolutionary activities of SDS, notes that there are "three levels of antiadministration sentiment to be organized and exploited" by high school SDS groups. These are: first, "dress regulations"; second, "attendance"; and, third, "the education itself."

One has only to turn to the suburbs of Washington to find that the SDS prescription is being followed to the letter. The pattern is the same everywhere, of course, including in my own State of Colorado. In fact, I have in my possession an SDS document handed out recently at a Denver East High School basketball game instructing students on how to make homemade bombs and other explosive devices. And in an obvious effort to strike a blow for immorality, SDS handed out a "Sex Relationship Inventory," the contents of which, in my judgment, would not be appropriate for insertion in the CONGRESSIONAL RECORD. I repeat, this material was passed out at a high school in Denver. I think this is quite indicative of how far SDS is willing and able to go in its revolutionary quest.

The most pronounced violence has been seen on our college and university campuses. Following the SDS regional meetings which took place in early February throughout the Nation, the clear and unmistakable pattern of violence and disruption has begun to take shape.

In March, 38 institutions of higher learning were struck. Schools, large and small, were the victims of pre-planned SDS and in some cases "Black Panther" activity.

I ask unanimous consent that a listing of the campuses where major campus disruptions occurred during the month of March be printed at this point in the RECORD.

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

SCHOOL, LOCATION, AND EXECUTIVE OFFICER

Brandeis University, Waltham, Mass. 02154, Morris Abram.

Briarcliff College, Briarcliff Manor, N.Y., C. Adkins.

Buffalo State Univ., Buffalo, N.Y. 14214, Martin Myerson.

California, Univ. of Berkeley, Berkeley, Calif. 94720, Roger W. Heyns.

Chicago City College Wison Campus, Chicago, Ill. 60621, Charles R. Monroe.

Chicago State College, Chicago, Ill. 60621, Dr. Milton Byrd.

Colgate Rochester Divinity School, Rochester, N.Y. 14620, G. E. Bartlett.

Colorado, Univ. of, Boulder, Colo. 80304, J. R. Smiley.

Delta State College, Cleveland, Miss. 38732, J. M. Ewing.

Duke University, Durham, N.C. 27706, D. M. Knight.

Ferris State College, Big Rapids, Mich. 49307, V. F. Spathelf.

Florida State Univ., Tallahassee, Fla. 32306, J. E. Champion.

Harvard University, Cambridge, Mass. 02136, Nathan M. Pusey.

Hiram College, Hiram, Ohio 44234, E. Jagow.

Holy Cross, Coll. of the, Worcester, Mass. 01610, V. Rev. R. J. Swords.

Houston, Univ. of, Houston, Texas 77004, P. G. Hoffman.

Los Angeles City Coll., Los Angeles, Calif. 90029, G. Gooder.

Louisville, Univ. of, Louisvile, Ky. 40208, P. Davidson.

Minnesota, Univ. of, Minneapolis, Minn. 55455, C. M. Malcom.

Nasson College, Springvale, Maine 04083, D. C. Ziemke.

New York, City Univ. of, Queens Coll., Flushing, New York 11367, J. P. McMurray.
New York University, Grad. School of Soc. Work, New York, New York 10003, A. Rosen.
North Carolina, U. of, Chapel Hill, N.C. 27515, C. Sitterson.
North Carolina, Ag. & Tech. College of, Greensboro, N.C. 27411, L. C. Dowdy.
Oklahoma Christian Coll., Okla. City, Okla. 73111, J. O. Baird.
Pittsburgh, U. of, Pittsburgh, Penn. 16802, E. A. Walker.
Princeton University, Princeton, N.J. 08540, Robert Goheen.
Rio Grande College, Rio Grande, Ohio 45674, A. R. Christensen.
Rochester, Univ. of, Rochester, N.Y. 14627, W. A. Wallis.
Rutgers U. in Newark, Newark, New Jersey, Mason W. Gross.
San Francisco State Coll., San Fran., Calif. 94132, S. I. Hayakawa.
Sarah Lawrence Coll., Bronxville, New York 10708, Esther Raushenbush.
State U. of New York, Binghamton, Binghamton, N.Y. 13901, G. B. Dearing.
State U. of New York, Genesco State U., Genesco, N.Y. 14454, R. W. MacVittie.
State U. of New York, Potsdam State U., Potsdam, New York 13676, A. W. Thatcher.
State U. of New York, Stony Brook, Stony Brook, L. I. 11790, J. S. Toll.
Syracuse Univ., Syracuse, N.Y. 13210, W. P. Tolley.
Wagner College, Staten Island, N.Y. 10301, A. D. Davidson.

Mr. ALLOTT. Mr. President, following the self-described "national mobilization" of SDS during the second week of April, campus disorder began to escalate on a scale never before witnessed in America.

Actually, most every campus of any size has been hit with some kind of militant student activity. On some campuses, however, the authorities were firm enough, or the student support was lacking enough, that nothing more serious than a picket line was the result.

However, on our major campuses the situation has been quite different: On April 14, the Washington Post reported, 15 to 20 members of the Students Afro-American Society at Columbia University moved into the admissions office at Columbia to "protest the school's admission policies for black students."

On the same day, 250 demonstrators were occupying a Stanford University research laboratory; a student strike was called by the Oberlin College student senate in Ohio; at Purdue, a group of students began a boycott of the Memorial Union; demonstrating students flew the black nationalist "flag of liberation" from the administration building of Southern University in New Orleans; 250 students at Albright College in Reading, Pa., had control of the college library.

All of this, of course, was taking place while the student strike at Harvard, which had begun on April 9, was continuing. The Harvard strike represented one of the largest and most successful efforts of the radical groups.

The Harvard problem is still not completely settled. A few days after the problems became acute at Harvard, militants caused trouble at Princeton. The Washington Evening Star reported that fistfights broke out "when 100 members of SDS blockaded two Marine Corps recruiters into a campus building."

The following day, the Washington Post reported that student strikes had been set by students at both Columbia and Purdue.

Meanwhile, Cornell's militants staged an armed uprising, for which, I am sad to say, they were granted amnesty by the University. The New York Times of April 21 reported:

Carrying 17 rifles and shotguns, Negro students at Cornell University marched out of the Student Union Building today, ending a 36-hour occupation.

A few minutes later, rifle carrying students stood by in front of the cottage that the Negro students used as their headquarters while university officials signed an agreement. This called for the Dean of the Faculty, Robert D. Miller, to recommend to a full faculty meeting tomorrow that a judicial proceeding against five black students "be nullified."

The administration also capitulated to a series of other demands by the Afro-American Society including:

University legal assistance against any civil charges arising out of the occupation of the buildings.

A promise that the university would press no civil or criminal charges or other forms of punishment against the occupiers and would assume all responsibility for damages to the building . . .

In recent days, within the week, we have seen student disorders here in the Washington area at American University, George Washington University, the University of Maryland, and Howard University.

Student militants had made it quite clear that they wanted to take control of the Washington area universities so that, via television coverage around the world, the message would be clear that SDS and their fellow travelers have the power to disrupt colleges right in the shadow of the Capitol.

Because, however, a long awaited reaction is beginning to set in among moderate students whose sole purpose is to obtain an education, SDS was unable to achieve its entire goal. At Maryland University, students formed a blockade and refused to allow the militants in a building they were seeking to occupy. At American University, a group of fraternity brothers and athletes formed a party and evicted the SDS crowd one at a time. Some would say, as a number of academicians at American University charged, that the moderate students took matters into their own hands. Actually this is true, but they were forced into this position by the weak and ineffective performance of university administration officials.

Frankly, I view the growing reaction among the students, and indeed the people as a whole, as a hopeful sign that we as a nation are recognizing the student revolution as a national problem, and are stiffening our backbones to meet the challenge.

However, the "Revolution in May" beginning on Thursday is still to come.

If SDS plans are successful, and there is reason to believe that on at least some campuses they will be, then we may be facing the worst week in the history of education in America.

Syndicated Columnist Paul Scott reports in a dispatch from Washington on April 25 that secret workshops held by SDS leaders have taught their followers how to use weapons and explosives, purchased with funds from Cuba, during the current offensive.

Scott says, among the items covered at the SDS workshops, the following were included:

Firing of rifles into student crowds and at police; flushing bombs in toilets to destroy plumbing of school buildings; using sharp tripod metal instruments to halt vehicles; firing Molotov cocktails from shotguns; use of flare guns to set fires; jamming police radio equipment; dropping "thermite bombs" down manholes to destroy communications systems; use of LSD to attract high school students into violent protest.

As is evident by that recitation, we are not dealing with just discontented students who feel they have some legitimate complaints. We are dealing with trained and organized revolutionaries. They may be small in number, but they are effective. Their record since April 12 speaks for itself.

Mr. President, the time has come for responsible members of Congress to focus attention on this dangerous menace. We must talk about it. We must expose these radicals and their true aims. But we must go further than that. We must act and act constructively.

I have stated before, and I still believe, that the primary responsibility for quieting this unrest and stopping the militants rests at the local level. We have no national police force, and I hope that one never becomes necessary. Most of the statutes dealing with disorders and which enable campus administrators, if they want to, to cope with militant confrontations, have been enacted on the State and local levels.

However, we in the Federal Government have some grave responsibilities as well. Each year we contribute nearly one-half billion dollars to students through various aid programs. This is in addition to the millions upon millions of dollars which go to support university and college research, development, and even building programs.

We have the responsibility to see to it that this money is being properly spent. In addition, we in Congress, through our laws and regulations, make it possible for tax-free foundations to contribute additional millions to students. We must see to it that these foundations are not, as I believe some are, distributing tax-free money to student anarchists.

We also have jurisdiction over the activities of students who engage in interstate commerce for the purpose of initiating disorder.

Because SDS and its affiliates have set May 1 to 7 as its target, I hereby announce that on May 1, or if the Senate is not in session, at the first opportunity thereafter, I will take the floor of the Senate to suggest an appropriate approach which I believe the Federal Government should take in this field of campus disorder. I will have additional remarks at that time.

I also intend to call on all Senators, in both parties, who feel as I do on this subject, to join me in discussing various aspects of the situation, and to, if they

also so choose, introduce legislation they may feel is appropriate to the situation.

Obviously we will not agree on every point, but in our own way the Senate can conduct for the American people a "teach-in" of its own which can, in my judgment, go a long way toward exposing and correcting this very serious threat to our Nation.

I ask Senators to join me in this effort. I will hold the floor for as long as Senators are present who wish to discuss the problem.

It is high time that the views of the majority in this Nation be heard with the same intensity as the views of the militant minority.

It is my hope to make a contribution toward that end.

PRESIDENT NIXON'S STATEMENT LAUNCHING THE 12TH ANNUAL NATIONAL LIBRARY WEEK

Mr. JAVITS. Mr. President, President Nixon has issued an eloquent statement launching the 12th annual National Library Week which the Nation is commemorating from April 20 to 26. As the President has noted:

> Never have our libraries played a more prominent role in our campaign against ignorance and for fullness of educational opportunity.

The three major Federal library programs already on the statute books—the Library Services and Construction Act, title II of the Elementary and Secondary Education Act, and title II of the Higher Education Act—are evidence of the Nation's acknowledgment of the library's role in the campaign against ignorance referred to by President Nixon. These programs, whose level of funding must be maintained, have proved their worth well in strengthening our national library systems.

I ask unanimous consent that the statement be printed in the RECORD.

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

> Libraries are the banks of our educational system. And they yield rich dividends in knowledge and in wisdom. They are a summing-up of past achievement and a stimulant to future progress.
>
> Never have we had greater reason than this year to celebrate National Library Week. For never have our libraries played a more prominent role in our campaign against ignorance and for fullness of educational opportunity.
>
> Change is sweeping our academic institutions. Our libraries are sensitive to the currents, responsive to the tide.
>
> Modern technology is revolutionizing our system of public information. Our libraries, with new programs and new media techniques, have become exciting and effective centers of innovation.
>
> The need to bring the benefits of better education to those who have been bypassed by existing programs is more imperative than ever. By extending their services throughout the communities of America, our libraries immeasurably advance our goal, and perform the highest public good.
>
> For these and all their selfless efforts to serve, I congratulate America's librarians—a dedicated profession of men and women who enrich their fellow citizens, their communities, and their country.
>
> RICHARD NIXON.

THE BATTLE AGAINST ORGANIZED CRIME

Mr. TYDINGS. Mr. President, last week the President sent a message on organized crime to the Congress. He outlined the considerably expanded program he intends to launch to begin dealing in a realistic sense with the challenge of organized crime to our society. As we consider this program, I think it most important that we see it in proper perspective, and that we be prepared to add creatively to the proposals before us. For these reasons, I will today discuss the immensity of the challenge we face and some proposals I have placed before the Senate to assist in coping with that challenge. My remarks are largely based upon testimony I gave before the Senate Subcommittee on Criminal Laws and Procedures with respect to S. 974, S. 975, and S. 976, three organized crime control measures I have introduced in the 91st Congress.

Concern with organized crime is not new, but because it is a problem which will require such a massive effort to overcome, and because there are no easy or readily apparent solutions, public interest waxes and wanes. Sensational headlines breed heat and emotion; public investigations raise demands for action. But the interest so generated among members of the general public lags and dies before effective measures can be implemented. One of the greatest difficulties in the battle against organized crime has been the element of time—it will require years to successfully cope with it, and it is not reasonable to suppose that public interest can be sustained for such a period of time.

It is important that we take steps to reactivate the Federal effort to combat organized crime, which appears to have lost much of its impetus. In this area perhaps more than in any other, sustained attack is essential. Here we are dealing with a virtual hydra with seemingly unlimited powers of regeneration. We must not deceive ourselves by believing that the arrest and conviction of a handful of numbers racketeers or dope peddlers has made a significant inroad into the organization. These are only the warrior ants—the so-called soldati—who are more easily replaced by the organization than they are removed from circulation by the authorities. We must literally dismember the organizations, and this is a project not easily accomplished. It will take the efforts of many people, in public and private life, over the course of many years. In the meantime we must do all within our power to focus attention and activity on organized crime, and to provide those who are combating it with better, more effective weapons for their effort.

Organized crime is one of the largest, most diversified, and most profitable industries in the United States. A complex organization, designed very effectively to shield its chiefs from successful prosecution, it has annual profits of untold billions of dollars.

Its effects are felt at every level of our society, from the harassed borrower, who feels its pinch in the usurious rates enforced by the savage and voracious loan shark, to the housewife who pays an extra cent or two for bread because of syndicate infiltration of a legitimate business or its supporting labor union.

The situation is the more unfortunate because it is so often the poor who are most directly and severely injured. The greatest single source of revenue for organized crime is its gambling activities, which net an estimated $7 to $50 billion a year.[1] According to the Intelligence Bureau of the Internal Revenue Service, persons who place illegal bets provide untaxed profits to the underworld at the rate of more than $600,000 per hour.[2] A great portion of this is gained through numbers rackets, draining from the poorest inhabitants of our ghettos and slums and their families precious dollars which should be spent for food, shelter and clothing.

Most criminal activities of the syndicate are two party transactions in which both parties are interested with successful completion of the act. The placing of a bet or delivery of a "fix" are the kinds of crime which most often go unreported. Organized criminal activity is often not so visible as so-called "crime in the streets," but its impact on the fiber of our society is certainly as great if not greater.

Even when these isolated incidents come to light, our local police forces are not really equipped to deal with them. Our law enforcement structure is unsuited to the growth of new kinds of crimes—and organized crime is, in the history of law enforcement in this country, relatively new.

It is true that we have always had some form of organized crime, if we look upon the frontier gangs of the last century as in some sense comparable to La Cosa Nostra of today. Nevertheless, the Crime Commission concluded that the "American System was not designed with organized crime in mind; and it has been notably unsuccessful to date in preventing such organizations from preying on society." The problem is further complicated, as I indicated before, by corruption of the local enforcement and political systems.

These considerations lead to the conclusion that, if we are to attain significant degrees of success, the battle against organized crime must depend heavily on Federal participation and leadership. Crime, and especially organized crime, does not respect our traditional State and local political boundaries. It reaches from center-city to suburb to rural area, and across State lines. Our attack must be nationwide. It must be spurred by the lead of the Federal Government.

The Safe Streets Act of 1968 contained provisions for funds to improve local units for dealing with organized crime. Yet if the conclusions of the Crime Commission are accurate, it is unlikely that these funds will be sought by the areas

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[1] President's Commission on Law Enforcement and Administration of Justice, *Task Force Report: Organized Crime* 3 (1967).

[2] House Committee on Government Operations, Federal Effort Against Organized Crime: Report of Agency Operations, H.R. Rep. No. 1574, 90th Cong., 2d Sess. 6 (1968).

which need them most or that, if sought, they will ultimately be put to the use for which they are intended.

The Federal participation I am speaking of is the active and sustained involvement of Federal agencies, under the leadership of the Justice Department, in uncovering and prosecuting organized criminals. Federal involvement in the fight against organized crime of one form or another stretches back over half a century. But it has only been since the meeting of the Attorney General's Conference on Organized Crime in 1950, and the investigations of the Senate Select Committee To Investigate Organized Crime in Interstate Commerce that we have been committed to a sustained Federal effort. The Kefauver Committee said that, while Federal agencies cannot be substituted for State and local enforcement in dealing with organized crime, the Federal Government must provide leadership and guidance, establish additional techniques for maximum coordination of law enforcement agencies, take a positive approach in using its power to fight organized crime, and seek legislation when its powers are insufficient.[3]

In 1954 the Organized Crime and Racketeering Section of the Justice Department, a part of the Criminal Division, was organized to coordinate Federal activities in this field. At the time of the famous Appalachian meeting 3 years later, the Organized Crime Section had a staff of 10 attorneys.

As a result of the discovery of the Appalachian conference, the Attorney General appointed a special group on organized crime in April of 1958, which pursued the activities of individual attendants of the conference and conducted grand jury investigations. This group was disbanded after trial, and many of its functions transferred to the Organized Crime Section. The group also recommended that an Attorney General's Office on Syndicated Crime be established to spearhead the fight, and coordinate Federal efforts. Many of its recommendations still remain to be implemented, and some are among the legislative proposals that are being considered by the Criminal Laws and Procedures Subcommittee and being proposed by the President.

The next focus on organized crime came through the activities and investigations of Senator McCLELLAN's Select Committee on Improper Activities in the Labor and Management Field. That investigation revealed the significant and greatly disturbing extent to which organized criminals had infiltrated legitimate business enterprise and labor unions.

However, by 1960 the Organized Crime Section still had only 17 attorneys on its staff. It was not until the Attorney Generalship of Robert F. Kennedy that the Federal effort took a new direction and began to develop the staff and resources which were needed then and which must be marshaled now if we are to cope with the menace of the syndicates.

[3] House Committee on Government Operations, Federal Effort Against Organized Crime: Report of Agency Operations, H.R. Rep. No. 1574, 90th Cong., 2d Sess. 12 (1968).

By 1963 there were 60 attorneys in the Organized Crime Section, and investigative and prosecutorial activities of the section reached unprecedented heights.[4] Unfortunately the effort was too much reliant upon the personal drive and interest of the Attorney General, and, as the statistics indicate, there was a decline in activity after his departure from the Justice Department.

Since 1966 and the presidential directives of that year, activity in the Organized Crime Section has again picked up. But it is tremendously important that we do not risk another decline in interest and activity—such relapses lose years in the drive, causing irreparable damage. We cannot any longer permit the extent of the Federal activity against organized crime to depend upon the personal interest of individuals who must necessarily allocate their time and efforts in many directions—the Attorney General and the Assistant Attorney General for the Criminal Division.

The Assistant Attorney General finds himself in a situation where he is forced to concentrate his efforts on either organized crime and racketeering or the general crime fighting activities of the Justice Department, the latter including administrative regulations, appeals, fraud, and more general crime. Yet, the two are simply too extensive for any single man to adequately handle. The Federal commitment to fight organized crime must be institutionalized so that it will survive the passage of individuals and changes of administrations.

It is for this purpose that I introduced S. 974, to elevate the Organized Crime and Racketeering Section to the status of a division. The bill accomplishes this by creating an additional position of Assistant Attorney General and designating him as the Assistant Attorney General for Organized Crime. It further adds a new section to title 28 of the United States Code defining his powers and responsibilities. Essentially these include the supervision of all investigations and prosecutions for organized criminal activities, and the supervision of the activities of the U.S. attorneys in the field of organized crime. The proposal also authorizes him to employ such additional professional personnel and specialists as he finds necessary to properly carry out his duties.

I note that both the creation of a division level operation in the Justice Department to manage and coordinate organized crime activities and a significant increase in staffing for those efforts are recommendations of the President's Commission on Crime.[5]

There are a number of reasons why the Organized Crime Section should be elevated to a division.

It is divisional in responsibilities, as I have indicated above. It is supposed to coordinate the efforts of as many as 25 Federal agencies in the overall battle against organized crime and to collect and analyze all of the information they uncover; as the result of a Presidential policy statement in 1966 and an Executive order in 1968 it is the focal point in the drive against organized crime. Yet those Presidential orders were necessary because the Justice Department, perhaps because of the lack of statutory directive or authority, had not adequately taken the lead. S. 974 makes it clear where the authority and responsibility should be. I do not believe that the Organized Crime Section can meet the responsibilities of leadership and coordination set out by the report of House Committee on Government Operations last year without divisional status and a clear statutory mandate of authority and responsibility.

All responsibility for organized crime activities of the Justice Department itself should be allocated to the division. Traditionally, the divisions have been created on an analytical basis, based on the statutes that are administered. The fight against organized crime cuts across these analytical lines, and must be dealt with on a functional basis. For example, organized crime litigation often involves tax and civil litigation as well as criminal prosecutions. Today these activities are handled on the basis of the traditional division. As a result, no one takes an overview of the entire scheme of activities with a view to doing what is best in terms of furthering the fight against organized crime.

A tax case may appear unlikely of success, and, in the view of the Internal Revenue Service and the Tax Division not worthy of pursuitive terms of the revenue or tax principles involved. But it may concern a significant, high ranking member of La Cosa Nostra, and, from the aspect of potentially removing him from active service, be worth the expenditure involved and more. The decision whether the case should be pursued should not occur without the potential impact on organized crime having been carefully assessed.

I think it most important that we realize that organized crime is a unique and particularly devastating kind of crime. As part of a concerted, on-going activity it has a significantly different impact on our society, our economy, our political way of life, and it calls for a different, more broad sighted approach on the part of our law-enforcement agencies.

It has been suggested that elevation of the Organized Crime Section to division status, parallel with the Criminal Division, would lead to conflicts of jurisdiction and duplication of efforts. Where conflicts of jurisdiction might arise, they would serve the useful function of pointing up areas where crimes should be investigated and prosecuted as part of an ongoing concerted activity rather than individual incidents. I would expect that such conflicts could be amicably resolved, just as I would expect that lines of communication between the divisions could readily be established which would prevent duplication of effort.

There are numerous functions of the Organized Crime Section which should each be managed by a section by itself. There should be an Electronic Sur-

[4] 115 Cong. Rec. p. 5883 (March 11, 1969).

[5] President's Commission on Law Enforcement and Administration of Justice, *Task Force Report: Organized Crime* 22 (1967).

veillance Section to supervise operations under title III of the Safe Streets Act of 1968. This will be the more important if the Justice Department implements that title to the extent that we have been told it intends to. Another section should be created to coordinate with the State and local law enforcement units, and to conduct the training programs which the division is directed to conduct under my bill. Still another section should coordinate the collection and computerization in a central data system all of the information relating to organized crime that is collected by the numerous Federal and State agencies which have some exposure to the field.

Another provision of S. 974 authorizes the Assistant Attorney General to supervise the acquisition, location, and management of Federal facilities for the protective housing of persons testifying in investigations or prosecutions concerning organized crime.

I cannot emphasize too greatly the importance of this seemingly simple provision. The Crime Commission pointed out that "under present procedures too few witnesses have been produced to prove the link between criminal group members and the illicit activities that they sponsor."

The victims of organized criminal activity usually do not testify either because the crime is consensual, as I suggested above, or because they fear for their lives.

I have had to face this problem directly during my years as a U.S. attorney in Maryland. Victims did not testify then, they did not testify when my predecessor held office, and they do not testify today, for those reasons. The addict will not turn in his pusher, because he relies on that criminal for a "fix." The victim of extortion, already forced by fear to pay, will not then risk his life.

Insiders are kept quiet by an ideology of silence, underwritten by a completely realistic fear that death comes to those who talk—often not mere death, but death by torture.

Photographs of some of those grisly crimes have been shown to loan shark victims to secure repayment of their debts. Can people such as these victims really be expected to step forward to testify?

Unimplicated witnesses have been, and are now, regularly bribed, threatened, or murdered. Scores of cases have been lost because key witnesses turned up in rivers in concrete boots. Victims have been crushed—James Bond-like—along with their automobiles by hydraulic machines in syndicate-owned junkyards.

It is true that significant cases have been made by law enforcement agents, and they have been based in large part on the testimony of brave witnesses.

The Department of Justice has had the finest investigation resources in the Nation. As I suggested earlier, the Organized Crime Section is understaffed, overworked, and underpaid. But it is staffed by honest, competent, imaginative and dedicated men, as have been the FBI, IRS, and Federal Bureau of Narcotics agents assigned to organized crime.

But look at the record. Between 1961 and 1968, the number of federally secured convictions of organized criminals rose from 73 to 520. That was a real accomplishment, but it scarcely touched the principal families of La Cosa Nostra.

La Cosa Nostra has 5,000 members. Between 1961 and 1968 indictments were obtained against 290; convictions, against 147. That is 3 percent. Of the 147, the most significant portion were convicted of tax evasion. La Cosa Nostra members are learning that by declaring on their tax returns more and more under "miscellaneous income," they can avoid prosecution.

To effectively strike against organized crime, we must strike it at all levels. But it is intentionally structured to avoid conventional sources of evidence. For these reasons, Mr. President, we must take steps to encourage the giving of evidence, to enable the compulsion of evidence, and to render it less difficult to secure convictions where we do obtain evidence.

Providing physical protection for witnesses willing to testify is one of the steps we can take.

Providing immunity, so that we may constitutionally compel testimony is another. This is the purpose of S. 975, which permits the Attorney General or an Assistant Attorney General designated by him for the purpose, to approve the granting of immunity from prosecution for Federal offenses revealed in the testimony of a witness.

The final bill that I will discuss today is S. 976, a provision which gives a judge authority to commit persons who have been convicted of a crime which he finds to have been part of an ongoing scheme of organized criminal activity, to terms of up to 30 years of imprisonment.

This measure was recommended by the President's Crime Commission, and a special committee of the American Bar Association. As drafted it is based on the efforts of the American Law Institute, included as part of the Model Penal Code, and the Advisory Council of Judges of the National Council on Crime and Delinquency in the Model Sentencing Act.

These provisions were carefully drafted to meet potential constitutional objections, and I believe they will pass a constitutional muster. The circumstances under which the law can be brought to play are narrowly defined. It applies only to felony convictions, where the court finds that: the defendant is 21 years of age or older, the felony was committed as part of a continuing criminal activity in concert with one or more persons, and that because of the dangerousness of the defendant such period of confined correctional treatment or custody is required for the protection of the public.

The defendant is given the protection of a full hearing on the question of whether the provisions should be invoked, where he will be represented by counsel, and has a right to introduce evidence to resist application of the section to him.

The recent Presidential message on crime to which I adverted at the outset of these remarks was most encouraging because it reflects the emphasis the President is placing on the fight against crime and especially against organized crime. In considering this program, however, there are two factors which I think it important that we keep in mind.

The first factor is urgency. For example, the President called for a reappraisal of the internal organization of the organized crime fighting activities of the executive branch. I hope that any reorganization will include the creation of an Assistant Attorney General for organized crime such as I have proposed. While I am gratified that the need for reappraisal has been recognized, I urge that we are rapidly approaching the time for decision. We should not wait unduly, certainly not the length of time that would be required for any extensive Justice Department or executive branch reorganization. An Assistant Attorney General for organized crime is needed today, if we are to mount and coordinate a successful attack on organized crime. When any further proposals for reorganization are made, this position could be incorporated into any new scheme.

The second factor is the need for a program that will have long term affectiveness. The President's substantive program focuses primarily on gambling. It is important to go after the gambling enterprises. They are a major source of income for La Cosa Nostra, and they are particularly destructive because they prey upon the impoverished elements in our society.

But I hope that it will not become a program which is designed with a primary objective of accumulating impressive statistics to show each year to congressional committees. It is far easier to pick up a local numbers peddler and to mount successful prosecution against him, than to prosecute the major Mafia figures. But we must not permit ourselves to be deluded into believing that the success of our efforts will be measured solely in the number of convictions obtained which can be listed under "organized crime" on the fact sheets. In the long run, we must make a coordinated, more central attack on the principal families of La Cosa Nostra.

We must combat loan sharking and extortion. We must counter the infiltration of legitimate businesses. We must combat corruption of our local law enforcement and political officials, thereby freeing our local agencies to combat more evident problems like gambling. We must concentrate efforts on the leaders of the organization. These efforts will concededly not show the same quick apparent successes. But so long as the generals are permitted to continue their careers unhampered, they will be able to enlist their soldiers faster than law enforcement agencies can round them up.

ADDRESS BY SENATOR CASE ON AID TO COMMUNITY COLLEGES

Mr. JAVITS. Mr. President, the Senator from New Jersey (Mr. CASE), who introduced the legislation which initiated our Federal program of aid to 2-year colleges, returned recently to the institution which sparked his interest and prompted introduction of the legislation.

I believe Senator CASE's remarks on that occasion are worthy of the attention of the Senate. I ask unanimous consent that they be printed in the RECORD.

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

INTRODUCTORY REMARKS BY SENATOR CLIFFORD P. CASE AT A SEMINAR WITH HIGH SCHOOL AND ATLANTIC COMMUNITY COLLEGE STUDENTS AT ATLANTIC COMMUNITY COLLEGE, MAYS LANDING, N.J., MONDAY, APRIL 21, 1969

It is a great pleasure to be here today, not only because I expect to pick up a very quick liberal education from you, but also because Atlantic Community College has a special meaning for me.

Education has always been my special "thing," you might say. But community colleges such as this one represent to me a new beginning—a beginning of widespread recognition of the need for higher education facilities close to home.

It was the problems encountered in creation of this institution which first brought into sharp focus for me the need for a federal program of assistance to community colleges. As a result of that demonstrated need, I introduced legislation in August of 1957 to provide for federal support of two-year colleges. This legislation was incorporated into the Higher Education Facilities Act in 1965.

Since that provision became law, enrollment in community colleges in this country has grown to more than 1 million. That is almost double what it was in 1965, when federal aid for community colleges first became available.

So, in a sense, Atlantic Community College is responsible for helping to make an education possible for hundreds of thousands in this country.

The Nixon Administration just last week demonstrated that it recognizes the high place that community colleges deserve among our educational institutions.

In a year in which our economic situation has led the budget cutters to spare almost no federal program, President Nixon's budget provides for interest subsidies which will make an additional $40 million in loans available for construction of new community colleges.

Added to what was proposed previously, that would make $70 million available for loans to finance construction of these institutions in the next year. The Nixon budget also proposes $43 million in direct grants for construction of community colleges, the same amount proposed in the budget of the Johnson Administration just before it left office in January.

So far, so good.

But it isn't enough.

The amount provided for grants is only about half of the amount provided in last year's budget and even that was insufficient to finance even a quarter of the eligible applications which were submitted.

In New Jersey last year, only one of four applications for federal aid was approved. And many institutions did not even file applications because they felt it was hopeless. New Jersey State Education officials estimate that 10 times as much federal aid as was available could have been used in our state alone.

New community college programs among other education bills have been introduced in the Congress this year. Many of the proposed measures are needed and I am supporting them. But it is obvious to me that our greatest need is to provide adequate funds for the programs we already have.

And as a member of the Senate Appropriations Committee, I intend to work for adequate funds for the vital educational programs we already have on the books.

I know of no better investment for the nation.

NEW THEATER OF THE ABSURD

Mr. McINTYRE. Mr. President, I ask unanimous consent that a perceptive editorial published in the April 28, 1969, issue of the New York Times be printed in the RECORD at the conclusion of my remarks.

Mr. President, the exchange between the distinguished Senator from Wisconsin (Mr. PROXMIRE) and the distinguished Senator from Louisiana (Mr. LONG), served to point out the absurdity of the oil industry's position on mandatory oil import quotas and the logic of the New York Times' observation:

If vast domestic reserves of crude oil are essential to the national security, why not take effective action to conserve them by removing the quotas on imports?

This removal would have great beneficial effects on our domestic economy. It would enable the domestic petrochemical companies to compete effectively in the world market and would lead to more jobs for American workers. For example, the proposed refinery at Machiasport would form the nucleus for untold industrial development in New England. The cheap raw material it would supply and the low cost energy would cause industry in New England to burgeon.

I recommend this editorial wholeheartedly to Senators as we consider the complex issue of oil imports. The oil companies will try to throw up a smokescreen of complexities, but all those arguments lie exposed in this exchange of views.

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

NEW THEATER OF THE ABSURD

Senator Russell B. Long of Louisiana faithfully serves his petroleum constituency; so faithfully, in fact, that he recently brought the theater of the absurd to the floor of the Senate in a bizarre defense of the mandatory oil import quotas.

According to the argument tirelessly repeated by the oil interests, the mandatory import quotas were imposed in order to promote the "national defense," not to keep domestic prices above world levels at the expense of American consumers. Senator William Proxmire of Wisconsin punctured that oleaginous myth by pointing out that ample supplies are available from Canada in the event of an emergency. There ensued the following colloquy:

Mr. Long: ". . . How does the Senator know whether a war would not break out between the United States and Canada? . . . That could happen. Has the Senator ever heard of the War of 1812?"

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 could hold up our ability to produce oil in this country?"

Mr. Long: "It is entirely conceivable to the Senator from Louisiana."

From that Mr. Long went on to posit the possibility of a prolonged, non-nuclear war between Russia and the United States in which domestic oil would again play a pivotal role. All this brave voyaging in the nightmare world of foreign policy helped divert attention from the hard fact that oil import quotas are costing the American consumers $5 to $7 billion a year in artificially high prices on petroleum products.

Senator Philip A. Hart of Michigan, chairman of the Senate Antitrust Subcommittee, provided brilliant documentation of the case against the import quotas in a recent series of hearings. Independent experts were virtually unanimous in characterizing the import quotas as an unnecessary burden upon consumers and a deterrent to efficiency and long-run profitability in the oil industry.

Domestic interests will have an opportunity to reply at future hearings. Perhaps they can then answer a question to which Senator Long, in his thespian role, did not address himself. If vast domestic reserves of crude oil are essential to the national security, why not take effective action to conserve them by removing the quotas on imports?

OIL IMPORT QUOTAS

Mr. LONG. Mr. President, the Senator from New Hampshire has placed in the RECORD an editorial from the New York Times which made reference to the Senator from Louisiana. That editorial is a good example of how an editorial writer can make someone look bad by lifting his remarks out of context.

When I made my remarks referred to in the editorial, I was making the point that in the event this country becomes engaged in a war we have no assurance that we could obtain oil out of Canada. The editorial did not quote the remainder of my remarks in which I said that although one would certainly not expect that Canada would be against us, one might have said the same thing about Cuba 20 years ago. I also pointed out that there could be a number of reasons why a country might not agree with us in the event we got into a war and thus might not send us essential comodities necessary to carry on that war.

Furthermore, I can conceive of a situation where if war broke out between the United States and an unfriendly power, those in Canada might find themselves faced with some of the same problems as faces the United States today. Groups of young militants such as the Students for a Democratic Society could easily engage in highly disruptive conduct such as boycotts, or the shutting down of plants or universities. A normally friendly nation producing oil might find that for their own self interest they do not openly side with the United States or even conduct normal trade with us.

Thus there is no complete assurance that an unfriendly element in Canada would not make it difficult or even impossible for that nation to export oil to us. In addition, a foreign power could sink all of the tankers headed in our direction or they might seek to destroy the pipelines and refineries of the other country.

If this country is going to rely on Canada for fuel to fight a war, we should have a treaty which covers this subject. Today we have no such treaty. If we were to rely on that country for oil we certainly should have a commitment in which they promise to deliver oil when needed in times of war as well as peace.

Mr. President, this editorial concludes by saying that if oil is so essential to the national security, why do we not leave it in the ground here and rely on foreign imports entirely during peacetime? I think I explained in the same

debate about which the writer has written why that would not work.

I believe I explained that if you want to produce oil and have no wells, the first thing you need is steel to drill the wells, you need machinery to drill the wells, and you need people to drill the wells. Any force that is attacking you, Mr. President, would be attacking the steelmills at the same time, so that you very likely could not get steel to put the wells in the ground.

Mr. President, this is the type editorial in which one lifts something out of context to make someone look absurd, which I must say is quite unlike the New York Times. Usually New York Times editorials are well taken.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not, morning business is concluded.

LEGISLATIVE AND JUDICIAL SALARY ADJUSTMENTS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 120, H.R. 7206.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows:

H.R. 7206, a bill to adjust the salaries of the Vice President of the United States and certain officers of the Congress.

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

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Post Office and Civil Service, with an amendment, on page 2, after line 15, strike out:

SEC. 3. The amendments made by this Act shall become effective on March 1, 1969.

And, in lieu thereof, insert:

SEC. 3. Subparagraph (C) of section 225(f) of the Postal Revenue and Federal Salary Act of 1967 (Public Law 90–206; 81 Stat. 643) relating to the functions of the Commission on Executive, Legislative, and Judicial Salaries, is amended to read as follows:

"(C) justices, judges, and other personnel in the judicial branch referred to in section 402(d) and 403 of the Federal Judicial Salary Act of 1964 (78 Stat. 434; Public Law 88–426) and the judges referred to in the amendments made by paragraphs (2), (3), and (4) of section 306(i) of the Federal Executive Salary Act of 1964 (78 Stat. 431; Public Law 88–426); and".

SEC. 4. (a) Section 11–102(d) of the District of Columbia Code is amended by striking out "$29,000" and "$28,500" and inserting in lieu thereof "$38,500" and "$38,000", respectively.

(b) Section 11–902(d) of the District of Columbia Code is amended by striking out "$28,000" and "$27,500" and inserting in lieu thereof "$37,500" and "$37,000", respectively.

(c) The first sentence of the second paragraph of section 2 of the District of Columbia Revenue Act of 1937, as amended (D.C. Code, sec. 47–2402), is amended by striking out "$27,500" and inserting in lieu thereof "$37,000".

SEC. 5. (a) Sections 1, 2, and 4 of this Act shall become effective on March 1, 1969.

(b) Section 3 shall become effective upon enactment.

So as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 104 of title 3, United States Code, relating to the per annum rate of salary of the Vice President of the United States, is amended to read as follows:

"§ 104. Salary of the Vice President

"The per annum rate of salary of the Vice President of the United States shall be $62,500, to be paid monthly.".

SEC. 2. (a) The second sentence of section 601(a) of the Legislative Reorganization Act of 1946, as amended (2 U.S.C. 31), relating to the compensation of the Speaker of the House of Representatives, is amended by striking out "$43,000" and inserting in lieu thereof "$62,500".

(b) The third sentence of section 601(a) of the Legislative Reorganization Act of 1946, as amended (2 U.S.C. 31), relating to the compensation of the Majority Leader and the Minority Leader of the Senate and the Majority Leader and the Minority Leader of the House of Representatives, is amended—

(1) by striking out "$35,000" and inserting in lieu thereof "$55,000";

(2) by inserting "the President pro tempore of the Senate," immediately following "compensation of"; and

(3) by inserting a comma immediately following "Minority Leader of the Senate".

SEC. 3. Subparagraph (C) of section 225(f) of the Postal Revenue and Federal Salary Act of 1967 (Public Law 90–206; 81 Stat. 643) relating to the functions of the Commission on Executive, Legislative, and Judicial Salaries, is amended to read as follows:

"(C) justices, judges, and other personnel in the judicial branch referred to in section 402(d) and 403 of the Federal Judicial Salary Act of 1964 (78 Stat. 434; Public Law 88–426) and the judges referred to in the amendments made by paragraphs (2), (3), and (4) of section 306(i) of the Federal Executive Salary Act of 1964 (78 Stat. 431; Public Law 88–426); and

SEC. 4. (a) Section 11–702(d) of the District of Columbia Code is amended by striking out "$29,000" and "$28,500" and inserting in lieu thereof "$38,500" and "$38,000", respectively.

(b) Section 11–902(d) of the District of Columbia Code is amended by striking out "$28,000" and "$27,500" and inserting in lieu thereof "$37,500" and "$37,000", respectively,

(c) The first sentence of the second paragraph of section 2 of the District of Columbia Revenue Act of 1937, as amended (D.C. Code, sec. 47–2402), is amended by striking out "$27,500" and inserting in lieu thereof "$37,000".

SEC. 5. (a) Sections 1, 2, and 4 of this Act shall become effective on March 1, 1969.

(b) Section 3 shall become effective upon enactment.

Mr. THURMOND. Mr. President, I cannot support H.R. 7206, and I should like to comment briefly on my reasons for opposing this legislation.

In the last session of Congress I voted against the bill which established the Commission on Executive, Legislative, and Judicial Salaries. During this session of Congress I opposed the tremendous increase in salaries for certain members of the executive branch, the judiciary, and Members of the House and Senate. As I have stated before, our economy is still in an inflationary spiral. In order to combat this inflation and to prevent the constant increase in prices which affects all of our citizens, it is necessary that the executive branch and the Congress exercise restraint in Federal spending. I find it incomprehensible that we go to the people and ask them to economize and yet we pass huge salary increases for ourselves and other officials in Government.

Mr. President, the mail I have received from my constituents and from all over the country reflects the outrage which the citizens justifiably feel at what they consider the irresponsible actions of the Congress on this matter. I, of course, realize that the individuals covered by this bill have exceptional expenses and often are required to make financial sacrifice. Nevertheless, there seems to be no lack of applicants who are highly qualified for these positions, and I think we have an obligation to the people at this particular time to apply the same standards to high officials in our government as we must necessarily apply to various programs. I believe this whole series of tremendous salary increases is most unwise and I will continue to create difficulties as the Congress attempts to deal with the serious problems of excess Government spending.

WAIVER OF RULE VIII

Mr. THURMOND. Mr. President, I ask unanimous consent that rule VIII be waived so that I may speak at this time.

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

THE SAFEGUARD ABM SYSTEM

Mr. THURMOND. Mr. President, during the current national debate about the Safeguard ABM system, it would be a mistake not to look at the international situation from the Soviet point of view. We frequently hear expressed sentiments of hope and confidence that the Soviet Union and the United States are slowly but surely heading toward peace and that only the remaining differences between us need to be negotiated away before confrontation completely disappears.

I doubt that there is anyone in the United States who does not sincerely hope this to be the case. From the standpoint of the United States, our intentions are honorable.

However, this hope must not be confused with reality in the way in which reality is looked upon by the Soviet Union. In Sunday's Washington Post, a dispatch from Moscow by Anatole Shub reports on a very grave pronouncement coming from the very highest levels of the Soviet Party structure. Shub points out that an article in the magazine Kommunist, the official monthly of the Soviet Communist Party Central Committee, sets forth the new Soviet line as regards nuclear war. This new Soviet line turns out to be a resurgence of the standard Marxist-Leninist doctrine of inevitable war against the capitalist nations. The article is by Gen. Alexi Yepishev, who is head of the Main Political Administration—MPA—of the Soviet Defense Ministry. He is in effect the

Chief Commissar for the Soviet Armed Forces, guaranteeing that the military stay obedient to the official party line. In this role, Yepishev's statements come right from the highest decisionmaking centers of the Soviet Union.

Yepishev says that Western attempts to brand nuclear war as such unacceptable were aimed merely "to confuse the popular masses concerning the class-political character, the true purposes of a possible war."

Yepishev says that a series of frightful clashes between communism and the West is inevitable, even though we are in the nuclear age. He says that such a war on the part of the imperialist states would be a continuation of the aggressive policies of imperialism. But from the side of the Soviet Union, it would be "a continuation of the revolutionary policies of freedom and independence of the Socialist state, a guarantee of the construction of socialism and communism, a legal and justified counteraction to aggression."

Mr. President, these statements by Yepishev and the decisionmakers in the Kremlin show clearly that the Soviet Union has not lost its desire to dominate the world. We cannot build our policies toward the Soviet Union on the basis of trust and cooperation as long as the Soviets maintain this desire. Rather, we must prepare on the basis of realism to counter any threat that they may put up. We have seen in recent weeks that the Soviets are backing up their words with significant escalations of their offensive missile systems. It is only commonsense that we should at least take measures against these systems. The President's ABM Safeguard system is purely defensive.

Mr. President, I ask unanimous consent that the article "Russian Says West Plots War, Warns It Would Be Loser," from the Washington Post of April 27, 1969, be printed in the RECORD.

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

RUSSIAN SAYS WEST PLOTS WAR, WARNS IT WOULD BE LOSER

(By Anatole Shub)

Moscow, April 26.—The chief political commissar of the Soviet armed forces charged today that Western "imperialists are hypocritically preparing for a new world war," but that World War III would "guarantee the construction of socialism and communism."

Gen. Alexei Yepishev, head of the chief political administration of the Soviet Defense Ministry, made these chilling declarations in an article in Kommunist, official monthly of the Soviet Communist Party Central Committee. His remarks seem likely to arouse further anxiety in Western circles already concerned that SS-9 and other new Soviet nuclear rockets may be designed for a pre-emptive "first strike."

Yepishev declared that "certain ideologists of imperialism, political and military figures of the capitalist states, are trying to prove that the Leninist formula, characterizing war as the continuation of politics by forcible means, is 'outdated,' that it is somehow incompatible with nuclear war; that such a war would not have a class-political content, would not represent the continuation of the politics of states and various classes."

The Soviet leader declared that such Western attempts to brand nuclear war, as such, unacceptable, were aimed merely "to confuse the popular masses concerning the class-political character, the true purposes of a possible war."

According to Yepishev, "classical Leninist teaching," which holds that "a series of frightful clashes" between communism and the West is "inevitable," still applies in the nuclear age.

"A third world war," Yepishev said, "if imperialism is permitted to start one, would be the decisive class conflict between two antagonistic social systems.

From the side of the imperialist states, this war would be a continuation of the criminal, reactionary, aggressive policies of imperialism. From the side of the Soviet Union and the countries of the socialist community, it would be the continuation of the revolutionary policies of freedom and independence of the socialist state, a guarantee of the construction of socialism and communism, a legal and justified counteraction to aggression.

Yepishev's article, devoted to ideological preparation of Soviet armed forces, appeared to bring Soviet official thinking back to the Stalin line of 1948–1952, which also charged that the West was preparing a third world war. In September 1953, Georgi Malenkov, then Premier, made the first attempted break away from that view in declaring that nuclear war would "doom civilization."

However, it was not until the Soviet 20th Party Congress in February, 1956, that Nikita Khrushchev and other Kremlin leaders began seriously preaching "coexistence" and acknowledging that nuclear war was a horror far exceeding in importance the East-West political conflict.

Only during Krushchev's conflict with the Chinese, starting in 1958, did the Kremlin become explicit in recognizing that even a bad peace was preferable to a "just" nuclear war.

STRESS ON MILITARY

The post-Khrushchev administration has steadily, although undramatically, retreated from the "coexistence" line, ceased stressing the dangers of nuclear holocaust and accelerated offensive and defensive rocket development. Emphasis on negotiations between the great powers has given way to stress on strengthening Soviet military potential in the "struggle for peace."

In official slogans, the "peace-loving foreign policy" of the Soviet government gave way in 1967 to the "Leninist foreign policy." Whatever has remained of the coexistence line has been largely for export. Thus, Premier Kosygin's meeting with President Johnson at Glassboro, N.J., in August, 1967, was covered in one-paragraph dispatches on inside pages of the Soviet press.

Earlier this month, when Soviet President Podgorny and new U.S. Ambassador Jacob D. Beam exchanged speeches calling for coexistence and cooperation, not a word of either speech was reported here.

OTHER CLAIMS

General Yepishev was not the first in the Brezhnev era to charge anew that the West was "preparing for a third world war," but such claims have been rare and usually were found in the army paper Krasnaya Zvezda or other military organs.

Yepishev's espousal of the World War III thesis in the pages of Kommunist, which was approved for publication April 21, would appear to indicate sanction of the thesis by the highest Communist Party authorities.

Another article in the same issue denies that the Soviet Union has been preaching a doctrine of "limited sovereignty" with regard to its Communist neighbors, but then goes on to defend the Soviet invasion of Czechoslovakia as a means of enhancing Czechoslovak sovereignty.

SUMMIT OVERSHADOWED

Yepishev's declaration overshadowed the conclusion of a four-day summit meeting of the 8-nation Council for Mutual Economic Aid (Comecon). The session adopted a declaration pledging expansion of economic cooperation among the member states—Russia, Poland, East Germany, Czechoslovkia, Hungary, Rumania, Bulgaria and Mongolia.

However, little progress was believed to have been made toward the tight integration advocated by Kosygin and East German Party Chief Walter Ulbricht.

The last day and a half of the Comecon sessions were believed to have been devoted to informal discussions of other problems afflicting the Communist bloc—notably China and central Europe. There was no confirmation here of reports elsewhere that the Soviet authorities had agreed to reduce the occupation garrison in Czechoslovakia.

THE SUPREME COURT'S DECISION IN SHAPIRO AGAINST THOMPSON

Mr. THURMOND. Mr. President, I have spoken on the Senate floor many times in opposition to edicts of the Supreme Court so I would be less than honest if I said I was shocked by the decision of the Court in Shapiro against Thompson on April 21. Irrational decisions reflecting the whim of a majority of Justices rather than sound constitutional principles have become such a regular occurrence that I am no longer shocked by anything the Supreme Court does. It would be accurate, however, to say that I am greatly concerned that the Court is continuing this trend of setting itself up as a 20th-century version of Plato's philosopher kings who possess a monopoly on wisdom.

In Shapiro against Thompson the Court held in a 6-to-3 decision that neither the States nor the Congress is empowered to establish residency requirements as a prerequisite for receiving welfare payments. I should like to quote to you from the dissent of Mr. Justice Harlan:

> Today's decision, it seems to me, reflects to an unusual degree the current notion that this Court possesses a peculiar wisdom all its own whose capacity to lead this Nation out of its present troubles is contained only by the limits of judicial ingenuity in contriving new constitutional principles to meet each problem as it arises. For anyone who, like myself, believes that it is an essential function of this Court to maintain the constitutional divisions between state and federal authority and among the three branches of the Federal Government, today's decision is a step in the wrong direction.

Mr. President, it is apparent to me and it should be a matter of concern for all of us in this body that the Supreme Court no longer feels itself restrained by the Constitution itself or by previous interpretations of the Constitution. It is sad but, in my judgment, true that the Supreme Court is composed primarily of men with preconceived notions of what is good for our Nation and what is bad for our Nation and who take it upon themselves to give these prejudices the effect of law. In the instant case the Court determined that the judgment of Congress and of 46 State legislatures, to the effect that a residency requirement was desirable in the administration of welfare programs, has been shunted

aside on the flimsiest of excuses. The majority decision rested on the very specious ground that the right to travel supercedes any interest the States or Congress might have in creating a workable system of public welfare. It has been estimated that the immediate effect of this decision will be an additional $175 million expense to the already overburdened taxpayers. Additional administrative costs will undoubtedly be extremely high.

Mr. President, Congress has refused on numerous occasions to make the change the Court made Monday, and it is apparent that the States themselves feel such a requirement is important if the welfare system is to remain manageable. The reasoning of the Court that such a requirement is an unconstitutional interference with the right to travel makes little sense when we consider that such requirements prevent no one from going anywhere and that the receipt of welfare is not a fundamental constitutional right. Furthermore, the Court must realize that many restrictions involving regulations, taxes, and other requirements now affect interstate travel.

Mr. President, aside from the immediate effect of this decision, I am most concerned about the effect it will have as a precedent in future cases. I should like to quote from the dissent of Chief Justice Warran, a man whom I rarely quote, much less praise:

> The Court's decision reveals only the top of the iceberg. Lurking beneath are the multitude of situations in which States have imposed residence requirements including eligibility to vote, to engage in certain professions or occupations or to attend a state-supported university. Although the Court takes pains to avoid acknowledging the ramifications of its decision, its implications cannot be ignored.

It is clear that this decision is part of a trend toward centralizing our Government in such a fashion that the States are merely administrative units rather than policymaking entities in which the people have the controlling voice. It has long been my opinion that the division of power at the national level and between the Federal Government and the States is at the foundation of the self-government which we enjoy. I have little doubt that while present personnel remain on the Court, this trend will continue and I feel that the result may be that the people of this country will find that they have no one to turn to except the Congress of the United States in attempting to solve the many serious problems in the manner which they prefer.

EXECUTIVE SESSION

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate go into executive session to consider the remaining nomination on the Executive Calendar.

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

POST OFFICE DEPARTMENT

The PRESIDING OFFICER. The nomination will be be stated.

The bill clerk read the nomination of Frank J. Nunlist, of New Jersey, to be an Assistant Postmaster General.

The PRESIDING OFFICER. Without objection, the nomination is considered; and, without objection, it is confirmed.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of the nomination.

The PRESIDING OFFICER. Without objection, the President will be immediately notified.

LEGISLATIVE SESSION

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate return to the consideration of legislative business.

There being no objection, the Senate resumed the consideration of legislative business.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H.R. 254. An act to authorize the acquisition, training, and maintenance of dogs to be used in law enforcement in the District of Columbia;

H.R. 4182. An act to authorize voluntary admission of patients to the District of Columbia institution providing care, education, and treatment of mentally retarded persons; and

H.R. 9526. An act to amend the District of Columbia Unemployment Compensation Act to provide that employer contributions do not have to be made under that act with respect to service performed in the employ of certain public international organizations.

HOUSE BILLS REFERRED

The following bills were severally read twice by their titles and referred as indicated:

H.R. 254. An act to authorize the acquisition, training, and maintenance of dogs to be used in law enforcement in the District of Columbia;

H.R. 4182. An act to authorize voluntary admission of patients to the District of Columbia institution providing care, education, and treatment of mentally retarded persons; and

H.R. 9526. An act to amend the District of Columbia Unemployment Compensation Act to provide that employer contributions do not have to be made under that act with respect to service performed in the employ of certain public international organizations: to the Committee on the District of Columbia.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, I am about to suggest the absence of a quorum, but first I ask unanimous consent that at the conclusion of the quorum call, the distinguished Senator from Wyoming (Mr. McGEE), the manager of the pending business, be recognized.

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

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

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

LEGISLATIVE AND JUDICIAL SALARY ADJUSTMENTS

The Senate resumed the consideration of the bill (H.R. 7206) to adjust the salaries of the Vice President of the United States and certain officers of Congress.

The PRESIDING OFFICER. Before recognizing the Senator from Wyoming, which the Chair will do in a moment, the Chair requests that the clerk read the committee amendment.

The legislative clerk read as follows:

On page 2, after line 15, strike out:

"SEC. 3. The amendments made by this Act shall become effective on March 1, 1969."

And, in lieu thereof, insert:

"SEC. 3. Subparagraph (C) of section 225 (f) of the Postal Revenue and Federal Salary Act of 1967 (Public Law 90–206; 81 Stat. 643) relating to the functions of the Commission on Executive, Legislative, and Judicial Salaries, is amended to read as follows:

"'(C) justices, judges, and other personnel in the judicial branch referred to in section 402(d) and 403 of the Federal Judicial Salary Act of 1964 (78 Stat. 434; Public Law 88–426) and the judges referred to in the amendments made by paragraphs (2), (3), and (4) of section 306(i) of the Federal Executive Salary Act of 1964 (78 Stat. 431; Public Law 88–426); and'.

"SEC. 4. (a) Section 11–702(d) of the District of Columbia Code is amended by striking out '$29,000' and '$28,500' and inserting in lieu thereof '$38,500' and '$38,000', respectively.

"(b) Section 11–902(d) of the District of Columbia Code is amended by striking out '$28,000' and '$27,500' and inserting in lieu thereof '$37,500' and '$37,000', respectively.

"(c) The first sentence of the second paragraph of section 2 of the District of Columbia Revenue Act of 1937, as amended (D.C. Code, sec. 47–2402), is amended by striking out '$27,500' and inserting in lieu thereof '$37,000'.

"SEC. 5. (a) Sections 1, 2, and 4 of this Act shall become effective on March 1, 1969.

"(b) Section 3 shall become effective upon enactment."

Mr. McGEE. Mr. President, the pending legislation, which has been reported favorably by the Committee on Post Office and Civil Service, would do two things. First of all, the bill would increase the salaries of the Vice President of the United States and the Speaker of the House of Representatives from $43,000 a year to $62,500 a year. Then, the salaries of the President pro tempore of the Senate and the majority leaders and the minority leaders of both the House of Representatives and the Senate would be increased from $42,500, their present congressional salaries, to $55,000. The reason for this increase is that these salaries were not included in the salary restructuring that occurred earlier this year, which was affirmed, or accepted, by Congress in February of this year. That is the first part of the pending bill.

The second part of the pending bill has to do with a proposed salary increase for the judges of the District of Columbia. This increase is included as a part of this bill because of a jurisdictional dispute, in effect, because of an inadvertent omission from the statute of

Congress affecting the judges of the District, in that they were not included in the general Federal salary restructuring that took effect nearly 2 months ago. Therefore, in the interest of equity and agreed-upon intent on the part of everyone, we are seeking to make that correction.

As so often is the case, we are mindful of the fact that the District very often lacks a particular spokesman in this body, since they are not represented in Congress in any meaningful form. Yet there are some 22 members of the court of general sessions in the District of Columbia, six members of the District of Columbia court of appeals, and one judge on the tax court of the District of Columbia, all of whom were intended to be included, but could not be included, in the jurisdictional sense, in the previous salary increase.

Therefore, this measure would propose to amend the oversight, since in the 1967 enactment it was the intent of Congress to include them on such salary matters. In doing so we are simply correcting an oversight which was not intended to be a punishment. The hard fact is that members of the court in the District of Columbia under existing circumstances today hold court with legal officers of the Government of the United States who receive more salary than the justices themselves receive. The obvious inadvisability of that circumstance must be quite apparent.

Mr. President, these are the substantive parts of the pending legislation. I would hope that the Senate would agree to the proposal.

Mr. WILLIAMS of Delaware. Mr. President, will the Senator yield?

Mr. McGEE. I am glad to yield to the Senator from Delaware.

Mr. WILLIAMS of Delaware. Mr. President, I understood the Senator to say that this measure would raise the salary of just one member of the Tax Court. Were the salaries of the other members of the Tax Court taken care of under provisions of the other act?

Mr. McGEE. I am advised that salaries of the U.S. Tax Court members were taken care of. There is only one Tax Court judge in the District, per se.

Mr. WILLIAMS of Delaware. Then I understand that salaries of the other judges of the Tax Court were taken care of in the previous legislation.

Mr. McGEE. They were taken care of in the earlier enactment.

Mr. WILLIAMS of Delaware. Earlier this year?

Mr. McGEE. The Senator is correct.

Mr. WILLIAMS of Delaware. I thank the Senator.

Mr. YOUNG of Ohio. Mr. President, I send to the desk an amendment to the committee amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

On page 3, strike out lines 9 through 12.

On page 3, line 1, strike out "(c)" and insert in lieu thereof "(b)".

Mr. YOUNG of Ohio. Mr. President, in support of my amendment and relative to the pending bill I wish to say that I thoroughly approve of the purpose of the bill as it was approved by the House of Representatives.

The bill as passed by the House proposes to increase the salaries of the Vice President and the Speaker of the House of Representatives from $43,000 to $62,500 a year. I approve of that, and I am not offering any comment on that proposal except to express my approval.

The bill also provides that the salaries of the President pro tempore of the Senate and the majority leaders and minority leaders of the Senate and House of Representatives be increased from $42,500 to $55,000. That increase has my hearty approval.

The bill as reported by the Post Office and Civil Service Committee also proposes to increase the salaries of the judges of the District of Columbia court of appeals. I thoroughly approve of that proposal. There are six judges on the court of appeals, and they have been doing very important judicial work and rendering a fine judicial service to the citizens of the District of Columbia. A part of their work, if not their entire work, has been the reviewing of appeals from the decisions of the 22 judges of the court of general sessions of the District of Columbia.

I take a dim view of the actions and judicial procedures of many of the 22 judges of the court of general sessions. I feel that those 22 judges are very well paid at their present salaries, if they are not being overpaid. The fact is that the court of appeals has ample work to do in reviewing their decisions and frequently reversing decisions of the court of general sessions of the District of Columbia. I shall speak of them in just a moment.

Mr. President, there is one judge on the tax court of the District of Columbia, and his salary would be increased under the present bill. I do not object to that.

Mr. President, what I do take exception to is the huge salary increase for the 22 judges of the court of general sessions of the District of Columbia, as proposed by the Senate committee.

My amendment provides only for the striking out of lines 9, 10, 11, and 12 from section B on page 3. To make it crystal clear, my proposal relates only to the proposed pay increase for the 22 judges of the so-called court of general sessions of the District of Columbia. In any town in my State of Ohio, we would call them judges of the municipal court.

The city of Cleveland, where I practiced law for many years, where I have been president of the two bar associations of Cuyahoga County, and where I served as chief criminal prosecuting attorney of Cuyahoga County for some years, also has a municipal court. It is akin to the old justice of the peace courts of our towns and villages, and to the municipal court of any small city in the United States.

Mr. President, I have kept the court of general sessions of the District of Columbia under close observation, one reason being, perhaps, that my father for many years was a judge of a court of general jurisdiction in Ohio, which we term common pleas courts, the chief trial courts of our State having unlimited jurisdiction, which, of course, a municipal court, or a court of general sessions, does not have. Such courts have only a limited jurisdiction. In the city of Washington, D.C., they deal primarily with misdemeanors, not with felonies.

From my observation the judges of the court of general sessions in the District of Columbia are well paid at the present time, receiving salaries of $28,000 and $27,500. The amendment reported by the Senate committee, to which I am taking exception, would increase the salary of the presiding judge from $27,500 per annum to $37,500 per annum, and from $27,500 to $37,000 a year for the other judges. To my mind, that is too big an increase.

I began to take strong exception to the operation of the court of general sessions in January 1966, when I began to keep it under observation, and I have done so since that time.

On January 13, 1966, the Washington Post published an article entitled "Food Store Executive Charged in Crash." It reads as follows:

Dr. George Crile Jr., 58, a prominent Cleveland surgeon, was on the critical list at Washington Hospital Center last night with injuries police said he suffered when a taxi in which he, his wife and a Washington couple were riding was in collision with another car in the 4400 block of Connecticut Avenue.

Police identified the driver of the other car as Laurence D. Chappell, 42, of 5833 Marbury rd., Bethesda, and said they charged him with drunken and reckless driving, leaving the accident scene and driving without lights on the wrong side of the avenue.

Mr. President, Mr. Chappell was not a workingman. He was not a black man. No, he was a prominent business executive, a resident of Bethesda. He was the regional manager of a food store chain. He recklessly ran into a taxicab and nearly killed a number of its passengers.

I continue to read from the newspaper account:

In the cab with Dr. and Mrs. Crile (she is the 48-year-old daughter of poet Carl Sandburg) were Andre Pacatte, 58, and his wife, Constance, 57, co-directors of the Berlitz School of Languages here.

Pacatte was admitted to the hospital in satisfactory condition with head cuts and a neck injury. Mrs. Pacatte was released after treatment for neck and back injuries. The driver of their cab, Harold C. Alston, 38, of 1914 I st. ne., also was released after treatment of back, neck and leg cuts.

Police said Chappell, southbound on Connecticut Avenue, swerved over into the northbound lane, sideswiped the taxi and continued on for six blocks before he was stopped by the crew of a scout car that had witnessed the accident and had radioed for an ambulance.

Attendants at the Hospital Center, which included three surgeons flown in from Cleveland early yesterday, said the speed with which Dr. Crile reached medical aid probably saved his life. He underwent immediate surgery for removal of a ruptured spleen and incidental internal injury repair, attendants said, and his blood loss was heavy.

Mrs. Crile suffered a broken right wrist and severe face cuts and was listed in satisfactory condition last night.

Mr. President, upon hearing of the accident a number of eminent surgeons

of my home city of Cleveland flew to Washington in a chartered plane. They were friends of Dr. Crile, who was a resident surgeon of the Cleveland clinic and the author of a number of books on fiction, as well as of medical books. He had stopped in Washington en route home from Chapel Hill, N.C., where he had given a lecture at the University of North Carolina.

The first report was that he was dying from grave internal injuries which necessitated immediate surgery for the removal of a ruptured spleen. Fortunately, although he was on the critical list for nearly a week, Dr. Crile recovered. Of course, he suffered a permanent disability as a result of the criminal negligence and drunken driving of an irresponsible business executive.

What happened to that defendant? That is one reason which causes me to offer my amendment. What happened to this executive? He never served 1 hour in jail. He never served any time whatever. He was required by a judge of the court of general sessions to post a $300 bond, which, of course, he could post very readily. Then he had able lawyers to represent him, as he was entitled to have, and as he could afford to have.

After a number of continuances, his case was tried. All of that time he was out pursuing his business for his company. In the end, after numerous postponements procured by his counsel, he was dealt with leniently. Following the time I was chief prosecuting attorney of Cuyahoga County, in Ohio, I defended many criminal cases, so I have no complaint to make against the lawyers who defended him. They did a fine job for him. Had this man committed that act of violence in my city of Cleveland, he would have been fortunate, indeed, to have served in the workhouse in Cuyahoga County for less than 30 days, in addition to a stiff fine.

He was dealt with leniently by the judge of the court of general sessions. Finally, after continued postponments, he was assessed a total of $1,800 in fines. I assume the fines have been paid. If this defendant, instead of being a white man and an executive of a large corporation, had been a black man or some unemployed or workingman, I question whether his sentence would have been so lenient. I simply cite this as an example of a flagrant miscarriage of justice.

Also, when violence occurred in the city of Washington some months back, we read that time and again judges of the Court of General Sessions released under $25 bail prisoner after prisoner charged with serious offenses such as theft, and malicious destruction of property. I fervently believe now, as I did when I was chief prosecuting attorney of Cuyahoga County, Ohio, that certain punishment, like a shadow, should follow the commission of crimes of violence. If some judges had real backbones, instead of backbones like jelly fish, which some judges of the court of general sessions of the District of Columbia seem to have, I think there would be more law and order and more safety on the streets of Washington than we now find.

I know a number of the judges of the court of general sessions. There are some excellent judges on that court, but I know there are also some very mediocre judges there. I take a dim view of the operations of those judges. I feel there is no justification for increasing their salaries to the extent proposed.

I realize the potency of the argument that there are some appointive officials in the District of Columbia who no doubt are recipients of salaries of $35,000 or perhaps $37,000. If so—and I assume it is so—I do not feel it is a justification for this huge increase in the pay of the judges of the court of general sessions.

I approve of the bill in its entirety except as it relates to those 22 judges. I propose to have their salary left where it is, because I feel the judges are well paid at present.

Mr. McGEE. Mr. President, I should like to respond very quickly to my good friend and close crony from Ohio. As I understand his proposal, he has no objection to the increase in the salaries of the Vice President and the other specified officers of the House and Senate of the United States. He has no objection to the increase in the salaries of the six judges of the District of Columbia court of appeals. He has no objection to the increase in the salary of the one judge on the District tax court. His amendment would apply only to the 22 judges of the District of Columbia court of general sessions.

First, I think we should bear in mind that the proposal is no innovation on the part of the committee. Historically, the salaries of the judges of the court of general sessions in the District of Columbia have been maintained at a level, in relative terms, slightly below that of the Federal judges who serve the District of Columbia. This recommendation was borne out by the judgment of the Commission on Executive, Legislative, and Judicial Salaries that the President of the United States appointed to make recommendations. I think that body would have recommended that equity required the salaries of the judges on the court of general sessions to be increased approximately at this level but the Commission was without jurisdiction to do so.

It seems to me the case for the denial of the salary increases for the judges of the District of Columbia Court of General Sessions is open to serious question, if I may say to my friend from Ohio, first of all, because I am sure any one of us could take any of the courts in this country anywhere and decide that the court there lacked any backbone or spine when he made a decision against me or against the case that I was trying to carry forward in his court. I think it is important that we not focus on the personality, but on the job and on the dignity which we are trying to attach to a significantly important office in the District of Columbia.

I do not want to enter into a dispute over the particular case which the Senator from Ohio spelled out in detail, which, in his judgment, had a very inequitable outcome—an unfair and almost discriminatory outcome. But again I say that any judge who made a decision almost anywhere in the land could probably be hailed before the bar of public opinion. We dare not, in making a judgment on this bill, arrive at a personal criterion for meeting such judgment.

I may add as a footnote to the comments of the Senator from Ohio with reference to the case about which he pleads so strongly that, in any case, this experience suggests that we ought to have better judges. Surely, if we are going to have that kind of decision, and if it is as grevious as he says it is, we need to have better and wiser judges; and we are not going to find that type of judge in the bargain basement. The Senator from Ohio has made the best case, if we are going to deal with personalities, for getting better men to serve on the court of general sessions. We are not going to get them by paying them less than what is a fair salary.

Again, it makes good sense—and I am sure it made good sense when he served as the prosecuting officer of Cuyahoga County—that, in order to maintain the dignity and prestige of the bench, we seek men with the kind of wisdom and judgment our judiciary requires; and in doing so, it is important that the salaries be kept at the proportionate level to the salary restructuring as recommended by the President's Commission.

But in any case, we dare not let it become a legislative function of this body to legislate against an individual or to legislate against a particular judicial decision. It is the position itself that calls for the judgment of this group.

Finally, Mr. President, I think it well to remember that this proposal of $37,000 a year for judges in the District is not quite what it sounds like. It is a shocking thing for me to explain that salary in Laramie, Wyo., as I am sure it is shocking in Cuyahoga County, Ohio, though I do not know what they pay them there around Cleveland. Again, we have to deal in relative terms where the problem lies, and in the dimension in which the problems have to be worked on. Here in the District of Columbia, it would seem to me to impugn the integrity of the bench, certainly to demean it, at a time when pressure is on it for wise decisions in the realm of crime—pressure which is going to increase and become much more intense.

So I urge the Members of this body to reject the amendment of the Senator from Ohio, and that we instead accept the recommendation of the President's Commission, which viewed all of these matters in perspective and in relative terms, the one with the other, and that at the same time we likewise ratify the judgment of the committee, which felt that this measure corrected an inequity caused by an inadvertent omission from our earlier actions.

Mr. BYRD of Virginia. Mr. President, I oppose the proposed legislation as reported by the Committee on Post Office and Civil Service. I shall briefly state my reasons.

Mr. President, we are in a period of high inflation. Last year the rate of inflation was 4.7 percent, one of the highest years in history.

Last year we enacted a 10-percent surtax on all the taxpayers in the United States.

This year, when Congress convened,

the first thing it did was to double the salary of the President of the United States.

The second thing it did was to permit, by inaction, a 41-percent increase in the salaries of all Members of Congress. Together with that, it approved a 50- or 55-percent increase in the salaries of most Federal judges.

Then we come along today, not satisfied with all of that, here in the latter part of April, and are confronted with legislation to increase by 45 percent the salaries of the Vice President of the United States and the Speaker of the House of Representatives, and to provide a substantial increase for other officers—namely, the President pro tempore and the minority and majority leaders—of the House of Representatives and the Senate.

I do not need to say, Mr. President, to any of my friends who are involved in this legislation, who stand to benefit by it, that they know I am not speaking of them as individuals.

I just feel that this is the wrong time; that Congress, this whole year, has been acting unwisely, and very unwisely, in enacting these tremendous increases in salaries for the President, the judiciary, and the Members of Congress.

If we are going to get inflation under control—and I submit we have got to get it under control if the average citizen of this country is to maintain the standard of living he now has—there must be example at the top. And what sort of example are we setting here?

The major legislation enacted this session by both the House of Representatives and the Senate has been to increase—and not by just small amounts, but by tremendous percentages—the salaries of all Representatives and all Senators, and doubling the salary of the President; and today we are asked to increase the salary of the Vice President by 45 percent, and those of certain Federal judges by 55 or 60 percent.

I submit that that is no example for a legislative body such as is the Congress of the United States to set, in this time of high inflation, when the cost of living for the average citizen is going up so rapidly.

How are we going to ask the members of the labor unions or the officers of the labor unions to hold in check their demands for wage increases, and how can we expect the businesses of our Nation to hold in restraint their price increases, when Congress itself sets the example that it has set, beginning in January, and now continuing right on up until this latter part of April?

So, Mr. President, I shall vote against this proposal.

I voted against doubling the President's salary; I voted against increasing congressional salaries by 41 percent; I voted against increasing the judicial salaries by 50 to 55 percent; and I shall vote against the increases provided in this measure.

I would have been willing to support reasonable increases. But the timing of this legislation, like the timing of the legislation we considered in January, could not have been worse.

There is another feature of this proposal which I just noticed, which I think is very bad. It proposes that the salary increases be retroactive to March 1, 1969. I do not believe in the principle of making salary adjustments, whatever they might be, retroactive.

I think the proposal is most ill-timed, and for the reasons that I have suggested, in this period of high inflation, with the extent of the increases proposed, I shall cast my vote against the pending legislation.

Mr. McGEE. Mr. President, I say to my good friend from Virginia that I appreciate his deep concern over the question of the inflationary forces at work in the land. I think we are all equally moved by the complications which that portends for each one of us here in this Chamber, and certainly for our constituents.

But I point out that in this particular bit of legislation, all the committee is doing is addressing itself to the legally omitted portions of the restructuring of the salary schedules here in the Senate and the House of Representatives, which were required to be omitted at that moment only because of earlier statutory inadvertencies—not deliberate measures, but inadvertencies.

The Senate did not default on the question. We had a rollcall vote on the matter in February. Members of Congress had to stand up and be counted. We made a decision in the Senate with which the Senator disagreed. I respect him for his disagreement. However, we made a decision.

All the committee is doing now is asking that we keep that decision honest in its equity. That is all. The total involved in the proposal is obviously not going to have a serious inflationary impact, because of its small size, in terms of the Nation's economy. However, it does not invalidate the Senator's excellent warning concerning inflationary forces.

I submit that we are not here to repeal the action taken in February. We are here simply to equate the levels that were required to be omitted because of statutes and these inadvertencies which had occurred at an earlier date.

That is the reason for the retroactive provision. The provision should have been a part of the package in February. It should have gone into effect when the regular legislation went into effect. However, this is the earliest opportunity we have had to execute the correction. This is merely a corrective measure and not a new innovation in the salary realm.

I urge that Congress reject the amendment offered by the Senator from Ohio and, as far as I am concerned, I am ready to vote.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. YOUNG of Ohio. Mr. President, the senior Senator from Wyoming (Mr. McGEE), the chairman of the Committee on Post Office and Civil Service, has been my colleague in the Senate since January 1959. I admire him as one of the very great Senators in this body. I hold high affection for him as a close, personal friend.

The distinguished Senator made a magnificent argument, as he always does when he takes the floor of the Senate. He made a strong argument against my amendment.

My amendment is merely to a section of the bill that was inserted by the committee. That section was not in the bill that came from the House of Representatives. My amendment simply proposes to keep the 22 judges of the Court of General Sessions at their present salary of $27,000 instead of increasing their salary to $37,000.

The distinguished Senator stated, regarding those 22 judges, that we are not going to find competent judges in the bargain basement.

Frankly, Mr. President, I do not consider that my amendment would place the judges of the Court of General Sessions in any bargain basement. I advocate that they continue to enjoy their very adequate salary of $27,500 per annum.

I think this is an opportunity to manifest some degree of economy and good judgment. I have always voted against waste in Government spending.

I will not ask for a rollcall vote, but I do ask for a vote on my amendment. I feel that it is a meritorious amendment. It relates only to the judges of the Court of General Sessions. That is a very minor court, indeed. As I stated, in earlier times we called it a justice-of-the-peace court. Now we call it a municipal court in various cities and towns of our country.

Mr. FONG. Mr. President, I agree with the distinguished chairman of the Committee on Post Office and Civil Service in asking that the amendment offered by the distinguished Senator from Ohio be rejected.

We are trying to rectify an error which should have been remedied at the time the earlier salary increase bill was considered.

The committee bill corrects the error for the 29 judges of the District of Columbia court system. The distinguished Senator from Ohio is trying to rectify the matter for seven judges and leave it unrectified for 22 other judges.

The bill provides for a rectification of the error as to 29 judges in District of Columbia courts. They comprise all of the judges in District of Columbia courts. The distinguished Senator from Ohio wishes to give an increase to six judges in the District of Columbia Court of Appeals and one judge in the District of Columbia Tax Court, deny an increase in salary to the 22 judges in the court of general sessions.

If we were to vote for the amendment of the Senator from Ohio, we would be saying to the court of general sessions, "You will now be $9,500 behind the other judges. You do not deserve an increase." We would be compounding the error which was originally made. I think the amendment is wrong.

If we are to increase the salaries of seven judges, I believe that we should also increase the salaries of the other 22 judges. Let us make the bill apply to all 29 judges and not say to seven judges, "We will take care of your increase. However, the other 22 judges will not be taken care of."

I ask that the amendment be rejected.

Mr. YOUNG of Ohio. Mr. President, I regard the argument of the distinguished Senator from Hawaii as fallacious. The 22 judges of the Court of General Sessions serve in the lowest court in the District of Columbia. The Court of Appeals, of course, is a superior court. Obviously, members of a court of appeals should receive a larger salary. Appeals court judges do receive larger salaries throughout the country than do judges of lower courts.

The six judges on the Court of Appeals are on a superior court. They also have a real task in very frequently correcting the errors of some of the more unintelligent judges on the Court of General Sessions.

I do not know very much about the single judge on the District of Columbia Tax Court. I do not advocate an increase in his salary, but I do not object to it.

I hope very much that the Senate will agree to my amendment to a section which was inserted by the committee with reference to 22 minor judges of the District of Columbia.

Mr. FONG. Mr. President, there is no question that there is a distinction in the responsibilities between the Court of Appeals and the Court of General Sessions. Congress has noted that, and at present the salary is $28,500 for the six judges of the District of Columbia Court of Appeals. But the judges of the District of Columbia Court of General Sessions are now being paid $1,000 less—that is, $27,500, versus $28,500.

If the amendment of the distinguished Senator from Ohio is agreed to, we will be raising only the salaries of the judges on the District of Columbia Court of Appeals from $28,500 to $38,000. That would leave the salary of the judges of the District of Columbia Court of General Sessions at $27,500, or a difference of almost $10,500. At present the difference is only $1,000. This amendment would make the difference $10,500.

What we are trying to do is to maintain the historical differences in these salaries. If we set the salaries of the judges of the Court of Appeals at $38,000, the salaries of the judges of the Court of General Sessions should go up to $37,000.

This is the bill before us, and it is a very equitable bill.

Mr. WILLIAMS of Delaware. Mr. President, I join the Senator from Virginia in expressing opposition to the entire bill. I think that making the first official action of the 91st Congress the increase in the salaries of the President, Members of Congress, and the top echelon of Government, and now this bill, including a few more of the top officials of Government are most unfortunate at a time when we are having a real threat of inflation in this country. As the Senator pointed out, inflation last year amounted to 4.7 percent. Just last month we had a further increase in the cost of living of eight-tenths of 1 percent, the highest monthly rate of inflation in the last 25 years.

At the same time Congress and other top officials of the Government are in the process of raising our own salaries from 40 to 50 percent. In the case of the President it went as high as 100 percent, and it went to 60 and 70 percent for many of the top echelon in the executive branch. I do not think these increases can be justified at a time when we are telling private industry that it should hold down its prices in order to combat inflation and when we are telling organized labor not to be overenthusiastic in asking for wage increases but to try to hold such increases down to a reasonable level, not exceeding the cost of living. We tell them what to do, but we say, "We didn't mean that for ourselves. We want to have a 40-percent increase in our own salaries."

Certainly it puts us in a very poor position to tell the rest of the country what to do. I think that this Congress has been negligent in recognizing the real dangers of inflation, and I think they have been negligent downtown.

Too often we hear them talking about surpluses which are nothing more than a mirage. Our Government today is operating at a deficit rate of approximately $700 million per month, and the same rate of deficit is projected throughout fiscal 1970. All this talk about a surplus is only by virtue of using for accounting purposes the proceeds that are going into the trust funds. Not one Member of the Senate will stand up and say that the Government has any right to use those funds to defray the normal expenses of the Government, nor would any Member of the Senate support such a proposal if such legislation were introduced. Yet, those funds are being used for accounting purposes in order to deceive the American people—lull them into a full sense of security—into thinking that we as Government officials are operating with a balanced budget and a surplus when in fact we are going farther and farther into debt every day.

I think the time is long overdue when Congress, which last year passed a 10-percent surcharge to help bring the budget into balance, should face its responsibilities. Certainly we cannot justify our actions here in further raising salaries.

This is the third step. The next step will come in June. When these four steps of salary increases are fully implemented, it will mean that over one-half of the proceeds of the $9 billion of extra revenue that is coming in from the 10-percent surcharge will be used next year to defray the salary increases approved by this Congress during the first 6 months it has been in session.

Certainly we do not want to go back to our constituents and say, "When you add this 10-percent surcharge onto your tax bill just remember that half of it goes to pay the increased salaries approved by this 91st Congress."

I believe we owe them something better than that. If we mean what we say I think we should not only defeat this bill in its entirety but also repeal the law which made it possible to set up this commission, which provides that every 4 years the President will send to Congress his recommendation for salary increases. As the law now reads it takes negative action on the part of Congress to nullify these recommendations of the President's.

We went through that experience earlier this year, when the House was unable to get a vote due to the parliamentary situation. They almost jockeyed us into a position where the Senate was denied an opportunity to vote. It was only by virtue of the fact that we maneuvered a parliamentary situation whereby we could force a vote that we were able to get a vote. Yet, at the time this provision first went into effect we were told most strongly that it would work in the same manner as the reorganization plan; that if any Member introduced a resolution of disagreement with these salary increases the resolution would automatically be reported back to the Senate by a committee of Congress in order that the Senate could vote. The committee could recommend either favorable or unfavorable action. However, such a vote was almost denied to us; we had to force it.

Later, after action is taken on the committee amendments, the Senator from Virginia (Mr. BYRD), the Senator from Nebraska (Mr. CURTIS), and I shall offer an amendment to this bill which will repeal that law establishing the Presidential Commission, which requires the President every 4 years, to send to Congress his proposed revisions of Congressional, executive, and judicial salaries.

That amendment will be offered later. It will not be in order until we have disposed of the committee amendments. But I hope that we can repeal that law in order to make certain that never again will Congress be confronted with the situation we had earlier this year, in which a salary increase can be stopped only by a negative vote.

I might say for the RECORD that the Senate, as yet, has never voted on that law. It will be recalled that when this Commission was established it was included in a bill which was passed by the House of Representatives. The bill then came to the Senate and was referred to the Committee on Post Office and Civil Service. The Senator from Virginia (Mr. BYRD) introduced an amendment which would strike from the bill the section authorizing the establishment of this Commission. The committee appproved of the Byrd amendment, deleting that section; therefore it was not discussed or debated at the time, but it was put back in the bill when in conference. The Senate had only an opportunity to express an opinion on the conference report. Later there was a rollcall vote when the Senate, by an amendment to an appropriation bill, tried to appropriate $100,000 to defray the expenses of that commission. But the law itself as yet has never been voted on. Later this afternoon an amendment to repeal that law will be offered to this bill.

The Senator from Virginia (Mr. BYRD), the Senator from Nebraska (Mr. CURTIS), and I shall offer it as an amendment to this bill. I believe the bill itself should be defeated, and I shall vote against the bill. I think the least we could do would be to repeal the law which got us into this snowballing operation of raising salaries. When this circle has been completed about the end of June of this year, approximately $4.5 to $5 billion in salary increases will have been added to the salary cost of government employees.

These increases will have eaten up over one-half of the additional revenue that will be derived by extending the 10-percent surcharge for a full 12-month period.

I was the author of that bill which dealt with the surcharge and the proposal to control spending. I said then and I wish to repeat now that if we are only passing an increase in taxes or extending the surcharge for the purpose of putting more money in the Federal Treasury so we can increase our spending programs or our salaries then we will have achieved nothing in the fight against inflation. We have to cut down on some of these expenditures and we are not going to do it by the action Congress has taken so far of increasing everyone's salary by at least 40 percent to 50 percent.

I hope the amendment of the Senator from Ohio which is a small step in the right direction will be approved and after that I hope the entire bill will be defeated.

The PRESIDING OFFICER (Mr. PACKWOOD in the chair). The question is on agreeing to the amendment of the Senator from Ohio to the committee amendment.

Mr. WILLIAMS of Delaware. Mr. President does the Senator from Ohio wish to have a record vote on his amendment?

Mr. YOUNG of Ohio. I do not wish a record vote but I do want a vote on it. I am ready to have my amendment voted upon.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Ohio [putting the question].

The amendment was rejected.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

Mr. WILLIAMS of Delaware. Mr. President, on behalf of the Senator from Virginia (Mr. BYRD), the senior Senator from Nebraska (Mr. HRUSKA), the junior Senator from Nebraska (Mr. CURTIS), and myself, I send to the desk an amendment and ask that it be stated.

The PRESIDING OFFICER. The amendment willl be stated.

The assistant legislative clerk read as follows:

At the appropriate place insert a new section: That (a) section 225 of the Federal Salary Act of 1967 is hereby repealed.

(b) Section 216 of such Act is amended by striking out "and subject to the operation of section 225 of this title,".

Mr. WILLIAMS of Delaware. Mr. President, the purpose of the amendment is to repeal that section of the existing law which established the Presidential Commission wherein every 4 years the President will be required to submit to Congress recommendations for salary changes for the legislative, executive, and judicial branches. Under that law as it is now functioning it is possible for the President to make these recommendations and for neither House to get an opportunity to vote on them. We discovered that just last year because the House of Representatives did not vote on the recommendations, even though proposals were introduced in the House which disagreed with the recommendations. Such a procedure was followed in the Reorganization Act in connection with the Hoover Commission reports.

I, along with others, disagreed with the proposed salary increases which were sent down by the President, and I introduced a resolution of disagreement. The committee refused to report that resolution back to the Senate. It is only by virtue of a little parliamentary maneuvering that we got this resolution to the floor of the Senate where we could force a vote. Conceivably in another year that parliamentary maneuver would be blocked, and the Senate and the House of Representatives as well as the judicial branch and the executive branch would be in the position to get salary increases with no Member of Congress having had a chance to vote on the salary increases.

Certainly no Senator wants to be a part of something like that. I say let us repeal that law and put the matter back into a position where Congress will make its own decisions.

Mr. President, I hope the amendment will be agreed to.

I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

Mr. McGEE. Mr. President, I wish to address myself very briefly to the pending amendment offered by the distinguished Senator from Delaware, principally, by recasting the setting of the question upon which he would seek a rollcall vote.

Mr. YOUNG of Ohio. Mr. President, may we have order in the Senate?

The PRESIDING OFFICER. The Senate will be in order.

Mr. McGEE. Mr. President, if I interpret the Senator's remarks correctly, he stated that the Congress, and particularly the Senate, was placed in the role of sort of conniving to pad our incomes so we would have more money to spend. I think that does a grave injustice to the integrity of the Members of this body, and it does an injustice to the facts of the case.

Mr. WILLIAMS of Delaware. Mr. President, will the Senator yield?

Mr. McGEE. I shall yield in a moment.

Mr. WILLIAMS of Delaware. Mr. President, I did not use the word "conniving." If it has been used it has been used by the Senator from Wyoming. He is as familiar with the procedure as I am. If he thought of it as "conniving" he has the right to use the word.

Mr. McGEE. The Senator is at least familiar with the role that Congress had in accepting the increase in salary.

Mr. WILLIAMS of Delaware. The Senator can place his own interpretation.

Mr. McGEE. I withdraw the word "connive." I was trying to put it in the worst light because it is the charge we often get here. I would not associate the term "conniving" with my friend from Delaware. His forthrightness is appreciated.

Mr. President, I wish to inject in this matter that it was not the House of Representatives or the Senate that sought to raise the salaries of the Members. A Special Commission was appointed by the President to examine the entire question of the Federal salary structure. These were individuals who were to acquire an element of some expertise and certainly were outside of the pressures that are ordinarily working on Members of Congress. It was expected that this Commission would cast the matter in a perspective which we find it difficult to do sometimes, for whatever the reason might be. For instance, we might feel we should not be talking about our own salary increases or Members might have a sense of guilt because our salary is not proportionate to what someone in our hometown might make.

However, here was an attempt to look at the structure of salaries to see if they could arrive at a constructive step forward and to see if they could make a realistic salary recommendation in the meaningful legislative levels of Government. This is what the Commission did. It was not a commission composed of Senators or Members of the House of Representatives. This was an outside group that was asked to shoot straight on this question. Whether they shot straight or not was reflected in the vote of this body for, again with all due respect to the Senator from Delaware, whatever parliamentary maneuvering might have transpired even last February, may I suggest, there was no conniving, even in this regard.

The test was what the parliamentary setting would be for getting a vote. We arrived at the agreement that the best way was to hold a rollcall vote on the Senator's proposal. That vote was held. The Senate voted overwhelmingly to sustain the recommendation of the Commission and to sustain the recommendation of the President that these matters be accepted.

I am mindful of the differences that went into the votes. We are all familiar with those basic motives, but a majority of this body made that decision. That is the important thing to keep straight on the RECORD today.

The bill pending today is simply designed to arrive at a more equitable level by including only this handful of individuals who for statutory reasons had been inadvertently left out at an earlier time in the enactment of the law in 1967.

Now, in terms of the proposal of the Senator from Delaware that we repeal the legislation that set up the original Commission, section 225, in that law, Public Law 90–206, specifically establishes the Commission on Legislative, Executive, and Judicial Salaries.

Let me say to the Senator from Delaware that this is the only way, in my judgment—or, at least, the better way, that we can arrive at a less emotional, at a less pressurized, honest judgment on the relative salaries in the Government; that we are not the most objective, those of us who have to vote them, that we are not the most objective, those of us who have to undergo the heat or the pressure. We should view this not in terms of whether it raises the salary of the Senator from Delaware—who, to my regret, has decided not to run for election next time—or whether it affects the salary of GALE MCGEE from Wyoming or the distinguished Senator from Hawaii (Mr.

FONG). It should be addressed to what salary is required, what salary is dignified and significant for the job in its relation in the structure of government. That should be the focus of our intent. I think that was the focus of the intent of the Members of this body. They cast their votes and made a decision in February. There was no illusion about what that vote was all about. No one hesitated to interpret it in any other way. Therefore, this body has acted in conformity with the recommendation in this case, for which I speak here today, and believes that the existence of this Commission on Executive, Legislative, and Judicial Salaries is the wiser way, the most statesmanlike way, the better way from the standpoint of political science, to arrive at a judgment and a level on these questions, rather than to trust to the day-to-day judgments—oratory, perhaps I should say—of those of us in the Senate or in the House. For this reason, I would hope that the Senate will vote against the proposed amendment offered by the distinguished Senator from Delaware.

Mr. BYRD of Virginia. Mr. President, will the Senator from Wyoming yield?

Mr. McGEE. I am happy to yield to the Senator from Virginia.

Mr. BYRD of Virginia. Let me ask the Senator who is it, in the coolness of the hour, who determines what the salary should be?

Mr. McGEE. The Commission is to review, I believe, every 4 years, the level of incomes. The President of the United States either accepts or rejects the Commission's recommendations. This then becomes the recommended procedure. Congress, in the process, retains authority to reject the President's recommendation, if he recommended a salary increase and they do not want it or do not believe it is appropriate in the new structure; or I would assume that the same process would permit them to call over the President's recommendation the recommendation of the Commission, if they failed to do so.

Mr. BYRD of Virginia. Is it not correct that the legislation states the President of the United States shall set the exact rates of pay for Members of Congress?

Mr. McGEE. I believe that is at least the outcome of the legislation, that he shall set the figure.

Mr. BYRD of Virginia. That is correct. I think the Senator from Wyoming will find they are the exact words used in the legislation.

One reason I feel that that legislation should be repealed is I do not think the President of the United States should have the power to set exact rates of pay for Members of the Congress.

Congress is giving away too much power.

Congress is saying to the President, "You take over these responsibilities. We do not want to fool with them."

I hope that the Senate will concur in the amendment now pending for many reasons, but one reason is that I have just stated, concerning the legislation we enacted last year and, as the Senator from Wyoming has stated, the Senate, on the question of salaries, did have a vote and those of us who took the position that I have taken, and the Senator from Delaware were outvoted.

That is all right. That is over with. We are not speaking of that now.

What we are speaking of is whether, for the future, we want the President, whoever he might be, to determine the exact rates of pay for Congress.

It can be said, "Well, Congress, if it does not like what the President does, it does not have to approve it."

That is a backhanded way of doing it. That is a backhanded way of giving the President power. I believe that almost everyone would agree with that.

While the Senate voted on the pay increase in January, the House did not vote on it. There was not a single vote in the House on it.

Thus, as a practical matter, what Congress has done is to turn over to the President the right to set those salaries.

I submit that as the years go by, and in some sessions of Congress there will be a close division of Senators, and perhaps Representatives in the House, the President of the United States can use a salary change as a weapon to coerce the Congress to support legislation which he advocates, or to oppose legislation which he does not like.

Thus, I think it is significant that the wording of the statute says the exact rates of pay for Members of Congress shall be set by the President.

If the amendment advocated by the Senator from Delaware is adopted, it will not affect the bill in question, nor affect any of the previous salary increases. It will not prevent those who will benefit from the bill now pending from getting that benefit.

What it will do is to say that in the future, Congress, by its normal legislative processes, shall determine the salaries, and the President of the United States will not be involved in that maneuver.

Mr. McGEE. I appreciate the views of my colleague from Virginia. I would say, in reflecting upon his perceptive comments, that we are demeaning, I think a bit, the role of the President in this operation, that the provisions under the act that the Senator from Delaware would like to repeal, together with the Senator from Virginia, provide that a private citizens' commission—the taxpayers, if you will—are asked to make the study, not the President—I assume, to add to the dignity of the individual citizens and not to be under any aura of fear of the President. I remind the Senator, then, that they form a panel of private citizens, and a specific recommendation was forthcoming.

It was transmitted to the Congress by the President when, in his judgment, it seemed to be a valid recommendation. That is another check in the process that we call responsible government.

Mr. BYRD of Virginia. Mr. President, will the Senator yield?

Mr. McGEE. Let me finish my statement. Then I will go back to the Senator.

In that process also is the role of the Congress. I do not know of any Member of this Congress who has rolled over in the face of any President, whether it is this one or one that has gone before. If they have, then I say this is certainly not the group that ought to have reposed on its shoulders the responsibility for determining the salary infrastructure in the Government of the United States. I would say that they had long since served their time.

It is my judgment that the Members of this body took a very hard look at this question. I would assume that their decision is a step or cog in a process, starting as a taxpayers' group, which is far more meaningful and statesmanlike than if the whole decision had to start with the Congress and finish with it. I would think that would be open to serious question, from the standpoint of the taxpayers, those who have to pay the bill.

Once more, it is not HARRY BYRD of Virginia or GALE McGEE of Wyoming who is in issue here. The issue is the office of the President of the United States or a Cabinet officer or the Vice President of the United States or other high positions. That is a far bigger question. From that standpoint, I would believe the science of politics, if there is such a thing, is better served at the level of the existing act, starting with the Commission, than it would be to leave this matter to the whims, or the courage, or the lack of it, or the political uncertainties that sometimes must condition the judgments of the Members of the Congress of the United States. I think, adding it together, we are far better off, in terms of an equitable approach, we are on far higher ground, in the long pull, than we would be if we retreated to the old uncertainties of what a Congress' guess was as to what was particularly salable in a particular time. I think that does violence to the forces of change.

The Senator had another question.

Mr. BYRD of Virginia. Mr. President, will the Senator yield?

Mr. McGEE. I am glad to yield.

Mr. BYRD of Virginia. Does not the Senator agree that Congress over the years has given to the President too much authority?

Mr. McGEE. I happen to have some fundamental philosophies on that question. I think that often Congress has forfeited authority because of failure to assert its role. I am sure we have given authority to the President. I do not think this matter has been given to the President. I think the people initiated, in this process of the Commission, a judgment that is transmitted through the President, who, by the Constitution, has the executive leadership in this Government. He is not an errand boy. He has to make judgments. But there was reserved to the Congress the role of exercising judgment as to whether the President had exceeded his authority, or used wise judgment. It was ours to exercise, and we did so. I think this is all one can ask for in a representative government.

Mr. BYRD of Virginia. The Senator mentioned the citizens' Commission. I am sure he does not regard the Commission as representative of the taxpayers of the United States.

Another observation with regard to the Commission: The Commission's only

right, assuming it were representative of the taxpayers, of which I think we can concede it was not representative—but assuming it was—is to recommend to the President.

The President, under the legislation, makes a recommendation as to the exact rates of pay.

If that is what the Congress wants done, the Congress has the right to give the President that authority. I personally do not think it is wise. I do not think it is wise for the Congress to give that authority to the President.

I feel we have a separation of powers. The Executive has certain powers; the judicial branch has certain powers; the legislative branch has certain powers.

The Senator from Wyoming and the Senator from Virginia do not have exactly the same philosophy in this respect, but I have been concerned that the executive and the judiciary have usurped power to which they are not entitled. I have been concerned that Congress has given the President power which he should not have. This is one of those cases, as I see it.

Mr. McGEE. I used to dabble a bit in constitutional history, in another, quieter day. I guess those days were quieter on the campus. I guess I am lucky to be here in these days of campus turmoil.

It was always worth noting in the history of our country that the Presidents who usurped power were the strong Presidents—the Jacksons, the Lincolns, the Teddy Roosevelts, the Wilsons, the Franklin Roosevelts, and so on—and that the strong Congresses were those that happened to come along when we had weak Presidents, when the trend would switch the other way a good bit. That was a give and take, an ebb and flow, in the history of politics. I have great confidence that our system and its constitutional structure makes broad amends for those differences, because they vary with personalities as well as the crises of the times which often determine the nature of the decisionmaking.

I do not see any forfeiting the role of the Congress of the United States to the Executive in the kind of judgment that is anticipated and called for under the judgments which are recommended by this Commission. In fairness to the President of the United States, the Kappel Commission, which executed this original study and made the first recommendation, recommended considerably more in the interest of equity. The President of the United States cut it back. I think the recommendation was $50,000 as the level of salaries for Members of Congress. The President, in his judgment, cut it back. So if the Senator is apprehensive lest the President runs away with the ball after a citizen's committee has made its recommendations, I think so far we have not had a record of that, but that the President exercised what he thought was judicious caution in making his recommendation. At the same time he came to terms with what obviously came as a recommendation from a citizen's group, from an act of a political science group, which was an adjustment that was in the interest of a higher caliber or type of man serving the Government.

This remains only surface fluff, because we have the whole task of structuring at the very highest level and beneath. I do not know whether it would be demeaning to the office of a Senator to have staff members consulting with other Government officials who were getting $50,000 while he was getting $25,000. There are those who could survive that, but it might make a difference in the kind of person we were trying to bring in. We are trying to work toward good Government. We are trying to work toward equitable rewards in good Government, and the Members themselves are of only passing interest. Some pass more quickly than others. Nevertheless, the issue goes to all levels of Government, and a very significant part of it is the Cabinet group, Members of the House and Senate, and others in an advisory level. I think it is important that we not let personal considerations intrude into what I think is good civics.

Mr. BYRD of Virginia. Mr. President, will the Senator permit me to make an observation?

Mr. McGEE. I am glad to yield.

Mr. BYRD of Virginia. That has been my entire observation from the beginning of this debate. That has been my view from the beginning.

It is not a question of what the salary should be. It is not a question of personalities.

It is a question of policy. How do we set the salaries?

I am not saying whether the salaries are set too low or too high. That is not the point we are arguing.

The point we are arguing is the matter of policy. It is not a question of figures. It is not a question of personalities. It is not a question of whether a Senator demeans himself or does not demean himself because he does or does not get a certain salary. That is not the point of the argument. I have never argued that.

My only point is that it is a matter of policy.

My point is whether it is wise for the elected representatives of the people to permit another branch of Government, presumably a coequal branch of Government, to take a responsibility which I believe the Senator from Wyoming will agree has been the responsibility, rightly or wrongly, of the Congress from 1789 until 1967 or 1968, whenever we passed that recent law.

Mr. McGEE. I think the Senator's point is a valid one. I am not sure its impact is valid. A great many things have changed since 1789, and we have been constantly trying to update and modernize, and live up to those changes.

I think one of the very severe taxes imposed upon the modernization of Government in our country has been the mistaken notion that somehow you can do this without trying to equate it on the level or the scale of living and costs of comparable salaries in the private sector, at the same time. This changes. The contrast between what it would require now, in the top echelons of business, are almost explosive in contrast to just 20 or 30 years ago.

The same thing is true here. I do not think there is anything sacred about the fact that George Washington may have lived at a little lower level than we live. I do not want to go back to Washington's time, with all due respect. We have to live in the here-and-now. We are not going to turn back the clock. We cannot change the process. I think in view of that fact, we have to live as wisely as we can, or all be put out of business.

Mr. BYRD of Virginia. Mr. President, will the Senator yield?

Mr. McGEE. I yield.

Mr. BYRD of Virginia. I do not want to go through all this again, but I do not want the RECORD to indicate, by any omission on my part, that the Senator from Virginia wants to go back to 1789.

That is not what I said at all.

What I said was that it has been the responsibility of Congress, under the Constitution—and the Constitution goes back to 1789—to set the salaries.

If they wanted to set them at what they were in 1789, they had the right to do that. But if they wanted to set them at what they should be in 1969, they have had that right.

I am not saying we should go back to 1787 or 1789. I think the Senator from Wyoming will concede that I am not trying to put us back into those days, though they had some pretty good men in those days. I do not think any of us want to go back that far.

And that is not what I am arguing.

I am arguing a matter of policy. I believe the Senator from Wyoming will agree that under the Constitution, which goes back to 1789, until last year, the legislative branch assumed the responsibility, had the responsibility, and exercised the responsibility for determination of its own salaries—until last year, when we gave that determination to the President, which now the Senator from Delaware, the Senator from Nebraska, and the Senator from Virginia want to give back, or take back, to the legislative branch.

Mr. McGEE. I am not mindful, may I say to the Senator from Virginia, of any serious move under way to suggest that the action of Congress in enacting Public Law 90–206 was unconstitutional. I think it was a legitimate, and was generally agreed to be a legitimate, statutory enactment by this body.

The constitutional issue here, as I understand it, is not really the central question, for the reason that we have set up a procedure by which we hope to determine more responsible action in this field. We reserve the right to exercise the final judgment on the recommendations; whether we get them from a committee of the Continental Congress, based on recommendations from its staff members, which made the process orderly, or whether we try to update the process by getting recommendations from a public commission of private citizens, which recommends to the President, who then submits the recommendations to Congress, I think it still preserves the basics of constitutionalism, and to my knowledge, no constitutional question has been raised.

It is a question of whether to step back from what I think was a step forward in the technique in trying to arrive at as fair a judgment as it is possible

to arrive at in the political arena. That is difficult, I know, and the objections are often complex. It is only an attempt by this body to do it a little bit better than we used to do it. I think that does not do violence to the Consitution; in fact, I think it is a part of the secret of the strength of our Constitution. The Founding Fathers made no effort to bridle or restrain or imprison in detail the future generations of public leaders who would come along. They laid down the broad outlines; they laid down the directions; they laid down the bases of what they thought was responsible constitutional government, and each succeeding generation of political leaders has sought to interpret those intents in a meaningful way relative to the questions of its own time. That is all we did here, in this proposal. It still leaves the base with Congress, where the Constitution put it.

The law does not say only the President of the United States shall raise our salaries. That would be a seizure of power. This is simply a more sophisticated process by which an educated judgment could be made as to what we ought to be talking about. The President cut down the recommendation of the Commission; Congress had the choice to leave it where it was, to accept the President's proposal, or to reduce it further. The question is procedural and not constitutional. So I would disagree with the Senator from Virginia on his constitutional interpretation.

Mr. BYRD of Virginia. Mr. President, will the Senator yield further?

Mr. McGEE. I yield.

Mr. BYRD of Virginia. Is the Senator aware that the committee, of which he is now chairman, but of which last year and 2 years ago the distinguished former Senator from Oklahoma, Mr. Monroney, was chairman—by I presume a unanimous vote, but in any case a majority vote of the committee—eliminated from the bill this provision, in the same manner as the Senator from Delaware now seeks to eliminate it from the statute?

Mr. McGEE. Surely. I was a member of the committee at the time we held those deliberations. Our judgment at that time was that this procedure perhaps left some things to be desired. We wanted a little more time. We thought there were other alternatives, there was another process that might help us arrive at a fair judgment. Our basic interest in that case was that there had to be a better way of going about this business. We had, already, uncertainties about the procedure. We thought the political scientists might come to our rescue if we could wait a little time, to study this problem in greater depth.

Meanwhile, the House of Representatives passed it. We were confronted with it in conference. It ultimately became the law of the land. It is the law of the land right now. It is a regulation that governs this body.

Now that we have been able to go through that process, to experience its impact, I must say, as one of those who were honestly groping for a mechanism that might make this a more realistic approach than we had until then, I have failed as yet to come up with something better, and therefore I think it proper to sustain this measure, to keep it on the books, until the Senator from Virginia or someone else finds a better system to catch us up with the changing times.

That is the reason I oppose the amendment of the Senator from Delaware, and why I hope that we will vote it down, and pass the committee recommendation.

Mr. BYRD of Virginia. Will the Senator yield further?

Mr. McGEE. I am happy to yield.

Mr. BYRD of Virginia. The Senator from Wyoming mentioned the conference report, and I think that is a very important point. I ask the Senator from Wyoming to check me, to be certain that I am stating these facts accurately. I know that the Senator from Delaware, too, is familiar with them.

The Senate conferees on that bill, led by the then Senator from Oklahoma, Mr. Monroney, held out to the end. They had a very long conference—in fact, many conferences—and the Senate conferees, led by Senator Monroney, held out to the end in trying to strike out of that conference report the proposal to insert this commission plan into the legislation which came back to the Senate.

The Senate conferees were, I believe, unanimous—if they were not, I am sure that one of the conferees—I think the Senator from Hawaii was a conferee—can correct me if I am inaccurate—but I think the Senate conferees were unanimous, and the Senator from Oklahoma sat right there in that end seat, and told the Senate, "We fought right to the end. We have been fighting this battle for days, and we did not want to give in on this matter. We felt it was wrong. We felt it was wrong, but we had no recourse. The House stood firm, and we were anxious to get an increase in the junk mail rates, and we had to make a compromise. We traded off an increase in the junk mail"—and I favor that rate increase on the junk mail, incidentally.

Mr. McGEE. The Senator means he favors an increase in the costs for the junk mail, not an increase in the junk mail, I am sure.

Mr. BYRD of Virginia. I favor an increase in the cost of putting the junk mail into the mailboxes. However, in order to get that compromise or that increase in the cost of junk mail, the Senate conferees under the leadership of former Senator Monroney of Oklahoma finally, after many days of conferring, agreed to give in to the House on one proposal, and the House agreed to give in to the Senate on the junk mail increase proposal.

The chairman and the other conferees serving with the then chairman were bitterly opposed to the proposal. I heard former Senator Monroney make that statement on the floor of the Senate as well as to me privately.

I am glad that the Senator from Wyoming mentioned the conference report. I think that is very significant.

It shows the intent and the viewpoint and the determination of the Senate conferees to try to keep this piece of legislation off the statute books.

Mr. McGEE. Mr. President, I say to the Senator from Virginia that while I have only been a Member of the Senate for about 11 years, a very limited number of years compared with the length of service of many other Members of the Senate, it has occurred to me that neither house of Congress has always turned up with a monopoly on wisdom in its legislative efforts. Every once in a while the Senate seems to have more wisdom than the House. However, it is discouraging to have to say on occasions that the House seems to act more wisely than the Senate.

What the business of legislation is all about is the effort to try to find some common ground on which we might agree rather than saying, "I am right and the others are wrong." We try to arrive at a compromise, and there is a certain amount of give and take in the process.

In that particular bill it was felt that the composite package was worth the vote of the Senate even though the Senate conferees had some real misgivings about the procedure.

I have just mentioned to the Senator from Virginia that on reflecting upon it further or discussing it and studying it over this year, we are still frustrated by the absence of alternatives and other options. This in hindsight seems to be a wiser move than doing nothing. That is what we are in effect saying about the House decision at that time.

I say on behalf of our friends on the House side that the interchange between the two houses in conference is part of the business of what conferences and conferees are all about. When we have the counterchecks of the two bodies, we always have to give a little somewhere and so does the other body.

If we were to seek to repeal this now, in our judgment we would be beginning to unravel a rather complicated process. Would we go back and unravel the other agreements contained in that same conference? It is very difficult to turn back without opening up a worse can of worms than the one disturbing the Senator at the present time.

I think we have demonstrated in one orderly process that there is an unexcited, a closely objective, and a measurably constructive process in the legislation finally agreed to.

The Senate should reject the amendment of the Senator from Delaware.

Mr. WILLIAMS of Delaware. Mr. President, the Senator from Wyoming suggests that if we were to go back and repeal this provision we might be opening up the whole conference report, including the decision on junk mail, and that therefore we should reject this amendment.

That is a ridiculous argument. We are talking about a section which gives the President the right to fix congressional salaries.

I mentioned earlier that under existing law it is possible—and it almost happened—for the President to fix salaries for Congress and the top echelon of the judicial and executive branches without either House of Congress having the opportunity to vote on the matter.

It happened in the House. It would

have happened in the Senate as far as the Senate committee which had jurisdiction over the matter was concerned. That committee refused to report back to the Senate the resolution of disagreement so that the Senate might vote. The committee had a right to its own opinion. However, let the RECORD show that the Senate voted on the question in spite of and not as a result of any help that we received from the Senator's committee, which had jurisdiction over the matter.

The resolution was finally brought before the Senate under rule XIV under which one may ask for immediate consideration of a resolution, and the measure then goes to the Senate Calendar without objection.

The majority leader cooperated at the time and adjourned the Senate at the close of business on that day, which made it eligible as new business the next day. It was then possible to move directly to the consideration of the resolution. Without the cooperation of the majority leader in adjourning the Senate the vote would not have been possible. Had the Senate been held in recess for 5 or 6 more days or until the Lincoln Day recess, we would not have had the opportunity to vote. The increases automatically become law in 30 days after being submitted by the President unless Congress will have taken negative action prior to that time.

I again express my thanks to the majority leader for helping to get that resolution to a vote so that the Senate could vote the matter up or down.

We may not have such cooperation from future leaders. Had we not had such cooperation there is no way under the parliamentary rules as far as I know that we could have had a vote. I spent a lot of time studying the rules to determine how to get the measure to a vote.

I say that we should repeal this law by which a President may fix salaries for Congress and the top echelon in the executive branch when there is a possibility that neither House can get a rollcall vote on the matter. This law is wrong. We ought to repeal it. I hope that we can do that today.

I am not questioning the motives of the members of the committee who rejected the resolution. That is their business. They had a perfect right to oppose the resolution. However, let the record speak for itself. The resolution was not reported out by the Senate committee as required under the Reorganization Act. If a resolution of disagreement with one of the proposed Presidential reorganization plans is introduced the committee reports that resolution to the Senate with either a favorable or unfavorable recommendation. That is not a requirement under the law dealing with congressional salaries. Some Senators thought it was at the time; however, it did not work out that way.

I think the record should show that under the parliamentary situation in the Senate it was only through the cooperation of the majority leader that we were able to get a direct vote last February. As far as the Senate Post Office and Civil Service Committee was concerned, it did not intend that the resolution get to the Senate floor.

I hope that the pending amendment can be agreed to and that we can repeal the law.

The question is whether we are going to get in the same box 3 or 4 years from now. I certainly hope that the amendment will be agreed to.

Mr. President, I yield to the Senator from Nebraska.

The PRESIDING OFFICER. The Senator from Nebraska is recognized.

Mr. CURTIS. Mr. President, I thank the distinguished Senator from Delaware. I am pleased to join with him and the senior Senator from Virginia and my colleague from Nebraska in the pending amendment.

Mr. President, leaving the law as it is presupposes a need for a pay raise 4 years from now. It would be notice to the world of an expected continuation of the inflationary trends existing in our country, and inflationary trends are always a spiral.

Perhaps the economy would start to cool off and prices go down at this very time if it were not for the people who believe that inflation will go on and they want to get in now and buy and build and contract. By insisting that we have a commission 4 years from now look at the Government salaries, we presuppose continued inflation. That is bad financially and psychologically. It cannot be justified.

Theoretically, it sounds splendid to have an outside committee or commission make the difficult finding about what public officials should be paid. In actual practice, it is a mighty poor procedure, because in order to get men and women to serve on such a commission, the natural thing is to turn to captains of industry and to top leaders of labor unions.

Find me a commission the majority of which will say to every trial judge in the Federal judiciary, "We do not think you should have a pay increase, or not a very big one." Find me a commission the majority of which will say to the Supreme Court of the United States, "We do not think you should have a pay raise, or at least not a very big one." Where are the captains of industry who are in a position to say to the chairmen of every committee in Congress, "We have looked it over, and we do not think you should have a raise, or at least not a very big one"?

Theoretically, it is fine to have an outside group do it. In actuality, it is not good, in addition to all the questions that the distinguished Senator from Virginia has raised about the delegation of power.

Let us assume that there are those who feel that the Commission is the right procedure. Let Congress 4 years from now create a Commission. Let us not leave it here as notice to everybody that we presuppose 4 years of continued inflation.

Mr. President, I hope the amendment will be agreed to and that the present law will be repealed.

Mr. FONG. Mr. President, the fact that this law is on the statute books does not presuppose that in 4 years we will have a salary increase for the Members of Congress. At that time, the Commission—two members to be appointed by the Speaker of the House, two to be appointed by the President of the Senate, two to be appointed by the Chief Justice of the Supreme Court, and three to be selected by the President—will deliberate together and compare the salaries of the Members of Congress with those of industry and others for various positions throughout the United States.

Mr. President, I have been a member of the Committee on Post Office and Civil Service for almost 10 years. In the 10 years I have been a member of this committee, almost every year I have gone through the exercise of what can be done to give comparability to the 3 million Federal civil servants of our Nation. Almost every year we have struggled with that problem, and it is very difficult for the Members of Congress to say, "Give us an increase in salary so that we can bring up the structure of pay for the other civil servants of our country."

We know that because of the reluctance of the Members of Congress to increase their salaries, we have developed a tremendous compression of salaries in the top levels of Government; and because of this compression at top levels the Federal Government has had great difficulty in recruiting men of ability. We have not been able to pay salaries comparable to that in private industry, and we have been losing good men in Government service.

In the introduction to its report, the President's Commission which brought forth its recommendation said the following:

> The ability of our nation to meet the challenges of these troubled times depends on the leadership of those who place their talents and energies at the service of their country. It is with the maintenance of the quality of that leadership that we are concerned here.
>
> What are the incentives for able men and women to assume positions of leadership? Among them are prestige, the challenge of public service, the opportunity to help solve problems of national and international import, the sense of mission to act for the public good. All are powerfully attractive. At the same time, however, salary inducements must meet the realities of personal and family obligations. They should also reflect in some appreciable degree the level of responsibility involved in the office held.

Almost every year, in our deliberations on the salaries of the 3 million employees in Government, we have not been able to give comparability to the public servants within the lower categories of jobs. When we come to those categories in the upper grades, such as the supergrades of GS–16, 17, and 18 and in grades from GS–10 and above, we find that we are not able to pay salaries comparable to those in industry. This is because the salaries of the Members of Congress are at a certain level, and we feel that other Federal salaries should not exceed the salary of Members of Congress. Because of this one factor, the salaries of Senators, Representatives, and judges for some periods of time have remained static. I recall that for a period of probably 20 years, there had been no increase in the salary of Members of Congress because of the reluctance of Senators and Representatives to raise their own salary.

What I am talking about, Mr. President, is the salary structure of 3 million employees, not the salary structure of Members of Congress—435 Members of the House and 100 Members of the Senate. What happens to these 535 Members of Congress will reflect to a large degree on the compensation of those who are subordinate to them. Because of this, we felt it wise to establish this Commission.

This Commission has the approval of the Senate, because when the committee came back from the conference with the House in 1967, the report was agreed to by a vote of 72 to 0, to adopt the conference report and to set up the salary commission. This year, a vote was taken on the resolution of the distinguished Senator from Delaware as to whether we should approve what the President did and what the Commission had recommended; and by a vote of 47 to 34, the Senate went on record approving the work of the Commission and the recommendations of the President.

I believe that if the amendment of the distinguished Senator from Delaware is agreed to, we will be taking a step backward. Since 1962 we have promised all the civil servants in our Government that their pay will be comparable to the pay of people in industry. We have striven to give them comparability, but we have not been able to reach that comparability because of the salary structure of the Members of Congress. Only through this means will we be able to attain comparability this year, and on July 1, that comparability will be reached, based on the latest BLS figures available. If we eliminate this Commission, we will be going back to the situation in which we will again be unable to reach comparability.

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

Mr. FONG. I yield.

Mr. McGEE. Is it not true that the salaries of our military people, for example, are tied to the civilian level in Government?

Mr. FONG. Yes, and that would increase the salaries of another 3 million people, who will be dependent upon what we do here today.

We have 3 million men in the military service and we have 3 million persons in the Federal civil service. The salaries of those in the military service are tied to those paid the civil service. I thank the distinguished Senator from Wyoming for bringing up that point. We are talking about the salary structure for 6 million people not only 100 Senators and not only 435 Members of Congress.

I think the amendment of the distinguished Senator from Delaware is a step backward, and if adopted we will be forced to fight the battle of comparability again and again. We have now arrived at a point where we can give comparability to the 6 million people in Government service.

Mr. WILLIAMS of Delaware. Mr. President, will the Senator yield?

Mr. FONG. I yield.

Mr. WILLIAMS of Delaware. The section we propose to repeal does not affect in the slightest any of the members of the armed services nor any of those in civil service; it only affects congressional salaries and those of the top echelon of Government, so let us not talk about 6 million other people.

Mr. FONG. If the salaries of the people in the high echelons are not taken care of it will not be possible to raise the salaries of the other 6 million people in Government service.

Mr. WILLIAMS of Delaware. To the extent Congress raised its own salaries by 41 percent the Senator is correct that it cannot say "no" to civil service employees.

Mr. FONG. The reason it was raised in that way is that Members of Congress were reluctant to raise their own salaries. For years Members of Congress had not had salary increases because of that great reluctance.

Mr. WILLIAMS of Delaware. That reluctance of Senators was overcome in 1964 when they raised their salaries by 33⅓ percent. The raise this year was 40 percent on top of that 33⅓ percent. Congress has not been too bashful.

Mr. FONG. The last increase was the result of many, many years with no increases. There have been periods of up to 20 years where there was no increase. Therefore, to arrive at comparability this Commission of very learned men made that recommendation.

Mr. WILLIAMS of Delaware. Mr. President, to keep the record straight, in 1964 Congress raised its salaries by 33⅓ percent, from $22,500 to $30,000. To go back 8 or 10 years before that our salaries had been raised from $15,000 to $22,500. If one were to go back further there would be more increases.

Since I have been in Congress during the last 23 years congressional salaries have gone first in 1947 from $10,000 to $15,000, then around 1954 from $15,000 to $22,500, in 1964 from $22,500 to $30,000, and in February 1969 from $30,000 to $42,500.

Mr. President, let us face it. Members of Congress have not been reduced to the status of paupers, and I do not think we are quite eligible for the poverty program.

Mr. FONG. According to the figures I have here, we received a salary of $10,000 in 1946 and Members of Congress had waited 20 years before they got an increase of $5,000.

Mr. WILLIAMS of Delaware. It was raised effective January 1947 from $10,000 to $15,000.

Mr. FONG. But they waited another 10 years to go to $22,500, and then, another 8 years before there was another salary increase.

In the meantime Government employees received increases and if my memory serves me correctly, Federal employees have received salary increases during this period of approximately 100 percent.

Mr. WILLIAMS of Delaware. To my knowledge, and I think the Senator agrees, there was not a single candidate for Congress who when facing election told his constituency that he would only accept the job if the salary were raised by 45 to 50 percent.

Mr. FONG. We desire only to be fair to Members of Congress, all of our civil servants, and all of the men in the military. The only way we can do it, because of the reluctance of Members of Congress to raise their own salaries, is to set up this Commission which, after long hearings and comparing salaries in Government with industry, makes a recommendation to the President. This year the Senate voted 34 to 47 and said the President was correct and that the salary should be $42,500, even though the Commission had said it should be $50,000.

Mr. WILLIAMS of Delaware. The Senate should have a chance for a direct vote. In the past Congress has acted on salaries, but it is possible under the existing system that they get a salary increase without any vote.

That is what our amendment seeks to correct—we would repeal the law which makes this possible.

Mr. HRUSKA. Mr. President, I rise in support of the amendment to abolish the Commission on Executive, Legislative and Judicial Salaries of which I am a cosponsor. When this issue first came before the Senate in February in the form of salary increase recommendations I opposed it and my position is so recorded. I opposed this pay increase for two reasons. One was that I believed the raise was excessive in view of the condition of the economy. The second reasons for my opposition was that I disapproved of the method used to accomplish this raise.

Mr. President, when Congress created the Commission on Executive, Legislative, and Judicial Salaries, it surrendered one of its powers and prerogatives. This I believe was a grave error. I believe that this error can only be rectified by abolishing this Commission.

I associate myself with the arguments advanced by the distinguished Senator from Virginia (Mr. BYRD) and the distinguished Senator from Delaware (Mr. WILLIAMS). I am particularly pleased to associate myself with the comments made by my colleague from Nebraska (Mr. CURTIS). The substance of this amendment is virtually the same as the bill introduced last month by my colleague from Nebraska. I joined him as a cosponsor of that bill, for reasons which I stated on the floor of the Senate.

Mr. President, I ask unanimous consent that there be printed in the RECORD at the conclusion of my remarks the brief statement which I made in regard to the bill to abolish the Commission. It is my hope that the amendment will prevail and that the Commission will be abolished.

The PRESIDING OFFICER. Without objection, the statement of the Senator from Nebraska will be printed in the RECORD.

The statement is as follows:

Mr. HRUSKA. Mr. President, earlier this year every Member of Congress received a substantial increase in salary. I opposed that increase at the time and my position was so recorded during the rollcall vote on the issue.

The manner in which the vote was taken on this issue was most unusual. Normally in the Senate we have the right to modify a proposal either on the floor or in committee. On an appropriations bill, for example, the dollar figure can be raised or lowered. The option of lowering the proposed salary was not available to us, however. It was offered on a take-it-or-leave-it basis. This procedure was most unwise.

My distinguished colleague (Mr. CURTIS) has introduced a bill to reinstitute normal procedures in fixing salaries (S. 1538). I am most happy to join as a cosponsor of this legislation.

Mr. President, article I, section 1 of the Constitution provides that all legislative power of the U.S. Government is vested in the Congress.

The reason for this provision is obvious. The Founding Fathers wanted matters of setting national policy to be subject to open discussion under the scrutiny of the electorate.

The setting of salaries for Government officials is a legislative function of the highest order.

The setting of congressional salaries has been handled as normal legislation through the years. This method, of course, is awkward for the legislators, but I believe it is good for the electorate.

It has been pointed out on this floor that, over the years, the Congress has granted raises to its Members very begrudgingly. This is as it should be.

Mr. President, in 1967, the Congress devised a method by which its Members could get periodic raises without the usual hearings, debates and public expressions of indignation. This method was established by section 225 of Public Law 90–206, the Postal Revenue and Federal Salary Act of 1967.

Under section 225(a), a Commission on Executive, Legislative, and Judicial Salaries was established to study the compensation of officials and recommended adjustments.

Mr. President, I would have no particular quarrel with the Commission if its function was to assist the Members of Congress in their legislative functions, however, its functions are not so limited.

Under section 225, the Commission recommends salary adjustments to the President, who in turn transmits his recommendations to the Congress. Congress then has the choice of accepting or rejecting the recommendations and the lack of action by the Congress is tantamount to acceptance.

Mr. President, the Commission plan is not a new concept. It has been advocated by certain Members of the House for several years. This concept has been rejected by the members of the Senate Post Office and Civil Service Committee on at least two occasions prior to 1967. This concept was again rejected by the members of the committee in 1967.

Section 225 was added to Public Law 90–206 in conference, where the House insisted upon its inclusion. This compromise was accepted by the Senate in the closing days of the first session of the 90th Congress.

Mr. President, the Commission was duly organized, conducted its studies and reported to President Johnson who in turn, made his recommendations to Congress.

The recommendations were for pay raises for certain officials ranging from 40 percent to 100 percent.

These new pay scales went into effect on February 14 as a result of a rollcall vote in the Senate, and no action at all by the House.

I joined in the effort to reject the pay increase and I regret that our efforts were unsuccessful.

Mr. President, in deferring to the Commission and the Chief Executive, Congress has abdicated one of its most precious prerogatives.

The sequence of events leading up to the recent raise will be repeated in 4 years unless Congress asserts itself.

Mr. President, the Commission created by section 225 of Public Law 90–206 should be abolished.

Mr. ALLOTT. Mr. President, I realize that the hour is late. I do not intend to detain the Senate long, unless it is necessary to reply to numerous questions.

I cannot permit this matter to go before the Senate today without expressing myself as strongly as I can in support of the amendment offered by the distinguished Senator from Delaware. I have listened for some 2 hours to the debate on this question. I think that the present law providing for a commission to report to the President, and for the President to submit proposed salaries to Congress, is immoral. Furthermore, I think it is an abrogation of our duties and our responsibilities as Senators. No one will ever convince me otherwise.

We talk about the levels of salaries and how they influence other salaries. Much of that is true. But I think that one of the strongest arguments against the proposal is that Congress has the right to fix such salaries—or we had the right until we were such dupes as to pass the legislative salary bill, with the provisions for the commission attached to it, the year before last.

I join in the views of the Senator from Nebraska (Mr. HRUSKA). I know how strongly he feels about this particular amendment and this particular commission. I also applaud the distinguished Senator from Virginia (Mr. BYRD), who sits on the other side of the aisle and who feels so strongly about this subject. I feel just as strongly about it myself.

What have we done? We have let the Supreme Court, the President, the Members of the House, the Members of the Senate, and other people appoint persons to a commission. I suppose the members of the commission take an oath of office. It does not matter whether they do or not. They do not have any responsibility to Congress. The only responsibility they have is a tenuous advisory responsibility to the President.

This is one of the most cleverly worked out amendments that has ever been attached to a piece of proposed legislation.

The proponents knew what they were doing when they attached that to the salary pay raise bill. Exactly what many of us predicted would happen did happen. It happened. About the middle of January—I do not have the exact date before me—the President sent up a new salary schedule for the chief executive officers of the administration and Congress. Well now, this "great" commission thought that Members of Congress should have $50,000, but this was too big a fish for even some Members of Congress to swallow. So, when the President's message was sent up to Congress, he left the Supreme Court at $60,000 and the Chief Justice of the United States at $62,500. Then he cut Congress down from $50,000 to $42,500. In the latter respect, I think he was entirely right.

Mr. President, what has resulted in the interim?

We sit here in this Chamber with the Supreme Court to the east of us across the street, each Justice drawing $60,000 a year and the Chief Justice $62,500 a year—who, by the way, is also furnished with a Cadillac and a driver.

It is no secret that I have disagreed and I still disagree with many of the opinions of the Supreme Court these last few years, particularly in the area of criminal law. But, Mr. President, that is not pertinent to what I want to say now. Will anyone tell me that a member of the Supreme Court carries greater responsibilities on his back individually than any individual Member of the Senate in his committee assignments and his votes on this floor? I do not believe it. Many of us here, and there are many in this Chamber involved in the appropriations process, deal with $200 billion a year—and I must say that that is an incomprehensible figure. I do not know. I do know that the appropriations process and the spending by Congress has brought this great country into an inflationary period which may well wreck its fiscal house.

So we end up with this "wonderful, glorious" plan we have here. Nothing could be more "fair," nothing could be more "equitable" than this "wonderful" plan, this commission—an independent Commission, if you will, Mr. President, which bears no responsibility to anyone except an advisory responsibility to the President.

Thus, when the Commission came in with a recommendation to the President that he put the congressional salaries at $50,000, which is $10,000 under that of the Supreme Court—and there is not a $10,000 differentiation between the Supreme Court and Members of Congress—the President came in with that, but even he could not swallow it and he conferred, I guess, with some Members of Congress. I do not know who they were. It certainly was not with me. I surmise it might have been with the majority and minority leaders, which I presume he certainly did. But I do not know whom it was with. But, anyway, it was cut down to $42,500.

So, what do we end up with? With this "glorious," "justiciable" provision of law which we adopted a little over a year ago in the salary pay raise bill. We end up with members of the Supreme Court, who work 9 months out of the year, who enjoy a 3-month vacation in the summertime, and who have full retirement when they do retire—and who contribute not one single penny to their retirement—receiving $18,500 more a year than Members of Congress.

Mr. President, I say, upon the basis of their responsibilities, it is not justified.

We talked about this matter and we talked about it when it was before the Senate. The Senate spoke. As my good friend from Hawaii (Mr. FONG) has stated, the vote was 34 to 47—that is, 34 in favor of the resolution negating the President's action, and 47 against.

The other body had not managed, by the time the 30 days were up, even to get its committees organized to the point that it could be considered on the floor of the House. So we ended up with this body taking the only action. Since the action to negate the President's message had to take place within 30 days, nothing was done in the other body.

Now, those knowing how I feel may say, "This man is just mad at the Supreme Court." Well, I am not. I am not pleased with it, I will say that, so far as its legal opinions are concerned. They have none of the responsibilities that Members of Congress have, they do not have the responsibilities of listening to

constituents and trying to solve their problems, and so forth, they are not faced with the responsibility of going home four, five, 10, or 20 times—sometimes more than that—28 times it was for me in 1966, and they are not faced with that kind of responsibility, but are able to sit here in Washington, to lead a nice, secure, and secluded life where they are not subjected to lobbying pressures that Senate and House Members are. Nevertheless, with this fine form of law which we have passed which contains so much "justice," so much "equity," they sit over there drawing $60,000 a year while House and Senate Members—who, I say, have greater responsibilities—draw $18,500 less.

Mr. President, I do not think that our salary should be higher than it is. I just object that the Supreme Court's is so high. I actually had worked out a parliamentary ploy, at the time this matter was before the Senate, to attempt to reduce their salaries, but with the size of the vote which occurred on the resolution, it was obvious to me it was an impossibility to do anything with it.

I hate to say this, but I think that some people are perhaps willing to hide behind this method. I am perfectly willing, when the time comes—if it comes—when I think our salaries should be raised, to stand up on this floor and vote for a raise; or, if I think not, then to vote against one.

This committee has the jurisdiction to introduce bills, to have hearings, and to bring in a recommendation to the Senate for such purpose. They did not do so. They did not do it last year, and, of course, there is no need to do it this year.

But it seems to me that we are missing the whole point of this question when we say that this is the only way we can do it; that the Members of Congress are unwilling to vote for their own raises in salary.

I am not unwilling to do it if it needs to be done. I am not going to do it this year, I will say, and probably not for several years to come.

But the worst part of it is that of all the powers that Congress has surrendered to the executive branch, this is the worst, in my opinion. It will bear the light of cold scrutiny the least of any power we have ever surrendered to the executive branch. And the final proof shows up in the final injustice—I will say the galling injustice—of the discrepancy between the salaries of the Supreme Court and those of the Members of Congress.

I do not think even my friend from Virginia feels more strongly than I do about this, but having gone through this one humiliating experience—and it was humiliating—in which, after we had had an opportunity, through the kind offices and good parliamentary maneuvers of my distinguished friend from Delaware, to turn down the Kappel Commission report, and to get a bill out of our own committee to fix our own salaries, I do not think we should do it again.

Here is an opportunity for every Senator to finally start the method and means of wiping the slate clean and saying that from here on we are going to be masters of our own fate; we are going to stand up and when we need to raise salaries, we will vote for them, and when we do not need them, we will vote against them. We are not going to let a group of people appointed by this court and this body and some other body fix salaries which, when they come here on the floor of the Senate, or on the floor of the House, almost have the full force and effect of law

Let me say further that had it not been for the parliamentary astuteness of the distinguished Senator from Delaware, we would not even have had an opportunity to vote upon this principle, even though the vote was certain.

In conclusion, I say this is the wrong way to do it. I sincerely hope the Members of the Senate will help the Senator from Delaware straighten this matter out once and for all and get rid of this infamous amendment, which I believe is a disgrace and shame upon all of us.

Mr. HOLLAND. Mr. President, I am glad the Senator from Delaware has offered this amendment, because it, for the first time, gives the opportunity to the Senate to vote up or down the provision of the earlier law by which this Commission was established.

May I say in the beginning that I would have little objection to the setting up of a commission to make recommendations, and even to have the President second those recommendations or amend them as they might be sent by him to the Congress, provided there was a mandatory requirement that each House of the Congress must vote upon those recommendations as they reach us.

It seems to me that the primary vice in this whole setup is that we invite a situation under which by mere inaction—which was taken by one body of Congress when the salary matter came before us some months ago—we permit to stand the recommendations of a body other than ourselves, the Congress, in which all legislation must originate and by which all legislation must be passed, according to the Constitution.

I thank the Senator from Delaware for offering this amendment, for which I propose to vote. I thank him for having taken the steps he did when the recommendations came before us earlier in the year, because they gave us an opportunity, at least so far as the Senate is concerned, to regularize what was done at that time by making it an act dependent upon the vote of the Members of the Senate. If no vote had been taken here and no vote taken in the other body, we would have been indeed in a weak—a hopelessly weak—position as having surrendered our authority and having delegated it to a commission with the intent to let them handle our legislative duties.

Mr. President, I voted for the recommendations as they reached us because I thought, in the main, they were good. I thought, insofar as the executive department and the judicial department were concerned many of them were long, long past due.

So far as the legislative department is concerned, I want to call attention now to the fact that it was not the recommendations of the Commission that prevailed, and it was not the sole recommendations of the President that prevailed, when we voted upon those recommendations, because the report of the President makes very clear what happened. I want to read this portion of his report into this debate at this time. The President used, in his recommendations to the Congress, these words:

> A proper concern for history and tradition, however, suggests that the President should consult the leaders of Congress before he makes any recommendations concerning Congressional salaries.
>
> I have done that.
>
> These discussions and consultations revealed that Congress would be reluctant to approve a $50,000 salary.

I digress to say that that was the amount recommended by the Commission.

Continuing to quote:

> When it comes to a pay increase, Congress puts its own Members last in line. Instead, an increase to $42,500 was considered preferable and more likely to receive the necessary support. I respect the desires of the leaders of Congress. I therefore now recommend a $42,500 salary for the Members of the House of Representatives and the Senate.

The President made it very clear that his recommendations were not based solely upon those of the Commission—in fact, he changed the recommendations of the Commission. They were not based solely upon his own judgment, but upon consultations between him and the leaders of both houses of the Congress.

Then the Senator from Delaware, very wisely, in order to keep the record from indicating that we had supinely delegated away all of our legislative authority, insisted upon our having a vote. We did have a vote, and I think that vote saved the Congress from being in a hopelessly weak position. I here commend the Senator from Delaware for having insisted upon our having taken that vote.

I did not vote as the Senator from Delaware did because I thought most of those provisions were very much needed, and I thought the congressional salary increase was one of the most needed in view of our having to maintain two homes and having to be elected periodically.

I have, for example, the report of the Commission showing what the officers of the State of Florida receive for their various services, all the way from $50,000 in the case of one executive officer—not an elective officer, by the way—to $36,000 for the Governor, with a mansion to live in and $29,000-plus to operate that mansion, and $34,000 for each of the six members of the cabinet, and for many others who received well above the $30,000 limitation which we were receiving at that time.

For instance, I notice that in one county, Dade County, Fla., there are four county officers receiving well above the $30,000 level—$33,000, for instance, for the superintendent of education; $32,500 for the county attorney; $32,500 for the State attorney in that county; and the other was the president of the junior college there, who received a salary well above the $30,000 level, plus other compensation. I did not regard the compensation of these Florida officials

excessive—I thought we were badly underpaid.

So, Mr. President, I thought that we proceeded rather wisely in approving those particular recommendations, and that we would have been proceeding very foolishly if we had allowed them to become law without our actually voting upon them.

It is a fact that we did vote upon them. That regularized the whole proceeding, in my opinion. I would hope that the Senate would approve this amendment, and show our disapproval of the type of legislation we now have, which really invites supine inaction by both Houses, and is thus a delegation of important legislative power to others not authorized by the Constitution to exercise such legislative power.

I think that if we have a Commission again—and I have no objection to a Commission to study levels of salaries and to make recommendations—there should be included a provision requiring mandatorily a vote for each House of Congress before the recommendations of any such Commission be approved, in whole or in part.

I shall not speak longer upon this matter, but it seems to me that we have, now, the first chance that we have had to pass upon whether or not we want the present type of Commission to exist for the future. I remind the Senate that our own committee turned it down before—the committee then headed by the distinguished former Senator from Oklahoma, Mr. Monroney, with most of the other members who were on it then still on it—when the measure came over from the House of Representatives. It was an important postal rate bill, involving many millions of dollars of increased revenue for the Post Office Department, something that was absolutely needed. The committee cut off that House provision, and when we passed the measure, the provision was not in it. It went to conference, and came back with the House provision on it, and we adopted it, in my judgment, simply because the additional revenue provided in that postal increase bill was so essential.

We had no chance then, and we have had no chance since, to vote upon this particular provision as a wise or unwise legislative proposal. I welcome the chance to vote upon it now, because I do not think it is a wise legislative proposal, and I do not think we should surrender our legislative power, much less invite a situation under which, by merely sitting in our seats and appearing to be too cowardly to cope with a problem of this kind, we surrender our legislative power to others.

Mr. President, I yield the floor.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the vote on the pending amendment occur not later than 10 minutes to 5 today.

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

The question is on agreeing to the amendment offered by the Senator from Delaware (Mr. WILLIAMS) and other Senators. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Oklahoma (Mr. HARRIS), the Senator from Minnesota (Mr. MCCARTHY), the Senator from Montana (Mr. METCALF), the Senator from Maine (Mr. MUSKIE), the Senator from Wisconsin (Mr. NELSON), the Senator from West Virginia (Mr. RANDOLPH), the Senator from Georgia (Mr. RUSSELL), and the Senator from Maryland (Mr. TYDINGS) are necessarily absent.

I further announce that, if present and voting, the Senator from West Virginia (Mr. RANDOLPH) would vote nay.

Mr. SCOTT. I announce that the Senators from Arizona (Mr. FANNIN and Mr. GOLDWATER), the Senator from Wyoming (Mr. HANSEN), the Senator from Maryland (Mr. MATHIAS), and the Senator from Illinois (Mr. PERCY) are necessarily absent.

The Senator from Vermont (Mr. PROUTY) is absent because of illness.

The Senator from South Carolina (Mr. THURMOND) is detained on official business.

If present and voting, the Senator from Wyoming (Mr. HANSEN), and the Senator from South Carolina (Mr. THURMOND) would each vote "yea."

On this vote, the Senator from Arizona (Mr. FANNIN) is paired with the Senator from Illinois (Mr. PERCY). If present and voting, the Senator from Arizona would vote "yea" and the Senator from Illinois would vote "nay."

The result was announced—yeas 49, nays 36, as follows:

[No. 25 Leg.]

YEAS—49

Aiken	Dominick	Murphy
Allen	Ellender	Packwood
Allott	Ervin	Pastore
Bellmon	Fulbright	Pearson
Bennett	Gore	Proxmire
Bible	Gurney	Smith
Boggs	Hartke	Sparkman
Burdick	Hatfield	Spong
Byrd, Va.	Holland	Stennis
Byrd, W. Va.	Hollings	Symington
Cannon	Hruska	Talmadge
Church	Jordan, N.C.	Tower
Cook	Jordan, Idaho	Williams, Del.
Cooper	Mansfield	Young, N. Dak.
Cotton	McClellan	Young, Ohio
Curtis	Miller	
Dole	Mundt	

NAYS—36

Anderson	Gravel	McIntyre
Baker	Griffin	Mondale
Bayh	Hart	Montoya
Brooke	Hughes	Moss
Case	Inouye	Pell
Cranston	Jackson	Ribicoff
Dirksen	Javits	Saxbe
Dodd	Kennedy	Schweiker
Eagleton	Long	Scott
Eastland	Magnuson	Stevens
Fong	McGee	Williams, N.J.
Goodell	McGovern	Yarborough

NOT VOTING—15

Fannin	McCarthy	Prouty
Goldwater	Metcalf	Randolph
Hansen	Muskie	Russell
Harris	Nelson	Thurmond
Mathias	Percy	Tydings

So the amendment of Mr. WILLIAMS of Delaware was agreed to.

Mr. HOLLAND. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. PASTORE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MANSFIELD. Mr. President, the measure before us would raise to $62,500 the salaries of the Vice President of the United States—the President of this body—and the Speaker of the House of Representatives. I do not believe this sum to be inordinately high or excessive considering the station of the positions and the immense responsibilities involved. It also raises the salaries of other Members of the leadership of Congress, including that of the majority leader of the Senate.

As majority leader, I voted last February to increase congressional salaries along with those of Federal judges and executive branch officials.

With respect to this proposal, I find that its personal effect on me has presented a circumstance of a most difficult character. I am unable to justify an affirmative vote on this measure, however justly the Vice President and Speaker and President pro tempore and the other officers involved may deserve to have their salaries adjusted in relation to the recent changes in the entire Federal salary structure. But to vote against this bill, as I would like to and had intended to, in circumstances in which I am likely to find my pay increased in any event, would be hypocritical.

It is for these reasons that I request that the Senate permit me to record myself as merely "present" on the vote.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. PASTORE. Mr. President, I am very much disturbed about this measure. We have raised the salary of the President, and I think we should raise the salary of the Vice President and we should stop there.

I do not think it costs the Speaker any more to live in Washington than it costs me. We have already raised our salaries.

There has been a lot of criticism from the public. We in Congress have been very much criticized for voting ourselves a whopping increase at a time of inflation.

It was always my idea that when we voted for salary increases for employees under civil service, we should have given ourselves the same percentage increase. I believe we would have avoided a lot of this criticism, and we would have been approximately in the same position as we are with this increase of $12,500.

I am not saying that we are not entitled to it. I am not saying that we are not worth it. As a matter of fact, anyone who does not have an outside income needs $42,500 to maintain a home in his own State and a modest home in Washington, especially if he has a family to support and children to put through college. There is no question about that. When we realize how much must be paid back in income tax out of the increase, not too much is left.

I was one of those who thought that possibly what we should have done was to raise the $3,000 allowance that is deductible for living-in expenses, that we should have made that $5,000, and given ourselves a $5,000 raise, rather than the $12,500. But that is water over the dam.

Therefore, unless we confine the increase to the Vice President of the United States alone, I shall be compelled to vote against it.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. BYRD of West Virginia. Mr. President, I voted against the bill increasing the salary of the President of the United States. I voted against the bill increasing the salaries of Cabinet members, U.S. Supreme Court judges, and Members of Congress. Therefore, I shall vote against the bill which is now before the Senate.

Mr. DOMINICK. Mr. President, I send to the desk an amendment and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

Strike out the language beginning on page 1, line 9, through page 3, line 19, as follows:

"SEC. 2. (a) The second sentence of section 601(a) of the Legislative Reorganization Act of 1946, as amended (2 U.S.C. 31), relating to the compensation of the Speaker of the House of Representatives, is amended by striking out '$43,000' and inserting in lieu thereof '$62,500'.

"(b) The third sentence of section 601(a) of the Legislative Reorganization Act of 1946, as amended (2 U.S.C. 31), relating to the compensation of the Majority Leader and the Minority Leader of the Senate and the Majority Leader and the Minority Leader of the House of Representatives, is amended—

"(1) by striking out '$35,000' and inserting in lieu thereof '$55,000';

"(2) by inserting 'the President pro tempore of the Senate,' immediately following 'compensation of'; and

"(3) by inserting a comma immediately following 'Minority Leader of the Senate'.

"SEC. 3. The amendments made by this Act shall become effective on March 1, 1969.

"SEC. 3. Subparagraph (C) of section 225 (f) of the Postal Revenue and Federal Salary Act of 1967 (Public Law 90–206; 81 Stat. 643) relating to the functions of the Commission on Executive, Legislative, and Judicial Salaries; is amended to read as follows:

"'(C) justices, judges, and other personnel in the judicial branch referred to in section 402(d) and 403 of the Federal Judicial Salary Act of 1964 (78 Stat. 434; Public Law 88–426) and the judges referred to in the amendments made by paragraphs (2), (3), and (4) of section 306(1) of the Federal Executive Salary Act of 1964 (78 Stat. 431; Public Law 88–426); and'.

"SEC. 4. (a) Section 11–702(d) of the District of Columbia Code is amended by striking out '$29,000' and '$28,500' and inserting in lieu thereof '$38,500' and '$38,000', respectively.

"(b) Section 11–902(d) of the District of Columbia Code is amended by striking out '$28,000' and '$27,500' and inserting in lieu thereof '$37,500' and '$37,000', respectively.

"(c) The first sentence of the second paragraph of section 2 of the District of Columbia Revenue Act of 1937, as amended (D.C. Code, sec. 47–2402), is amended by striking out '$27,500' and inserting in lieu thereof '$37,000'.

"SEC. 5. (a) Sections 1, 2, and 4 of this Act shall become effective on March 1, 1969.

"(b) Section 3 shall become effective upon enactment."

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

Mr. DOMINICK. I yield.

Mr. PASTORE. Mr. President, I would like to be added as a cosponsor of that amendment.

Mr. DOMINICK. I am happy to have the Senator as a cosponsor.

Mr. President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. There is a sufficient second.

The yeas and nays were ordered.

Mr. DOMINICK. Mr. President, I am going to be very brief. I shall be only 2 or 3 minutes at the most. My feeling is the same as the feeling expressed by the distinguished Senator from Rhode Island.

We have been under intensive criticism throughout the country for the pay raise we gave ourselves. We failed to act when we could have. In this particular bill we are once again raising salaries of very distinguished members of whom I am very fond and also acting to raise salaries of a number of judges.

It strikes me that the purpose of this bill is to try to bring the salary of the Vice President somewhere within a normal range so that he can live the way he is entitled to live and not to give such salary raises to persons in other positions.

It is for that reason I have offered the amendment. It will leave in the raise for the Vice President and the amendment offered by the Senator from Delaware which was just agreed to, and strike out all other pay raises.

Mr. WILLIAMS of Delaware. Mr. President, will the Senator yield?

Mr. DOMINICK. I yield.

Mr. WILLIAMS of Delaware. I would be glad to join the Senator in this amendment. I think the amendment would be a step in the right direction.

Mr. PASTORE. Mr. President, we cannot hear the Senator.

Mr. WILLIAMS of Delaware. I join the Senator in his amendment. I think this would be a constructive step for us to take at this time to show the American people we are really concerned about this problem of inflation; this is the very least that we can do. I am glad to join as a cosponsor of the amendment.

Mr. DOMINICK. I thank the Senator.

Mr. President, I ask unanimous consent that the name of the Senator from Delaware (Mr. WILLIAMS) may be added as a cosponsor of the amendment.

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

Mr. McGEE. Mr. President, upon reflecting on the measure that has now been proposed and on the deliberations in this body, I move to recommit the bill.

The PRESIDING OFFICER. The question on the motion to recommit takes precedence. The question is on agreeing to the motion to recommit [putting the question].

Mr. HOLLAND. Did the Presiding Officer rule?

The PRESIDING OFFICER. The Presiding Officer has not yet ruled.

Mr. DOMINICK. Mr. President, we have the yeas and nays ordered on my amendment. Can a voice vote on a motion to recommit wipe out the order for the yeas and nays on the previous amendment?

The PRESIDING OFFICER. The Senator is correct.

Mr. FULBRIGHT. Mr. President, regular order.

Mr. MURPHY. Mr. President, would it be proper or improper at this point to ask for the yeas and nays on the motion to recommit?

The PRESIDING OFFICER. The Senator may ask for the yeas and nays on the motion to recommit.

Mr. MURPHY. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. There is a sufficient second. The question is on agreeing to the motion to recommit. The yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Oklahoma (Mr. HARRIS), the Senator from Minnesota (Mr. MCCARTHY), the Senator from Montana (Mr. METCALF), the Senator from Maine (Mr. MUSKIE), the Senator from Wisconsin (Mr. NELSON), the Senator from West Virginia (Mr. RANDOLPH), the Senator from Georgia (Mr. RUSSELL), and the Senator from Maryland (Mr. TYDINGS) are necessarily absent.

I further announce that, if present and voting, the Senator from West Virginia (Mr. RANDOLPH) would vote "yea."

Mr. SCOTT. I announce that the Senators from Arizona (Mr. FANNIN and Mr. GOLDWATER), the Senator from Wyoming (Mr. HANSEN), the Senator from Maryland (Mr. MATHIAS), and the Senator from Illinois (Mr. PERCY) are necessarily absent.

The Senator from Vermont (Mr. PROUTY) is absent because of illness.

The Senator from South Carolina (Mr. THURMOND) is detained on official business.

If present and voting, the Senator from Illinois (Mr. PERCY) would vote "nay."

On this vote, the Senator from Arizona (Mr. FANNIN) is paired with the Senator from Wyoming (Mr. HANSEN). If present and voting, the Senator from Arizona would vote "nay," and the Senator from Wyoming would vote "yea."

The result was announced—yeas 64, nays 21, as follows:

[No. 26 Leg.]

YEAS—64

Aiken	Ervin	Mondale
Allen	Fulbright	Montoya
Anderson	Gore	Moss
Bayh	Gravel	Mundt
Bellmon	Hart	Pastore
Bennett	Hartke	Pearson
Bible	Holland	Pell
Boggs	Hollings	Proxmire
Brooke	Hughes	Ribicoff
Burdick	Inouye	Smith
Byrd, Va.	Jackson	Sparkman
Byrd, W. Va.	Jordan, N.C.	Spong
Cannon	Jordan, Idaho	Stennis
Case	Kennedy	Symington
Church	Long	Talmadge
Cooper	Magnuson	Williams, N.J.
Cranston	Mansfield	Williams, Del.
Dodd	McClellan	Yarborough
Dole	McGee	Young, N. Dak.
Eagleton	McGovern	Young, Ohio
Eastland	McIntyre	
Ellender	Miller	

NAYS—21

Allott	Fong	Murphy
Baker	Goodell	Packwood
Cook	Griffin	Saxbe
Cotton	Gurney	Schweiker
Curtis	Hatfield	Scott
Dirksen	Hruska	Stevens
Dominick	Javits	Tower

NOT VOTING—15

Fannin	McCarthy	Prouty
Goldwater	Metcalf	Randolph
Hansen	Muskie	Russell
Harris	Nelson	Thurmond
Mathias	Percy	Tydings

So the motion to recommit the bill was agreed to.

ORDER FOR ADJOURNMENT TO THURSDAY, MAY 1, 1969

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until noon Thursday next.

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

AUTHORIZATION FOR SECRETARY OF THE SENATE TO RECEIVE MESSAGES DURING ADJOURNMENT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that during the adjournment of the Senate until noon Thursday next, the Secretary of the Senate be authorized to receive messages from the President of the United States and the House of Representatives, and that they may be appropriately referred.

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

AUTHORIZATION FOR COMMITTEES TO FILE REPORTS DURING ADJOURNMENT

Mr. MANSFIELD. Mr. President, I further ask unanimous consent that during this period all committees may file reports, together with individual, minority, or supplemental views.

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

S. 2023, S. 2024, S. 2025, S. 2026, S. 2027, S. 2028—INTRODUCTION OF BILLS ON OWNERSHIP OF CERTAIN LANDS IN RIVERSIDE COUNTY, CALIF., AND SUBMISSION OF COMPANION RESOLUTIONS, SENATE RESOLUTIONS 185, 186, 187, 188, 189, AND 190

Mr. MURPHY. Mr. President, on March 4 of this year, I introduced S. 1303 through S. 1360, and S. 1364, and submitted Senate Resolution 103 through Senate Resolution 161, all of which pertained to the ownership of lands along the Colorado River. At the time I pointed out that the bills involved the Secretary of the Interior and lands under his control and that the resolutions, in turn, pertained directly to the bills. I then asked unanimous consent, which was granted, for all of the bills together with the accompanying resolutions to be referred to the Senate Committee on Interior and Insular Affairs. I now introduce six more bills and submit six more resolutions of the same type and again request unanimous consent that all of them be referred to the Senate Interior and Insular Affairs Committee.

The PRESIDING OFFICER. The bills and resolutions will be received and, by unanimous consent, referred to the Committee on Interior and Insular Affairs.

The bills (S. 2023) to authorize and direct the Secretary of the Interior to relinquish and quitclaim any title it may heretofore claim to certain lands situated in the County of Riverside, State of California, (S. 2024) to authorize and direct the Secretary of the Interior to relinquish and quitclaim any title it may heretofore claim to certain lands situated in the county of Riverside, State of California, (S. 2025) to authorize and direct the Secretary of the Interior to relinquish and quitclaim any title it may heretofore claim to certain lands situated in the county of Riverside, State of California, (S. 2026) to authorize and direct the Secretary of the Interior to relinquish and quitclaim any title it may heretofore claim to certain lands situated in the county of Riverside, State of California, (S. 2027) to authorize and direct the Secretary of the Interior to relinquish and quitclaim any title it may heretofore claim to certain lands situated in the county of Riverside, State of California, (S. 2028) to authorize and direct the Secretary of the Interior to relinquish and quitclaim any title it may heretofore claim to certain lands situated in the county of Riverside, State of California, introduced by Mr. MURPHY, were received, read twice by their titles, and referred to the Committee on Interior and Insular Affairs, by unanimous consent.

The resolutions (S. Res. 185) to refer the bill (S. 2024) entitled "A bill to authorize and direct the Secretary of the Interior to relinquish and quitclaim any title it may heretofore claim to certain lands situated in the county of Riverside, State of California," to the Chief Commissioner of the Court of Claims for a report thereon; (S. Res. 186) to refer the bill (S. 2025) entitled "A bill to authorize and direct the Secretary of the Interior to relinquish and quitclaim any title it may heretofore claim to certain lands situated in the county of Riverside, State of California," to the Chief Commissioner of the Court of Claims for a report thereon (S. Res. 187) to refer the bill (S. 2026) entitled "A bill to authorize and direct the Secretary of the Interior to relinquish and quitclaim any title it may heretofore claim to certain lands situated in the county of Riverside, State of California," to the Chief Commissioner of the Court of Claims for report; (S. Res. 188) to refer the bill (S. 2027) entitled "A bill to authorize and direct the Secretary of the Interior to relinquish and quitclaim any title it may heretofore claim to certain lands situated in the county of Riverside, State of California," to the Chief Commissioner of the Court of Claims for a report thereon; (S. Res. 189) to refer the bill (S. 2028) entitled "A bill to authorize and direct the Secretary of the Interior to relinquish and quitclaim any title it may heretofore claim to certain lands situated in the county of Riverside, State of California"; (S. Res. 190) to refer the bill (S. 2023) entitled "A bill to authorize and direct the Secretary of the Interior to relinquish and quitclaim any title it may heretofore claim to certain lands situated in the county of Riverside, State of California," to the Chief Commissioner of the Court of Claims for a report thereon, which read as follows, were referred to the Committee on Interior and Insular Affairs, by unanimous consent.

S. RES. 185

Resolved, To refer the bill (S. 2024) entitled "A bill to authorize and direct the Secretary of the Interior to relinquish and quitclaim any title it may heretofore claim to certain lands situated in the county of Riverside, State of California", to the Chief Commissioner of the Court of Claims for a report thereon.

Whereas there is pending in the Senate of the United States a bill designated as S. — to authorize and direct the Secretary of the Interior to relinquish and quitclaim any title it may heretofore claim to certain lands situated in the county of Riverside, State of California, unto Sam Biggs: It is hereby

Resolved, That the Chief Commissioner of the United States Court of Claims shall designate pursuant to section 1492 of title 28 of the United States Code, a trial commissioner to proceed in accordance with the applicable rules to determine the facts, including facts relating to delay or laches, facts bearing upon the question whether the bar of any statute of limitations should be removed, or facts claimed to excuse the claimant for not having resorted to any established legal remedy. He shall append to his findings of facts, conclusions sufficient to inform the Congress whether the demand is a legal or equitable claim or a gratuity, and the amount, if any, legally or equitably due from the United States to the claimant.

S. RES. 186

Resolved, To refer the bill (S. 2025) entitled "A bill to authorize and direct the Secretary of the Interior to relinquish and quitclaim any title it may heretofore claim to certain lands situated in the county of Riverside, State of California", to the Chief Commissioner of the Court of Claims for a report thereon.

Whereas there is pending in the Senate of the United States a bill designated as S. — to authorize and direct the Secretary of the Interior to relinquish and quitclaim any title it may heretofore claim to certain lands situated in the county of Riverside, State of California, unto Earl A. Reynolds, Jr.: It is hereby

Resolved, That the Chief Commissioner of the United States Court of Claims shall designate pursuant to section 1492 of title 28 of the United States Code, a trial commissioner to proceed in accordance with the applicable rules to determine the facts, including facts relating to delay or laches, facts bearing upon the question whether the bar of any statute of limitations should be removed, or facts claimed to excuse the claimant for not having resorted to any established legal remedy. He shall append to his findings of facts, conclusions sufficient to inform the Congress whether the demand is a legal or equitable claim or a gratuity, and the amount, if any, legally or equitably due from the United States to the claimant.

S. RES. 187

Resolved, To refer the bill (S. 2026) entitled "A bill to authorize and direct the Secretary of the Interior to relinquish and quitclaim any title it may heretofore claim to certain lands situated in the county of Riverside, State of California", to the Chief Commissioner of the Court of Claims for a report thereon.

Whereas there is pending in the Senate of the United States a bill designated as S. — to authorize and direct the Secretary of the Interior to relinquish and quitclaim any title it may heretofore claim to certain lands

situated in the county of Riverside, State of California, unto Marg Haaker: It is hereby

Resolved, That the Chief Commissioner of the United States Court of Claims shall designate pursuant to section 1492 of title 28 of the United States Code, a trial commissioner to proceed in accordance with the applicable rules to determine the facts, including facts relating to delay or laches, facts bearing upon the question whether the bar of any statute of limitations should be removed, or facts claimed to excuse the claimant for not having resorted to any established legal remedy. He shall append to his findings of facts, conclusions sufficient to inform the Congress whether the demand is a legal or equitable claim or a gratuity, and the amount, if any, legally or equitably due from the United States to the claimant.

S. RES. 188

Resolved, To refer the bill (S. 2027) entitled "A bill to authorize and direct the Secretary of the Interior to relinquish and quitclaim any title it may heretofore claim to certain lands situated in the county of Riverside, State of California", to the Chief Commissioner of the Court of Claims for a report thereon.

Whereas there is pending in the Senate of the United States a bill designated as S. — to authorize and direct the Secretary of the Interior to relinquish and quitclaim any title it may heretofore claim to certain lands situated in the county of Riverside, State of California, unto Woodie Coats: It is hereby

Resolved, That the Chief Commissioner of the United States Court of Claims shall designate pursuant to section 1492 of title 28 of the United States Code, a trial commissioner to proceed in accordance with the applicable rules to determine the facts, including facts relating to delay or laches, facts bearing upon the question whether the bar of any statute of limitations should be removed, or facts claimed to excuse the claimant for not having resorted to any established legal remedy. He shall append to his findings of facts, conclusions sufficient to inform the Congress whether the demand is a legal or equitable claim or a gratuity, and the amount, if any, legally or equitably due from the United States to the claimant.

S. RES. 189

Resolved, To refer the bill (S. 2028) entitled "A bill to authorize and direct the Secretary of the Interior to relinquish and quitclaim any title it may heretofore claim to certain lands situated in the county of Riverside, State of California", to the Chief Commissioner of the Court of Claims for a report thereon.

Whereas there is pending in the Senate of the United States a bill designated as S. — to authorize and direct the Secretary of the Interior to relinquish and quitclaim any title it may heretofore claim to certain lands situated in the county of Riverside, State of California, unto E. H. Wilson: It is hereby

Resolved, That the Chief Commissioner of the United States Court of Claims shall designate pursuant to section 1492 of title 28 of the United States Code, a trial commissioner to proceed in accordance with the applicable rules to determine the facts, including facts relating to delay or laches, facts bearing upon the question whether the bar of any statute of limitations should be removed, or facts claimed to excuse the claimant for not having resorted to any established legal remedy. He shall append to his findings of facts, conclusions sufficient to inform the Congress whether the demand is a legal or equitable claim or a gratuity, and the amount if any, legally or equitably due from the United States to the claimant.

S. RES. 190

Resolved, To refer the bill (S. 2023) entitled "A bill to authorize and direct the Secretary of the Interior to relinquish and quitclaim any title it may heretofore claim to certain lands situated in the county of Riverside, State of California", to the Chief Commissioner of the Court of Claims for a report thereon.

Whereas there is pending in the Senate of the United States a bill designated as S. — to authorize and direct the Secretary of the Interior to relinquish and quitclaim any title it may heretofore claim to certain lands situated in the county of Riverside, State of California, unto Glenn Peterson: It is hereby

Resolved, That the Chief Commissioner of the United States Court of Claims shall designate pursuant to section 1492 of title 28 of the United States Code, a trial commissioner to proceed in accordance with the applicable rules to determine the facts, including facts relating to delay or laches, facts bearing upon the question whether the bar of any statute of limitations should be removed, or facts claimed to excuse the claimant for not having resorted to any established legal remedy. He shall append to his findings of facts, conclusions sufficient to inform the Congress whether the demand is a legal or equitable claim or a gratuity, and the amount, if any, legally or equitably due from the United States to the claimant.

THE GRAPE BOYCOTT AND FORMATION OF CONSUMERS' RIGHTS COMMITTEE

Mr. MURPHY. Mr. President, for some time we in the State of California have been plagued with widespread disputes and problems affecting farm labor. There has been a great deal in the public press about it. There have been boycotts across the Nation, some declared legal, some declared illegal. There is now a movement to have international boycotts, if you please.

This morning I had the pleasure of meeting a lady who is the only female State senator from the State of Michigan. She is the assistant majority leader in the Michigan Senate, and is chairman of a new committee that she is spearheading to protect consumers' rights. By "consumers," she means housewives, the ladies who, finally, go to the store to buy the food.

I should like to read briefly from a statement she made this morning. She states that she traveled to California at her own expense, and talked to about 150 people, all types of people, labor leaders, farmers, large growers, small family farmers, taxi drivers, storekeepers, a complete cross section. Then she said:

> Indeed, the workers I talked to expressed resentment over what they considered the false image given them by Mr. Reuther, Mr. Chavez, and other boycott organizers and supporters.

She goes on to say that included among California grape growers are thousands of small farmers who employ no labor other than members of their own families.

She points out that she discovered—which is not in keeping with the publicity that has been spread nationwide—that the farmworker in California is probably the highest paid farmworker in the United States, and that those who work in the picking of table grapes are among the highest of all in California. The average range was in the area of $2.50 an hour.

Mr. President, I ask unanimous consent that the statement made by Michigan State Senator Lorraine Beebe be inserted in the RECORD.

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

STATEMENT OF STATE SENATOR N. LORRAINE BEEBE, ASSISTANT MAJORITY LEADER, MICHIGAN STATE SENATE AND CHAIRMAN, CONSUMERS' RIGHTS COMMITTEE, APRIL 29, 1969

I am in Washington today to announce the formation and establish the headquarters of the Housewives Consumers' Rights Committee—a national organization dedicated to solving the problem of product boycotts and interference with the free flow of food to the American consumer.

The purpose of the Consumers' Rights Committee is:

First, to enlist grass roots support, in all 50 states, for legislation which will give the Nation's farm workers the right to organize and bargain collectively, if they wish, while at the same time protecting the paramount rights of 200 million American consumers, and

Second, to work with individuals and organizations concerned about the growing national threat to the consumers' right to decide for themselves what they wish to buy or not to buy in the marketplace.

My interest and involvement in this problem—as a woman and as a State Senator—is the result of great concern expressed by housewives and other individuals and groups in Michigan about product boycotts.

In my area, as elsewhere throughout the country, boycott activities to date have centered primarily around California table grapes. These boycott activities have been especially intense in the Detroit and Wayne County, Michigan area because of the support given the grape boycott by Walter Reuther.

Indeed, considering Mr. Reuther's commitment of his union's funds and other resources to this campaign, it might be said that headquarters for the grape boycott movement is as much Wayne County, Michigan, as it is Fresno or Kern County, California.

In Wayne County, efforts to enforce the grape boycott have included acts of violence, intimidation and harassment of store owners and employees. As a result, I decided to travel to California to determine for myself the facts regarding working and living conditions in California grape-growing areas.

I made such a fact-finding trip early this month, travelling to California at my own expense, with an open mind, open eyes and no pre-conceived notions other than a belief in the paramount rights of American consumers.

I travelled through the California table grape regions, talking with officials of the United Farm Workers Organizing Committee, with farm workers in the vineyards; with small growers and large growers; with officials of city, county, State and national government; with civic leaders, ministers, businessmen and newspaper reporters in the affected areas. During my travels, I was given access to records and the conflicting viewpoints of all concerned in the dispute.

Out of this field study came several impressions and conclusions:

First, that the picture of a migratory labor force presented by John Steinbeck in his "Grapes of Wrath" more than three decades ago has no application to working and living conditions in California grape fields today. The vast majority of vineyard workers are *not* migrants. Wages, while not high, are the highest for farm workers anywhere in the United States. Housing for those workers who do not live permanently in the area range from average to excellent on the larger farms.

Second, that despite their organizing efforts, the United Farm Workers Organizing Committee and its leader, Cesar Chavez,

have little support among grape workers in the fields.

Indeed, the workers I talked to expressed resentment over what they considered the false image given them by Mr. Reuther, Mr. Chavez and other boycott organizers and supporters.

Third, that included among California grape growers are thousands of small farmers who employ no labor other than members of their own families.

I would, therefore, hope that other officials of Midwestern and Eastern states—especially large city mayors like Detroit's Jerome Cavanaugh, who have found it politically expedient to endorse the grape boycott—will also travel to the California vineyard country, with open minds and open eyes, to see the facts as they are.

The implications of the grape boycott, as well as other product boycotts developing around the country, are serious and far-reaching. It is significant that the grape boycott has been placed high on the list of causes by radical New Left groups involved in campus and community disruptions throughout the country.

Thus, in my opinion, if the boycott movement is allowed to proceed unchecked, it is only a matter of time before supermarkets and grocery stores are faced with demands to remove any number of the thousands of items carried on grocery shelves: cherries from Michigan, oranges from Florida, dairy products from Wisconsin, and brand name products of all kinds.

The issue is whether food stores are to become arbiters in labor disputes involving the production of every kind of crop and food product.

The issue is whether housewives and consumers are to fear for their personal safety whenever they embark on their families' marketing.

For despite claims of "non-violence," the grape boycott has been a violent operation. In some areas, women have been threatened as they attempted to get out of their cars. In Detroit, as well as other areas, acts of vandalism have been perpetrated in stores. In New York City, five groceries have been been burned and hospitalized.

This cannot be permitted to continue—not if our free consumer economy is to survive. A solution must be reached. The fair and proper solution, in my opinion, is national legislation such as that proposed by Senator Murphy and supported by members of both parties, as well as agricultural and consumer groups and concerned citizens throughout the country.

We are talking here about an agricultural collective bargaining law which recognizes consumers' rights and the farmer's special vulnerability to strikes at harvest time and other critical growing periods. Crops, after all, can't be interrupted in production and put back on the assembly line at a later date.

Such legislation must protect the rights and interests of farmers, farm workers—and most important of all, the consuming public. And that, to sum up, will be the aim of the Consumers' Rights Committee: to protect, through fair and reasonable legislation, the right of uninterrupted access to food products from the farms of this nation to the American people.

GOVERNOR REAGAN FAVORS INCREASED FEDERAL AID TO PUPILS IN PRIVATE SCHOOLS

Mr. MURPHY. Mr. President, in the periodical "Tidings," published in Los Angeles County, Calif., under date of April 25, 1969, appeared an article relating to Gov. Ronald Reagan's comments on another matter of great importance. He spoke in defense of and paid tribute to the role of the private school in the long-enduring controversy that seems from time to time to impede the progress of the private school. The Governor said he paid tribute to the sacrifice and wisdom of the parents who endure a kind of double charge for their children's education.

I ask unanimous consent that the article which contains statements made by Gov. Ronald Reagan before the California Association of Christian Schools Spring Rally in the Anaheim Convention Center Arena be printed in the RECORD at this point.

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

GOVERNOR REAGAN FAVORS INCREASED FEDERAL AID TO PUPILS IN PRIVATE SCHOOLS

ANAHEIM.—Governor Ronald Reagan declared here Monday that he favors increased federal aid to pupils in private schools.

The Governor was the principal speaker at the California Association of Christian Schools Spring Rally in the Anaheim Convention Center arena.

After his address he signed a proclamation designating the third week of November as Private Education Week in California.

The proclamation, adopted by the State Legislature, notes that "private education is supported by other than public funds, although the constituents of private education pay their share of taxes supporting public schools."

PARENTS DOUBLE CHARGED

The legislators "commend the teachers and administrators of all the private educational institutions in the State of California for their tireless dedication and training of the youth of this state enrolled in private schools."

Noting that private schools "always have had a tremendous role in American education, Gov. Reagan said such schools are "an educational whetstone which forces public schools to compete for excellence."

He paid tribute to "the sacrifice and wisdom of parents who endure a kind of double charge for their children's education."

"I am not unmindful of your problems," he added.

The Governor said, "We plan to petition the federal government for that kind of school aid that would not violate separation of church and state."

An income tax credit to parents for tuition paid to private schools might be a suitable way to give this aid, he said.

Gov. Reagan observed that the teaching of morality has been ruled out of the public schools at a time when "the world is hungry for morality, and none more so than our youth."

"God is not dead on your campuses," he told the 6000 Protestant school administrators, parents and students.

SPIRIT STARVING

"We are coping with a revolution that begins with an assault on the moral values of our young people. . . . Destructive cultural change is sweeping our way. Change for the sake of change is becoming the dominant philosophy. . . . We no longer can afford to starve the spirit."

Mr. MURPHY. Mr. President, I yield the floor.

S. 2022—INTRODUCTION OF THE ILLEGAL GAMBLING BUSINESS CONTROL ACT OF 1969

Mr. HRUSKA. Mr. President, I introduce, and send to the desk for appropriate reference, a bill entitled "Illegal Gambling Business Control Act of 1969." It is a measure "to permit the Federal Government to further assist the States in the control of illegal gambling, and for other purposes." Its text accompanied the message of the Attorney General received by the Senate earlier today.

Joining as cosponsors of this measure are the distinguished chairman of the Judiciary Committee (Mr. EASTLAND); the distinguished chairman of the Subcommittee on Criminal Laws and Procedures (Mr. MCCLELLAN); the distinguished ranking minority member of the Judiciary Committee (Mr. DIRKSEN); and the distinguished senior Senator from South Dakota (Mr. MUNDT), the ranking minority member of the Government Operations Committee.

In his message on organized crime, sent to the Congress this past week, President Nixon recommended that the major thrust of effort against organized crime be directed against gambling activities.

Mr. President, organized crime is not just another part of the crime picture, to be listed with poverty, or joblessness, or frustration or permissiveness as a cause of the soaring crime rate. It is not to be classed with crime on the streets. Rather it is a separate, professional, and insidious conspiracy that by its size and power seeks to constitute a government unto itself.

This conspiracy threatens, corrupts, destroys, and exploits. It cannot be dealt with by ordinary procedures.

Organized crime sees to it that American people are subjected to its own kind of special treatment. It is time the American people accord organized crime some special treatment.

One type of such special treatment is proposed by the measure here introduced.

Funds to operate the various parts of organized crime come from gambling on a grand scale. It affects the entire Nation. To combat it, this measure provides criminal penalties for the operation of illegal gambling activities and also for corruption of local law enforcement officials. Title III of the Omnibus Crime Control and Safe Streets Act of the 90th Congress is amended to permit court supervised and controlled interception of wire or oral communications which may provide evidence for conviction of offenses under this proposal.

It has often been said that one of the most formidable obstacles to be overcome in the fight against organized crime is the apathy of the public. This is very marked when the fight is directed at illegal gambling. In fact, it is more than apathy, it is tolerance and almost acquiescence.

So often the reaction to campaigns for more effective law enforcement in that area is, "So what is wrong with a $2 bet?"

The answer to that question is not simple. The man who asks it will not readily understand that his bet and his friend's bet, multiplied several billion times, give the professional criminals a weapon which furnishes support and maintenance of their organizations. It enables them to continue operations and expand them to untold new fields and numerous variations. It enables the pro-

fessional criminal to fortify himself and flourish.

Far too often this process of fortification and strengthening is done by resorting to corruption which affects the life of every citizen, corruption of the public official who governs his community, corruption of the legitimate businesses on which his community depends, and corruption of the people of his community who borrow money from the loanshark or buy narcotics from the pusher on the street.

Estimates of yearly profit derived from illegal gambling range from 7 billions to 50 billions of dollars, but in truth no one can accurately judge. Nonetheless, taking even the lowest figure, this Nation simply cannot stand by while the business making greater profits than any legitimate corporation devotes its energies for a constant and alarming growth of criminal activities.

Of all forms of criminal activity, gambling should, in theory, be the easiest to detect and punish. The bookie or the numbers operator needs customers, and the customers know his business exists and where to find it.

And yet historically, gambling has flourished in cities large and small—often with little effort made at concealment.

There are two reasons for this continued growth of this gambling industry: first, the inability, and second, the unwillingness of local authorities to take action against it.

The time has now come to remedy both of these shortcomings by expanding the Federal effort into areas which, until recently, were thought to be the sole responsibility of State and local police forces. The instant bill is designed to accomplish that end.

We must begin by using a broader base for Federal criminal jurisdiction. Present law had depended upon the use of interstate facilities. The proposed legislation relies on the broader concept of effect on interstate commerce. This broader jurisdictional base will allow more effective investigation and prosecution of important gambling rings.

The suggested standard for determining that such an operation is of sufficient size to warrant Federal intervention is entirely reasonable and practicable. Any bookmaking or numbers operation which does more than $2,000 in business in 1 day or is active during any 10-day period must have a substantial adverse effect on the flow of moneys and goods in interstate commerce. It is fully within the competence of Congress to take direct action against it. This legislation will not, and is not intended to preempt the local efforts in the field, except to the extent necessary to exercise effective Federal action, but it will add to such local efforts the expertise, and the manpower, and the full resources of the Federal Bureau of Investigation, and other agencies of the Federal Government.

Equally important is the second part of the proposed statutory measure. No drive against illegal gambling can even begin to succeed in those instances where it is to be undermined and betrayed by venal law-enforcement officers—police, prosecutors, or even judges.

It is not pleasant to contemplate, but we cannot blind ourselves to the distasteful fact that some bribery and bribery attempts of law-enforcement officials at all levels have been characteristic of the presence of organized crime.

Hence, the necessity to the Congress to enact a law which makes obstruction of State and local law enforcement in such areas a Federal offense. The citizens of every State are entitled to have their laws enforced in an equal-handed manner, and that right is one protected by the 14th amendment to the U.S. Constitution.

Mr. President, I began my remarks by speaking of public apathy and I close on the same note. It is not enough that we pass laws against gambling and laws against bribery. Each citizen must recognize the danger of organized crime for what it is. Everyone must be willing to support the fight against it. He must understand that the $2 bet with the local bookie is not an innocent and harmless diversion. It is an integral part of a process which constitutes a step toward the ultimate decay of his community.

The chairman of the Subcommittee on Criminal Laws and Procedures has indicated he will include this bill in the hearings to be held at an early date in the general field of organized crime. Such cooperation is gratifying. It is to be hoped that early action in the Senate will follow.

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

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD, as requested by the Senator from Nebraska.

The bill (S. 2022) to permit the Federal Government to further assist the States in the control of illegal gambling, and for other purposes, introduced by Mr. HRUSKA (for himself and other Senators), was received, read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed in the RECORD, as follows:

S. 2022

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 "Illegal Gambling Business Control Act of 1969".

FINDINGS

SEC. 2. The Congress finds that—

(a) illegal gambling involves widespread use of, and has an effect upon, interstate commerce and the facilities thereof; and

(b) illegal gambling is dependent upon facilities of interstate commerce for such purposes as obtaining odds, making and accepting bets, and laying off bets; and

(c) money derived from or used in illegal gambling moves in interstate commerce or is handled through the facilities thereof; and

(d) paraphernalia for use in illegal gambling moves in interstate commerce; and

(e) illegal gambling enterprises are facilitated by the corruption and bribery of State and local officials or employees responsible for the execution or enforcement of criminal laws.

TITLE I—OBSTRUCTION OF STATE OR LOCAL LAW ENFORCEMENT

SEC. 101. Chapter 73 of title 18, United States Code, is amended by adding thereto the following new section:

"§ 1511. Obstruction of State or local law enforcement

"(a) It shall be unlawful for two or more persons to devise or participate in a scheme to obstruct, hinder or impede the execution or enforcement of the criminal laws of a State or political subdivision thereof, with the intent to establish, promote, carry on, facilitate or conceal an illegal gambling business if:

"(1) one or more of such persons does any act to effect the object of such a scheme; and

"(2) one of the persons is an official or employee responsible for the execution or enforcement of criminal laws of such State or political subdivision; and

"(3) one of the persons operates, works in, participates in, or derives revenue from an illegal gambling business.

"(b) As used in this section, the term 'illegal gambling business' means betting, lottery, or numbers activity which

"(1) is a violation of the law of a State or political subdivision thereof; and

"(2) involves five or more persons who operate, work in, participate in, or derive revenue from the betting, lottery, or numbers activity; and

"(3) has been or remains in operation for a period in excess of 30 days or has a gross revenue of $2,000 in any single day.

"(c) As used in this section, 'State' means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession of the United States.

"(d) This section does not apply to any bingo game, lottery or similar game of chance conducted by an organization exempt from tax under section 501(c)(3) of the Internal Revenue Code of 1954, as amended, if no part of the gross receipts derived from such activity inures to the benefit of any private shareholder, member, or employee of such organization, except as compensation for actual expenses incurred by him in the conduct of such activity.

"(e) whoever violates this section shall be punished by a fine of not more than $20,000 or imprisonment for not more than five years, or both."

SEC. 102. The table of contents preceding chapter 73 of title 18 of the United States Code is amended by inserting after the reference to section 1510 the following: "1511. Obstruction of State or local law enforcement."

TITLE II—ILLEGAL GAMBLING BUSINESS PROHIBITIONS

SEC. 201. Chapter 95 of title 18, United States Code, is amended by inserting after section 1953, the following new section:

§ 1953A. Prohibition of illegal gambling businesses

"(a) Whoever participates in an illegal gambling business shall be fined not more than $20,000 or imprisoned not more than five years, or both.

"(b) As used in this section, the term 'illegal gambling business' means betting, lottery, or numbers activity which

"(1) is a violation of the laws of a State or political subdivision thereof; and

"(2) involves five or more persons who operate, working, participate in, or derive revenue from said betting, lottery or numbers activity; and

"(3) has been or remains in operation for a period in excess of 30 days or has a gross revenue of $2,000 in any single day.

"(c) As used in this section "State" means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession of the United States.

"(d) This section does not apply to any bingo game, lottery or similar game of chance conducted by an organization exempt from tax under section 501(c)(3) of the Internal

Revenue Code of 1954, as amended, if no part of the gross receipts derived from such activity inures to the benefit of any private shareholder, member, or employee of such organization except as compensation for actual expenses incurred by him in the conduct of such activity."

SEC. 202. The table of contents preceding chapter 95 of title 18 of the United States Code is amended by inserting after the reference to section 1953 the following: "1953A. Prohibition of business enterprises of gambling."

TITLE III—GENERAL PROVISIONS

SEC. 301. Section 2516 of title 18, United States Code, is amended by adding in subparagraph (1)(c) after "section 1510 (obstruction of criminal investigations)," the following: "section 1511 (obstruction of state or local law enforcement)," and by adding after "section 1952 (interstate and foreign travel or transportation in aid of racketeering enterprises)," the following: "section 1953A (prohibition of business enterprises of gambling),".

SEC. 302. If the provisions of any part of this Act or any amendments made thereby or the application thereof to any person or circumstances be held invalid, the provisions of the other parts and their application to other persons or circumstances shall not be affected thereby.

SEC. 303. No provision of this Act shall be construed as indicating an intent on the part of the Congress to occupy the field in which such provision operates to the exclusion of the law of a State or possession, or a political subdivision of a State or possession, on the same subject matter, or to relieve any person of any obligation imposed by any law of any State or possession, or a political subdivision of a State or possession.

PROPOSED FINANCE COMMITTEE ACTION ON AMENDMENTS TO PROVIDE REDUCTION IN SERVICES OF STATE MEDICAID PLANS

Mr. LONG. Mr. President, the Daily Digest section of the RECORD for Friday, April 25, on page D312, states that the committee announced that it approved an amendment by Senators ANDERSON and GORE to repeal certain provisions of the Social Security Act which prohibit reduction in services of State medicaid plans. This amendment will be offered as a committee amendment to appropriate House-passed legislation.

I believe, Mr. President, that I should place the Senate on notice that this amendment is regarded by the committee as being of a noncontroversial but significant nature. As far as I know, there will be no objection to the amendment, but in order that it might receive early consideration, it is the intention of the committee and the Senator from Louisiana as the spokesman for the committee, to intercept an appropriate House-passed bill at the calendar, and simply to amend it and send it back to the House of Representatives, without the committee further considering the bill.

This will probably be done with a relatively noncontroversial tariff bill, which would probably pass the House of Representatives without objection on the Consent Calendar and we would expect to amend it here. I know of no objection to the amendment, nor do I believe there will be any objection to the bill which would be amended, but the procedure is not usual, and I therefore thought it proper that the Senate be on notice in the event some Senator saw fit to object.

There are certain provisions of the Social Security Act which require or have been interpreted in the past by the Department of Health, Education, and Welfare as requiring States to establish, maintain, or expand their medicaid programs beyond their fiscal capabilities. In view of the fact that medicaid costs far, far more than we ever anticipated, so much so that it is causing serious concern to the President and everyone else, it would be desirable to authorize States to make economies they deem vitally necessary rather than have them under a congressional and HEW mandate, to constantly expand and increase the size, scope, and financial burdens of their programs. The amendment does not require any State to reduce a medicaid plan nor does it cut back on Federal matching. It simply permits a State to use its best judgment as to how large a program it can afford.

The amendment has nothing at all to do with the controversial section of the amendment offered by the Senator from Louisiana last year, which was agreed to and then ran into considerable opposition of Senators from New York and certain other States. That section would have reduced the Federal matching formula with respect to medically-indigent persons. No such problem exists with regard to this amendment which will be offered on behalf of the Finance Committee.

ORDER OF BUSINESS

The PRESIDING OFFICER. What is the will of the Senate?

Mr. LONG. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GRAVEL. 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. 2029—INTRODUCTION OF THE OMNIBUS CIVIL RIGHTS ACT OF 1969

Mr. HART. Mr. President, I introduce the Omnibus Civil Rights Act of 1969, which is designed to protect the rights of citizens guaranteed by the 13th, 14th, and 15th amendments.

As has been true over the years in civil rights activity in Congress, this effort is wholly bipartisan. In introducing this bill, I am acting for the senior Senator from New York (Mr. JAVITS), the senior Senator from Pennsylvania (Mr. SCOTT), and the senior Senator from Massachusetts (Mr. KENNEDY).

Additional cosponsors are the Senator from Massachusetts (Mr. BROOKE), the Senator from New Jersey (Mr. CASE), the Senator from California (Mr. CRANSTON), the Senator from Connecticut (Mr. DODD), the Senator from Missouri (Mr. EAGLETON), the Senator from Hawaii (Mr. FONG), the Senator from Alaska (Mr. GRAVEL), the Senator from New York (Mr. GOODELL), the Senator from Oklahoma (Mr. HARRIS), the Senator from Oregon (Mr. HATFIELD), the Senator from Iowa (Mr. HUGHES), the Senator from Hawaii (Mr. INOUYE), the Senator from Washington (Mr. JACKSON), the Senator from Washington (Mr. MAGNUSON), the Senator from Maryland (Mr. MATHIAS), the Senator from Minnesota (Mr. MCCARTHY), the Senator from South Dakota (Mr. MCGOVERN), the Senator from Montana (Mr. METCALF), the Senator from Montana (Mr. MANSFIELD), the Senator from New Mexico (Mr. MONTOYA), the Senator from Minnesota (Mr. MONDALE), the Senator from Maine (Mr. MUSKIE), the Senator from Wisconsin (Mr. NELSON), the Senator from Illinois (Mr. PERCY), the Senator from Connecticut (Mr. RIBICOFF), the Senator from Wisconsin (Mr. PROXMIRE), 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).

Mr. President, the four titles of this bill should be considered as unfinished business.

First, they are necessary if Congress is to honor its commitment made in laws already enacted to prohibit barriers to equal opportunity for all.

And, second, if it were not for the peculiarities of rule XXII of the principles embodied in this act would not be law, for a majority of both Houses have indicated support for them in previous sessions.

To refrain from completing our business because time and a rule conspired to make certain concessions necessary would be to seriously compromise the Nation's commitment to the principle of equal opportunity.

To place this bill in correct perspective, let me review briefly some recent history.

After passage of the historic and far-reaching Civil Rights Act of 1964 and the Voting Rights Act of 1965, there were many advocates of a moratorium on further civil rights legislation. Fortunately for the Nation, President Lyndon B. Johnson was not one of those advocates. While recognizing that significant progress had been made through legislative, judicial, and executive action to establish equality and justice under law, President Johnson nevertheless realized the task of establishing true justice and equality was not completed.

In his state of the Union message of 1966, he suggested several areas of concern that required congressional action. In that message he became the first President in our Nation's history to propose Federal legislation outlawing discrimination in housing. President Johnson subsequently sent the Congress a six-point legislative program embracing fair housing, Federal and State jury reform, protection from violence of persons exercising their civil rights, injunctive authority for the Attorney General to prohibit segregation in schools and public facilities, and extension of the life of the Commission on Civil Rights.

The President's program, amended but not essentially changed, passed the House

by a margin of more than 100 votes, with a majority of both parties supporting it. In the Senate, however, the bill ran afoul of rule XXII. Despite clear indications that a majority of Senators supported the legislation, and despite the fact that two cloture motions on taking up the bill received constitutional majorities, Senate consideration was blocked for the 89th Congress by filibuster.

When the 90th Congress opened, the soothsayers predicted that the mood of Congress and of the Nation was such that reintroduction of this type of legislation, especially a fair housing bill, would be an exercise in futility. A Federal ban on housing discrimination, they predicted, was not possible in the foreseeable future. Disregarding these prophets of doom, the President chose once again to exercise leadership in the crusade to establish equal opportunity for all. He again sent to the Congress his six-point program with one modification. Experience with existing legislation showed that authority for the Attorney General to act in civil rights matters was rather extensive and that it was more important to strengthen the Equal Employment Opportunity Commission. He proposed giving that agency "cease and desist" authority to support its findings in the area of job discrimination.

It is a tribute to the Nation's acceptance of the concept of equality and of the maturity of Congress that two of these proposals—measures that in the past might have provoked long and acrimonious debate—passed quietly and almost as noncontroversial items. They were the Federal jury reform bill, outlawing all types of discrimination in the selection of Federal juries, and the extension of the Commission on Civil Rights. Unfortunately, the latter bill, under the ever present threat of extended debate, was somewhat diluted by having a limitation placed upon the Commission's authorization for appropriations.

The story of the passage of the two main ingredients of President Johnson's program—fair housing and protection from violence for those exercising civil rights—is too well remembered to require retelling here.

Despite such progress, the need to eliminate discrimination in all jury selection systems and to strengthen the Equal Employment Opportunity Commission, and the need to correct filibuster-induced compromises involving the Commission on Civil Rights and the Voting Rights Act of 1965, make imperative passage of the Omnibus Civil Rights Act of 1969.

Title I is concerned with the long-standing and continuing problem of State courts failing to grant equal protection of the law and due process through the existing methods of selecting grand and petit juries.

It is a sad commentary that 100 years after adoption of the 14th amendment, hardly a term of the Supreme Court passes without the reversal of a State court decision or decisions for discrimination in the jury selection process.

As then Attorney General Katzenbach pointed out in 1966, the Supreme Court has dealt with this issue at least 35 times and State courts and lower Federal courts on numerous other occasions. Recent court decisions have found jury discrimination in at least seven States. This pattern of illegality in the selection of juries indicates we cannot rely on present law and procedures for necessary reform. A Federal standard and method to guarantee equal protection and due process are required.

Title I gives litigants in State courts the same guarantee litigants in Federal courts receive under the law passed in the 90th Congress: the guarantee that a person be tried by a jury selected without discrimination based on race, creed, color, sex, national origin, or economic status, a jury selected from a true cross section of the community, a jury of their peers.

While the objective is the same as that of the Federal jury reform bill, the method of obtaining the objective is quite different. The Federal jury selection process is under complete Federal control. Title I of the bill now offered is drawn to require the least Federal intervention in the State jury selection process consistent with the necessary objective. Any State which now has, or would adopt and administer, a nondiscriminatory method of jury selection would be unaffected by the bill. If, through design or inadvertence, a State failed to provide such a system, the defects could be corrected through a suit brought by the Attorney General. Such judicial correction, however, could occur only after due notice, opportunity for correction by the State, proof of discrimination in a judicial hearing, and on terms determined by the court.

The title also requires that when a State jury selection system is challenged, jury officials must present detailed reports on the selection system and must accept the burden of proving no discrimination if the court determines there is cause to believe discrimination occurred and rules that records maintained by the State are not sufficient to determine the validity of the challenge.

It requires that jury officials of jurisdictions with more than a 10-percent nonwhite population must maintain records of the race of persons considered for jury duty and of persons removed from jury panels by preemptory challenge.

These provisions make clear that jury officials, the persons who know or should know the facts, are responsible for supplying information necessary to determine if discrimination exists.

I believe that this title not only establishes a fairer method of selecting jury panels, but also could well relieve trial courts of procedural problems arising from frequent attacks on their jury selection systems. Establishment of an objective method of selection would eliminate the basis for questioning the subjectivity and fairness of those drawing up jury panels. We note the frequency with which these issues are raised, especially in widely publicized cases. To cite one example, the defense in the trial of Sirhan Sirhan for the murder of Senator Robert F. Kennedy has alleged the jury was improperly chosen because of the exclusion of poor and young people from the jury panel. Without passing on, or even considering, the merits of this objection, one can safely predict that the resolution of the issue will require months, perhaps years, of judicial consideration.

If the Congress had adopted the State jury reform provision of the 1966 civil rights bill, this issue would not now be a matter of serious judicial concern.

Reform of State jury selection methods is long overdue. Congress can, by passing this bill, effect reform in a manner that is designed to induce rather than coerce States into initiating needed change themselves.

Title II gives the Equal Employment Opportunity Commission authority, now held by most governmental administrative agencies, to issue cease-and-desist orders judicially to enforce its findings.

The passage of title VII of the Civil Rights Act of 1964, establishing a national policy of nondiscrimination in employment and creating the Equal Employment Opportunity Commission, was a significant step forward in the struggle for civil rights. Title VII, however, had an inherent defect in failing adequately to provide enforcement authority, another unfortunate compromise resulting from the filibuster conducted against the 1964 civil rights bill. Despite this drawback, EEOC has obtained important changes in employment practices and has demonstrated its dedication to the task assigned by Congress. The Commission has discovered, as have many State and local fair employment agencies, that its ability to successfully conciliate with those guilty of discriminatory practices is greatly inhibited by its lack of enforcement authority. Practice shows that while such authority is used infrequently, its existence greatly increases an agency's chances of successful negotiation with those guilty of breaking the law.

The conditions that induced Congress to enact title VII are still with us. Even though progress has been made, job discrimination is still widespread. Lack of employment opportunity for nonwhites persists. The unemployment rate for nonwhites is double that of the national average at a minimum. In some categories, especially that of teenagers, it is drastically higher. While the bill we propose does not purport to provide a total solution to this problem, it is a necessary part of any plan substantially to alleviate the problem. If the economically disadvantaged, especially the young, are to have any faith in our statements about equal opportunity, we must prove that our policy declarations are supported by adequate enforcement provisions. If a law designed to ban discrimination in employment cannot be enforced, the person denied a job or advancement because of race is going to question seriously the strength of our equal opportunity for all. The amendments to title VII of the 1964 Civil Rights Act, which is title II of the bill I now introduce, provides such a remedy. The history of administration of title VII and the conditions that exist in our society

call for the adoption of these amendments.

I have previously referred to the restriction placed upon the appropriations authorization for the Commission on Civil Rights. In extending the Commission for 5 years, the Senate adopted an amendment limiting future yearly appropriations for the Commission to the 1968 figure. This unusual procedure failed to take adequately into account normal increases needed to meet salary raises voted by Congress or inflationary factors. Because of these factors, the freezing of appropriations in effect amounts to a mandate for the Commission to cut back its activities. By applying the restriction to the whole term of the Commission's life extension, the 90th Congress sought to preclude future Congresses from considering the Commission's needs on a yearly basis, as it normally does for other such agencies.

The Commission should not be treated in this stepchild fashion. Created by the 1957 Civil Rights Act, the Commission has been a valuable institution in advancing civil rights. Its fact finding and its constructive, well-documented and sound recommendations have aided Congress and the executive branch and have helped alert public opinion to the need for social change. It has been the conscience of the nation and of government in matters of civil rights. So that it may continue to be an active conscience, this discriminatory provision should be eliminated and the Congress should authorize appropriations for the Commission on a regular basis. Title III repeals that provision.

Title IV seeks to remedy another concession forced upon the majority of this body by the use of rule XXII. The Voting Rights Act of 1965, as originally passed by the House of Representatives, provided for suspension of discriminatory literacy tests and "other tests and devices" for 10 years. To obtain cloture to end the prolonged discussion of the legislation, Senate proponents of civil rights agreed to shorten the period to 5 years. Accordingly, unless Congress acts, the States will be free again to reimpose their restrictive voting practices in August of 1970. Title IV extends the period of coverage for 5 years.

The 1965 act has worked well in extending the vote to many who had been denied the franchise. According to the most recent voting report of the Commission on Civil Rights, 1,280,000 Negroes registered to vote in the 11 Southern States between passage of the 1965 act and the spring of 1968. To cite a dramatic example, registration of nonwhites rose in Mississippi from 28,500 to 181,-233. In terms of percentages of the persons of voting age, this amounted to an increase of from 6.7 to 59.8 percent. While in all Southern States Negro registration now exceeds 50 percent of eligibles, registration of nonwhites still lags considerably behind registration of whites.

To cite Mississippi again, the 59.8-percent figure must be compared with that of 91.5 percent for white voters. Figures are from 1968 CQ Almanac, pages 771–772.

The invitation extended by Congress for the formerly disenfranchised to participate in the political processes has been accepted. Not only have Negro citizens registered and voted, but they have run for governmental office and for posts in the political parties. Several hundred have been elected to State, county, and municipal offices throughout the South. They participated in unprecedented numbers in presidential party conventions and hold high party positions.

It would be tragic indeed if the Congress, through default, allowed this exercise in democracy to terminate abruptly. That, however, is what could happen unless key provisions of the 1965 Voting Rights Act are extended. We can look forward to a return to the status quo ante if Congress shows its unwillingness to meet this most pressing issue of citizenship rights.

As Attorney General Ramsey Clark pointed out in his letter transmitting this proposed legislation to the Congress, few of the restrictive laws used to deny the vote have been repealed. They are still on the books, and those who would use them for discriminatory purposes are waiting for Congress to default on its obligation to enforce the 14th and 15th amendments. If we do, a mass purge of voters could occur—a body blow to democracy. For this reason those of us introducing this bill urge prompt action so that the position of those who believe in working through the democratic processes will be reenforced and the position of those who reject those processes be undercut.

Mr. President, I ask unanimous consent that the text of the bill be printed at this point in the RECORD.

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

The bill (S. 2029) to provide improved judicial machinery for the selection of juries, to further promote equal employment opportunities of American workers, to authorize appropriations for the Civil Rights Commission, to extend the Voting Rights Act of 1965 with respect to the discriminatory use of tests and devices, and for other purposes introduced by Mr. HART (for himself and other Senators), was received, read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed in the RECORD, as follows:

S. 2029

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 "Omnibus Civil Rights Act of 1969."

TITLE I—STATE JURY SELECTION

SEC. 101. Chapter 121 of title 28, United States Code, is amended by adding at the end thereof the following new sections:

"§ 1875. Discrimination prohibited

"It shall be unlawful to make any distinction on account of race, color, religion, sex, national origin, or economic status in the qualifications for service, or in the selection, of any person to serve on grand or petit juries in any State court.

"§ 1876. Suits by the Attorney General

"(a) Whenever there are reasonable grounds to believe that any person has engaged or is about to engage in any act or practice which would deny or abridge any right secured by section 1875 of this title, the Attorney General is authorized, after giving notice of such denial or abridgment to the appropriate State officials, and after certifying that he is satisfied that such authorities have had reasonable time to adjust the conditions alleged in such notice, to institute for the United States, or in the name of the United States, a civil action or other proper proceeding for preventive relief, including an application for an injunction, restraining order, or other order against a State, any political subdivision thereof, or any official of such State or political subdivision. In any proceeding hereunder, the United States shall be liable for costs the same as a private person.

"(b) The district courts of the United States shall have jurisdiction of proceedings instituted pursuant to this section and shall exercise the same without regard to whether any aggrieved person shall have exhausted any administrative or other remedies that may be provided by law. Any action pursuant to this section shall be in every way expedited.

"§ 1877. Appropriate relief

"If in any proceeding instituted pursuant to section 1876 of this title or any other law authorizing proceedings for injunctive relief, the district court finds that any right secured by section 1875 of this title has been denied or abridged, it may, in addition to any other relief, enter an order, effective for such period of time as may be appropriate—

"(a) prohibiting or suspending the use of any qualification for jury service or any basis for excuse, exemption, or exclusion from jury service which—

"(1) violates or has been applied in violation of section 1875 of this title, or

"(2) is so subjective as to vest in jury officials undue discretion to determine whether any person has satisfied such qualification or whether a basis exists for excusing, exempting, or excluding any person from jury service;

"(b) requiring the use of objective criteria to determine whether any person has satisfied any qualification for jury service or whether a basis exists for excusing, exempting, or excluding any person from jury service;

"(c) requiring maintenance of such records or additional records as may be necessary to permit a determination thereafter whether any right secured by section 1875 of this title has been denied or abridged; or

"(d) appointing a master to perform such duties of the jury officials as may be necessary to assure that the rights secured by section 1875 of this title are not denied or abridged.

"§ 1878. Discovery of evidence

"In any proceeding instituted pursuant to section 1876 of this title or section 1983 of title 42 of the United States Code, or in any civil or criminal proceeding in any State court prior to the introduction of any evidence at trial, or in any habeas corpus, coram nobis, or other collateral proceeding in any court with respect to a judgment of conviction entered after the effective date of this Act, wherein it is asserted that any right secured by section 1875 of this title has been denied or abridged—

"(a) The appropriate State or local officials shall furnish a written statement of jury selection information subscribed to under oath which shall contain a detailed description of the following:

"(1) the nature and location of the sources from which names were obtained for inclusion in the wheel, box, or similar device;

"(2) the methods used and the procedures followed in selecting names from the sources referred to in subdivision (1) of this subsection for inclusion in the wheel, box, or similar device;

"(2) the methods used for selecting names of prospective jurors from the wheel, box, or

similar device for testing or otherwise demonstrating their qualifications for jury service;

"(4) the qualifications, tests, standards, criteria, and procedures used in determining whether prospective jurors are qualified to serve as jurors;

"(5) the methods used for summoning or otherwise calling persons for jury service and assigning such persons to grand and petit jury panels;

"(6) with respect to State courts to which section 1879 of this title applies, the number and race of persons who, during the preceding two-year period or, if the claim hereunder is filed within two years following the effective date of this Act, during the period since such effective date, (A) (i) have appeared for the purpose of testing their qualifications to serve as jurors, (ii) have appeared in response to a summons to serve as a juror, (iii) have been determined to be qualified to serve as jurors, (iv) have been assigned to a grand or petit jury panel, and (v) have served on a grand or petit jury, and (B) have been peremptorily challenged in criminal cases and whether the challenge was made by the prosecution or the defense;

"(b) the statement of jury selection information shall be filed with the clerk of the court in which the proceeding is pending, and a copy thereof shall be served upon the attorney for the complaining party. The statement of jury selection information shall constitute evidence on the question whether any right secured by section 1875 of this title has been denied or abridged: *Provided*, That the complaining party shall be entitled to cross-examine any person having knowledge of relevant facts concerning the information to be contained in such statement and to present in addition the testimony of the jury officials, together with any other evidence, and, where there is evidence of a denial or abridgment of a right secured by section 1875 of this title, any relevant records and papers used by jury officials in the performance of their duties which are not public or otherwise available;

"(c) if the court determines (1) that there is probable cause to believe that any right secured by section 1875 of this title has been denied or abridged, and (2) that the records and papers maintained by the State are not sufficient to permit a determination whether such denial or abridgment has occurred, it shall be the responsibility of the appropriate State or local officials to produce additional evidence demonstrating that such denial or abridgment did not occur. When such evidence is not otherwise available, the State shall use such process of the court as may be necessary in order to produce the evidence, including the right to subpoena witnesses;

"(d) the court may direct that the contents of any records or papers produced pursuant to subsection (b) of this section shall not be disclosed (except as may be necessary in the preparation and presentation of the case) during such period of time as such records and papers are not available for public inspection under State law: *Provided*, That parties to the proceeding shall be allowed to inspect, reproduce, and copy such records and papers at all reasonable times during the pendency of the case, and that disclosure of the contents of such records and papers by the Attorney General and his representatives shall be governed by subsection (b) of section 1879 of this title.

"§ 1879. Preservation and inspection of records

"(a) The jury officials in all State courts shall preserve the records and papers prepared or obtained in the performance of their duties for four years after the completion of service by all persons whose consideration for service as jurors was the subject of such records and papers. Any person, whether or not a jury official, who willfully steals, destroys, conceals, mutilates, or alters any record or paper required by this subsection to be preserved shall be fined not more than $1,000 or imprisoned not more than one year, or both.

"(b) the jury officials in State courts having jurisdiction over a political subdivision or subdivisions in which 10 per centum or more of the population is nonwhite according to the most recent decennial census shall (1) record on an appropriate record or paper the race of each person who (A) appears for the purpose of testing his qualifications to serve as a juror, (B) appears in response to a summons to serve as a juror, (C) is determined to be qualified to serve as a juror, (D) is assigned to a grand or petit jury panel, or (E) serves on a grand or petit jury, and (2) maintain a record of every person who is peremptorily challenged in any criminal case and of whether the challenge was made by the prosecution or the defense.

"(c) Any record or paper required by this section to be preserved shall, upon demand in writing by the Attorney General or his representative directed to the person having custody, possession, or control of such record or paper, be made available for inspection, reproduction, and copying by the Attorney General or his representative. During such period of time as such records and papers are not available for public inspection under State law, unless otherwise ordered by a court of the United States, neither the Attorney General nor any employee of the Department of Justice, nor any other representative of the Attorney General, shall disclose the contents of any record or paper produced pursuant to this title except to Congress and any committee thereof, governmental agencies, and in the preparation and presentation of any case or proceeding before any court or grand jury. The United States district court for the district in which a record or paper so demanded is located shall have jurisdiction by appropriate process to compel the production of such record or paper.

"§ 1880. Definitions

"For purposes of sections 1875 through 1880—

"(a) 'State court' shall mean any court of any State, county, parish, city, town, municipality, or other political subdivision of any State;

"(b) 'Jury official' shall mean any person or group of persons, including judicial officers, who select, summon, or empanel persons to serve as grand or petit jurors in any State court;

"(c) 'Wheel, box, or similar device' shall include a file, list, or other compilation of names of persons prepared by a jury official;

"(d) 'Political subdivision' shall mean any county, parish, city, town, municipality, or other territorial subdivision of a State."

SEC. 102. The remedies provided in sections 1875 through 1880 of title 28 of the United States Code (as added by section 2 of this Act) shall not preclude any person, the United States, or any State or local agency from pursuing any other remedy, civil or criminal, which may be available for the vindication or enforcement of any law prohibiting discrimination on account of race, color, religion, sex, national origin, or economic status in the selection of persons for service on grand or petit juries in any State court.

SEC. 103. The analysis of chapter 121 of title 28, United States Code, is amended by adding at the end thereof the following new items:

"1875. Discrimination prohibited.
"1876. Suits by the Attorney General.
"1877. Appropriate relief.
"1878. Discovery of evidence.
"1879. Preservation and inspection of records.
"1880. Definitions."

SEC. 104. This title shall become effective one hundred and eighty days after the date of its enactment: *Provided*, That the provisions of this Act shall not apply in any case in which an indictment has been returned or a petit jury empaneled prior to such effective date.

TITLE II—EQUAL EMPLOYMENT OPPORTUNITIES ENFORCEMENT

SEC. 201. Section 706 of the Civil Rights Act of 1964 (89 Stat. 259; 42 U.S.C. 2000e–5) is amended to read as follows:

"(a) The Commission is empowered, as hereinafter provided, to prevent any person from engaging in any unlawful employment practice as set forth in section 703 or 704 of this title.

"(b) Whenever a charge is filed by or on behalf of a person claiming to be aggrieved, or by a member of the Commission, alleging that an employer, employment agency, labor organization, or joint labor-management committee controlling apprenticeship or other training or retraining, including on-the-job training programs has engaged in an unlawful employment practice, the Commission shall serve a copy of the charge on such employer, employment agency, labor organization, or joint labor-management committee (hereinafter referred to as the 'respondent') and shall make an investigation thereof. Charges shall be in writing and shall contain such information and be in such form as the Commission requires. Charges shall not be made public by the Commission. If the Commission determines after investigation that there is not reasonable cause to believe that the charge is true, it shall dismiss the charge and promptly notify the person claiming to be aggrieved and the respondent of its action. If the Commission determines after such investigation that there is reasonable cause to believe that the charge is true, the Commission shall endeavor to eliminate any such alleged unlawful employment practice by informal methods of conference, conciliation, and persuasion. Nothing said or done during and as a part of such informal endeavors may be made public by the Commission, its officers or employees, or used as evidence in a subsequent proceeding without the written consent of the persons concerned. Any person who makes public information in violation of this subsection shall be fined not more than $1,000 or imprisoned not more than one year, or both. The Commission shall make its determination on reasonable cause as promptly as possible and, so far as practicable, not later than one hundred twenty days from the filing of the charge or, where applicable under subsection (c) or (d), from the date upon which the Commission is authorized to take action with respect to the charge.

"(c) In the case of a charge filed by or on behalf of a person claiming to be aggrieved alleging an unlawful employment practice occurring in a State, or political subdivision of a State, which has a State or local law prohibiting the unlawful employment practice alleged and establishing or authorizing a State or local authority to grant or seek relief from such practice or to institute criminal proceedings with respect thereto upon receiving notice thereof, the Commission shall take no action with respect to the investigation of such charge before the expiration of sixty days after proceedings have been commenced under the State or local law, provided that such sixty-day period shall be extended to one hundred and twenty days during the first year after the effective date of such State or local law. If any requirement for the commencement of such proceedings is imposed by a State or local authority other than a requirement of the filing of a written and signed statement of the facts upon which the proceeding is based, the proceeding shall be deemed to have been commenced for the purposes of this subsection at the time

such statement is sent by certified mail to the appropriate State or local authority.

"(d) In the case of any charge filed by a member of the Commission alleging an unlawful employment practice occurring in a State or political subdivision of a State which has a State or local law prohibiting the practice alleged and establishing or authorizing a State or local authority to grant or seek relief from such practice or to institute criminal proceedings with respect thereto upon receiving notice thereof the Commission shall, before taking any action with respect to such charge, notify the appropriate State or local officials and, upon request, afford them a reasonable time, but not less than sixty days provided that such sixty-day period shall be extended to one hundred and twenty days during the first year after the effective day of such State or local law, unless a shorter period is requested, to act under such State or local law to remedy the practice alleged.

"(e) A charge shall be filed within 180 days after the alleged unlawful employment practice occurred and a copy shall be served upon the person against whom such charge is made as soon as practicable thereafter, except that in a case of an unlawful employment practice with respect to which the person aggrieved has initially instituted proceedings with a state or local agency with authority to grant or seek relief from such practice or to institute criminal proceedings with respect thereto upon receiving notice thereof, such charge shall be filed by the person aggrieved within three hundred days after the alleged unlawful employment practice occurred, or within thirty days after receiving notice that the state or local agency has terminated the proceedings under the state or local law, whichever is earlier, and a copy of such charge shall be filed by the Commission with the state or local agency.

"(f) If the Commission determines after attempting to secure voluntary compliance under subsection (b) that it is unable to secure from the respondent a conciliation agreement acceptable to the Commission and to the person aggrieved, which determination shall not be reviewable in any court, the Commission shall issue and cause to be served upon the respondent a complaint stating the facts upon which the allegation of the unlawful employment practice is based, together with a notice of hearing before the Commission, or a member or agent thereof, at a place therein fixed not less than five days after the serving of such complaint. Related proceedings may be consolidated for hearing. Any member of the Commission who filed a charge in any case shall not participate in a hearing on any complaint arising out of such charge, except as a witness.

"(g) A respondent shall have the right to file an answer to the complaint against him and with the leave of the Commission, which shall be granted whenever it is reasonable and fair to do so, may amend his answer at any time. Respondents and the person aggrieved shall be parties and may appear at any stage of the proceedings, with or without counsel. The Commission may grant such other persons a right to intervene or to file briefs or make oral arguments as amicus curiae or for other purposes, as it considers appropriate. All testimony shall be taken under oath and shall be reduced to writing.

"(h) If the Commission finds that the respondent has engaged in an unlawful employment practice, the Commission shall state its findings of fact and shall issue and cause to be served on the respondent and the person or persons aggrieved by such unlawful employment practice an order requiring the respondent to cease and desist from such unlawful employment practice and to take such affirmative action, including reinstatement or hiring of employees, with or without backpay (payable by the employer, employment agency, or labor organization, as the case may be, responsible for the unlawful employment practice), as will effectuate the policies of this title: *Provided*, That interim earnings or amounts earnable with reasonable diligency by the aggrieved person or persons shall operate to reduce the backpay otherwise allowable. Such order may further require such respondent to make reports from time to time showing the extent to which he has complied with the order. If the Commission finds that the respondent has not engaged in any unlawful employment practice, the Commission shall state its findings of fact and shall issue and cause to be served on the respondent and the person or persons alleged in the complaint to be aggrieved an order dismissing the complaint.

"(i) After a charge has been filed and until the record has been filed in court as hereinafter provided, the proceeding may at any time be ended by agreement between the Commission and the parties for the elimination of the alleged unlawful employment practice, approved by the Commission, and the Commission may at any time, upon reasonable notice, modify or set aside, in whole or in part, any finding or order made or issued by it. An agreement approved by the Commission shall be enforceable under subsection (k) and the provisions of that subsection shall be applicable to the extent appropriate to a proceeding to enforce an agreement.

"(j) Findings of fact and orders made or issued under subsections (h) or (i) of this section shall be determined on the record.

"(k) The Commission may petition any United States court of appeals within any circuit wherein the unlawful employment practice in question occurred or wherein the respondent resides or transacts business for the enforcement of its order and for appropriate temporary relief or restraining order, and shall file in the court the record in the proceedings as provided in section 2112 of title 28, United States Code. Upon such filing, the court shall cause notice thereof to be served upon the parties to the proceeding before the Commission, and thereupon shall have jurisdiction of the proceeding and of the question determined therein and shall have power to grant such temporary relief, restraining order, or other order as it deems just and proper, and to make and enter a decree enforcing, modifying and enforcing as so modified, or setting aside in whole or in part the order of the Commission. No objection that has not been urged before the Commission, its member, or agent shall be considered by the court, unless the failure or neglect to urge such objection shall be excused because of extraordinary circumstances. The findings of the Commission with respect to questions of fact if supported by substantial evidence on the record considered as a whole shall be conclusive. If any party shall apply to the court for leave to adduce additional evidence and shall show to the satisfaction of the court that such additional evidence is material and that there were reasonable grounds for the failure to adduce such evidence in the hearing before the Commission, its member, or its agent, the court may order such additional evidence to be taken before the Commission, its member, or its agent, and to be made a part of the record. The Commission may modify its findings as to the facts, or make new findings, by reason of additional evidence so taken and filed, and it shall file such modified or new findings, which findings with respect to questions of fact if supported by substantial evidence on the record considered as a whole shall be conclusive, and its recommendations, if any, for the modification or setting aside of its original order. Upon the filing of the record with it the jurisdiction of the court shall be exclusive and its judgment and decree shall be final, except that the same shall be subject to review by the Supreme Court of the United States as provided in section 1254 of tile 28, United States Code. Petitions filed under this subsection shall be heard expeditiously.

"(1) Any party aggrieved by a final order of the Commission granting or denying, in whole or in part, the relief sought may obtain a review of such order in any United States court of appeals in the circuit in which the unlawful employment practice in question is alleged to have occured or in which such party resides or transacts business, or in the United States Court of Appeals for the District of Columbia, by filing in such court a written petition praying that the order of the Commission be modified or set aside. A copy of such petition shall be forthwith transmitted by the clerk of the court to the Commission (and to the other parties to the proceeding before the Commission) and thereupon the Commission shall file in the court the certified record in the proceeding as provided in section 2112 of title 28, United States Code. Upon the filing of such petition, the court shall proceed in the same manner as in the case of an application by the Commission under subsection (k), the findings of the Commission with respect to questions of fact if supported by substantial evidence on the record considered as a whole shall be conclusive, and the court shall have the same jurisdiction to grant such temporary relief or restraining order as it deems just and proper, and in like manner to make and enter a decree enforcing, modifying and enforcing as so modified, or setting aside in whole or in part the order of the Commission. The commencement of proceedings under this subsection or subsection (k) shall not, unless ordered by the court, operate as a stay of the order of the Commission.

"(m) The provisions of the Act entitled 'An Act to amend the Judicial Code and to define and limit the jurisdiction of courts sitting in equity, and for other purposes', approved March 23, 1932 (47 Stat. 70 *et seq.*, 29 U.S.C. 101–115), shall not apply with respect to (1) proceedings under subsection (k), (1), or (o) of this section, (2) proceedings under section 707 of this title, or (3) proceedings under section 715 of this title.

"(n) The Attorney General shall conduct all litigation to which the Commission is a party pursuant to this title.

"(o) Whenever a charge is filed with the Commission pursuant to subsection (b) and the Commission concludes on the basis of a preliminary investigation that prompt judicial action is necessary to preserve the power of the Commission to grant effective relief in the proceeding the Commission may, upon referral to the Attorney General, bring an action for appropriate temporary or preliminary relief pending its final disposition of such charge, in the United States district court for any judicial district in the State in which the unlawful employment practice concerned is alleged to have been committed, or the judicial district in which the aggrieved person would have been employed but for the alleged unlawful employment practice, but, if the respondent is not found within any such judicial district, such an action may be brought in the judicial district in which the respondent has his principal office. For purposes of sections 1404 and 1406 of title 28, United States Code, the judicial district in which the respondent has his principal office shall in all cases be considered a judicial district in which such an action might have been brought. Upon the bringing of any such action, the district court shall have jurisdiction to grant such injunctive relief or temporary restraining order as it deems just and proper, notwithstanding any other provision of law. Rule 65 of the Federal Rules of Civil Procedure, except paragraph (a)(2) thereof, shall govern proceedings under this subsection."

SEC. 202. Section 707 of the Civil Rights Act of 1964 (78 Stat. 261; 42 U.S.C. 2000e–6)

is amended by adding a new subsection (c) as follows:

"(c) Any record or paper required by section 709(c) of this title to be preserved or maintained shall be made available for inspection, reproduction, and copying by the Attorney General or his representative upon demand in writing directed to the person having custody, possession, or control of such record or paper. Unless otherwise ordered by a court of the United States, neither the Attorney General nor his representative shall disclose any record or paper produced pursuant to this title, or any reproduction or copy, except to Congress or any committee thereof, or to a governmental agency, or in the presentation of any case or proceeding before any court or grand jury. The United States district court for the district in which a demand is made or in which a record or paper so demand is located, shall have jurisdiction to compel by appropriate process the production of such record or paper."

SEC. 203. Sections 709(b), (c), and (d) of the Civil Rights Act of 1964 (78 Stat. 263; 42 U.S.C. 2000e–8(b)–(d)) are amended to read as follows:

"(b) The Commission may cooperate with State and local agencies charged with the administration of State fair employment practices laws and, with the consent of such agencies, may, for the purpose of carrying out its functions and duties under this title and within the limitation of funds appropriated specifically for such purpose, engage in and contribute to the cost of research and other projects of mutual interest undertaken by such agencies, and utilize the services of such agencies and their employees and, notwithstanding any other provision of law, may pay by advance or reimbursement such agencies and their employees for services rendered to assist the Commission in carrying out this title. In furtherance of such cooperative efforts, the Commission may enter into written agreements with such State or local agencies and such agreements may include provisions under which the Commission shall refrain from processing a charge in any cases or class of cases specified in such agreements or under which the Commission shall relieve any person or class of persons in such State or locality from requirements imposed under this section. The Commission shall rescind any such agreement whenever it determines that the agreement no longer serves the interest of effective enforcement of this title.

"(c) Every employer, employment agency, and labor organization subject to this title shall (1) make and keep such records relevant to the determinations of whether unlawful employment practices have been or are being committed, (2) preserve such records for such periods, and (3) make such reports therefrom as the Commission shall prescribe by regulation or order, after public hearing, as reasonable, necessary, or appropriate for the enforcement of this title or the regulation or orders thereunder. The Commission shall, by regulation, require each employer, labor organization, and joint labor-management committee subject to this title which controls an apprenticeship or other training program to maintain such records as are reasonably necessary to carry out the purpose of this title, including, but not limited to, a list of applicants who wish to participate in such program, including the chronological order in which such applicants were received, and to furnish to the Commission upon request, a detailed description of the manner in which persons are selected to participate in the apprenticeship or other training program. Any employer, employment agency, labor organization, or joint labor-management committee which believes that the application to it of any regulation or order issued under this section would result in undue hardship may apply to the Commission for an exemption from the application of such regulation or order, and, if such application for an exemption is denied, bring a civil action in the United States district court for the district where such records are kept. If the Commission or the court, as the case may be, finds that the application of the regulation or order to the employer, employment agency, or labor organization in question would impose an undue hardship, the Commission or the court, as the case may be, may grant appropriate relief. If any person required to comply with the provisions of this subsection fails or refuses to do so, the United States district court for the district in which such person is found, resides or transacts business, shall, upon application of the Commission, have jurisdiction to issue to such person an order requiring him to comply.

"(d) In prescribing requirements pursuant to subsection (c) of this section, the Commission shall consult with other interested State and Federal agencies and shall endeavor to coordinate its requirements with those adopted by such agencies. The Commission shall furnish upon request and without cost to any State or local agency charged with the administration of a fair employment practice law information obtained pursuant to subsection (c) of this section from any employer, employment agency, labor organization, or joint labor-management committee subject to the jurisdiction of such agency. Such information shall be furnished on condition that it not be made public by the recipient agency prior to the institution of a proceeding under State or local law involving such information. If this condition is violated by a recipient agency, the Commission may decline to honor subsequent requests pursuant to this subsection."

SEC. 5. Section 710 of the Civil Rights Act of 1964 (78 Stat. 264; 42 U.S.C. 2000e–9) is amended to read as follows:

"For the purpose of all hearings and investigations conducted by the Commission or its duly authorized agents or agencies, section 11 of the National Labor Relations Act (49 Stat. 455; 29 U.S.C. 161) shall apply: *Provided,* That no subpena shall be issued on the application of any party to proceedings before the Commission until after the Commission has issued and caused to be served upon the respondent a complaint and notice of hearing under subsection (f) of section 706."

SEC. 6. Title VII of the Civil Rights Act of 1964 (78 Stat. 253; 42 U.S.C. 2000e) is further amended as follows:

(a) Add the phrase "or applicants for employment" after the phrase "his employees" in section 703(a)(2) (78 Stat. 255; 42 U.S.C. 2000e–2(a)(2)).

(b) Add the phrase "or applicants for membership" after the word "membership" in section 703(c)(2) (78 Stat. 255; 42 U.S.C. 2000e–2(a)(2)).

(c) Strike out "to give and to act upon the results of any professionally developed ability test provided that such test, its administration or action upon the results is not designed, intended, or used to discriminate because of race, color, religion, sex, or national origin" in section 703(h) and substitute therefor the following: "to give and to act upon the results of any professionally developed ability test which is applied on a uniform basis to all employees and applicants for employment in the same position and is directly related to the determination of bona fide occupational qualifications reasonably necessary to perform the normal duties of the particular position concerned: *Provided,* That such test, its administration or action upon the results is not designed, intended, or used to discriminate because of race, color, religion, sex, or national origin".

(d)(1) Add the phrase "or joint labor-management committee controlling apprenticeship or other training or retraining, including on-the-job training programs," after "employment agency" in section 704(a).

((2) In section 704(b), (A) strike out "or employment agency" and insert "employment agency, or joint labor-management committee controlling apprenticeship or other training or retraining, including on-the-job training programs,", and (B) add the phrase "or relating to admission to, or employment in, any program established to provide apprenticeship or other training by such a joint labor-management committee," before "indicating".

(e) Amend the second sentence of section 705(a) by inserting "and all members of the Commission shall continue to serve until their successors are appointed and qualified: *Provided,* That no such member of the Commission shall continue to serve (1) for more than sixty days when the Congress is in session unless a nomination to fill such vacancy shall have been submitted to the Senate, or (2) after the adjournment sine die of the session of the Senate in which such nomination was submitted" immediately preceding the period and amend the fourth sentence of section 705(a) to read as follows: "The Chairman shall be responsible on behalf of the Commission for the administrative operations of the Commission, and shall appoint, in accordance with the provisions of title 5, United States Code, governing appointments in the competitive service, such officers, agents, attorneys, hearing examiners, and employees as he deems necessary to assist it in the performance of its functions and to fix their compensation in accordance with the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification and General Schedule pay rates: *Provided,* That assignment, removal, and compensation of hearing examiners shall be in accordance with sections 3105, 3344, 5362, and 7521 of title 5, United States Code."

(f) Add the phrase "and to accept voluntary and uncompensated services, notwithstanding the provisions of section 3679(b) of the Revised Statutes (31 U.S.C. 665(b))" to section 705(g)(1) between the word "individuals" and the semicolon.

(g) In section 705(g)(6), strike out the words "section 706" and substitute therefore the words "section 715."

(h) Insert a semicolon in lieu of the period at the end of section 705(g) and add the following subparagraph "(7)" to such section: "(7) to accept and employ or dispose of in furtherance of the purpose of this title any money or property, real, personal, or mixed, tangible, or intangible, received by gift, devise, bequest, or otherwise."

(i) Add the following new subsections at the end of section 713:

"(c) Except for the powers granted to the Commission under subsection (h) of section 706, the power to modify or set aside its findings, or make new findings, under subsections (i) and (k) of section 706, the rulemaking power as defined in subchapter II of chapter 5 of title 5, United States Code, with reference to general rules as distinguished from rules of specific applicability, and the power to enter into or rescind agreements with State and local agencies, as provided in subsection (b) of section 709, under which the Commission agrees to refrain from processing a charge in any cases or class of cases or under which the Commission agrees to relieve any person or class of persons in such State or locality from requirements imposed by section 709, the Commission may delegate any of its functions, duties, and powers to such person or persons as the Commission may designate by regulation, including functions, duties, and powers with respect to investigating, conciliating, hearing, determining, ordering, certifying, reporting or otherwise acting as to any work, business, or matter: *Provided,* That nothing in this subsection authorizes the Commission to provide for persons other than those referred to in clauses (2) and (3) of subsection (b) of section 556 of title 5 of the United States Code to conduct any hearing to which that section applies.

"(d) The Commission is authorized to del-

egate to any group of three or more members of the Commission any or all of the powers which it may itself exercise."

(j) Strike out the phrase "section 111" and substitute therefor the phrase "sections 111 and 1114" in section 714.

(k) Section 715 is amended to read as follows:

"(a) If (1) the Commission determines that there is no reasonable cause to believe the charge is true and dismisses the charge in accordance with Section 706(b), (2) finds no probable jurisdiction and dismisses the charge, or (3) within one-hundred and eighty days after a charge is filed with the Commission, or within one-hundred and eighty days after expiration of any period of reference under Section 706(c) or (d), the Commission has not either (i) issued a complaint in accordance with Section 706(f), (ii) determined that there is not reasonable cause to believe the charge is true and dismissed the charge in accordance with Section 706(b) or found no probable jurisdiction and dismissed the charge, or (iii) entered into a conciliation agreement acceptable to the Commission and to the person aggrieved in accordance with Section 706(f) or an agreement with the parties in accordance with Section 706 (i), the Commission shall so notify the person aggrieved and within sixty days after the giving of such notice a civil action may be brought against the respondent named in the charge (1) by the person claiming to be aggrieved, or (2) if such charge was filed by a member of the Commission, by any person whom the charge alleges was aggrieved by the alleged unlawful employment practice. Upon application by the complainant and in such circumstances as the court may deem just, the court may appoint an attorney for such complainant and may authorize the commencement of the action without the payment of fees, costs, or security. Upon timely application, the court may, in its discretion, permit the Attorney General to intervene in such civil action if he certifies that the case is of general public importance. Upon the commencement of such civil action, the Commission shall be divested of jurisdiction over the proceeding and shall take no further action with respect thereto; *Provided*, That upon request, the court, may, in its discretion, stay further proceedings for not more than sixty days pending termination of State or local proceedings described in subsections (c) or (d) or the efforts of the Commission to obtain voluntary compliance.

"(b) Each United States district court and each United States court of a place subject to the jurisdiction of the United States shall have jurisdiction of actions brought under this title. Such an action may be brought in any judicial district in the State in which the unlawful employment practice is alleged to have been committed, or in the judicial district in which the plaintiff would have been employed but for the alleged unlawful employment practice, but if the respondent is not found within any such district, such an action may be brought within the judicial district in which the respondent has his principal office. For purposes of sections 1404 and 1406 of title 28 of the United States Code, the judicial district in which the respondent has his principal office shall in all cases be considered a district in which the action might have been brought. Upon the bringing of any such action, the district court shall have jurisdiction to grant such temporary or preliminary relief as it deems just and proper.

"(c) If the court finds that the respondent has intentionally engaged in or is intentionally engaging in an unlawful employment practice charged in the complaint, the court may enjoin the respondent from engaging in such unlawful employment practice, and order such affirmative action as may be appropriate, which may include reinstatement or hiring of employees, with or without back pay (payable by the employer, employment agency, or labor organization, as the case may be, responsible for the unlawful employment practice). Interim earnings or amounts earnable with reasonable diligence by the person or persons discriminated against shall operate to reduce the back pay otherwise allowable. No order of the court shall require the admission or reinstatement of an individual as a member of a union or the hiring, reinstatement, or promotion of an individual as an employee, or the payment to him of any back pay, if such individual was refused admission, suspended, or expelled or was refused employment or advancement or was suspended or discharged for any reason other than discrimination on account of race, color, religion, sex or national origin or in violation of section 704(a).

"(d) In any case in which an employer, employment agency, or labor organization fails to comply with an order of a court issued in a civil action brought under subsection (a), the Commission may commence proceedings to compel compliance with such order.

"(e) Any civil action brought under subsection (a) and any proceedings brought under subsection (d) shall be subject to appeal as provided in sections 1291 and 1292, title 28, United States Code.

"(f) In any action or proceeding under this title, the court, in its discretion, may allow the prevailing plaintiff a reasonable attorney's fee as part of the costs."

SEC. 206. Title 5 of the United States Code is amended as follows:

(a) Add the following new clause at the end of section 5314: "(53) Chairman, Equal Employment Opportunity Commission."

(b) Amend Clause (72) of section 5315 to read as follows: "(72) Members, Equal Employment Opportunity Commission (4)."

(c) Repeal Clause (111) of section 5316.

SEC. 207. Sections 706, 710 and 715 of the Civil Rights Act of 1964, as amended by this Act, shall not be applicable to charges filed with the Commission prior to the effective date of this title.

TITLE III—CIVIL RIGHTS COMMISSION APPROPRIATIONS AUTHORIZATION

SEC. 301. Section 106 of the Civil Rights Act of 1957 (71 Stat. 636; 42 U.S.C. 1975e) as amended, is further amended to read as follows:

"SEC. 106. There are hereby authorized to be appropriated such sums as are necessary to carry out the provisions of this Act."

TITLE IV—VOTING RIGHTS ACT EXTENSION

SEC. 401. Section 4(a) of the Voting Rights Act of 1965 (79 Stat. 438; 42 U.S.C. 1973b(a)) is amended as follows:

In the first and third paragraphs, after the words "during the," strike the word "five" and substitute the word "ten."

In the first paragraph, after the words "a period of," strike the word "five" and substitute the word "ten."

TITLE V—SEPARABILITY

SEC. 501. If any provision of this Act or the application of any provision thereof to any person or circumstance is judicially determined to be invalid, the remainder of this Act or the application of such provision to other persons or circumstances shall not be affected by such determination.

Mr. JAVITS. Mr. President, I am pleased, once again, to be part of a bipartisan effort to enact civil rights legislation. Measures of justice in this field should at all times have the interest of the Nation and especially in this time of crises and danger like the present.

The measure which we send to the desk today is designed to improve the administration of laws we have enacted in the last 5 years.

The first title extends the Voting Rights Act of 1965—due to expire next year—for an additional 5 years. The second title removes an appropriations ceiling which was imposed on the Civil Rights Commission last year, so as to enable them to meet cost increases without reducing the level of their activities.

The third title would give the Attorney General the right to initiate suits attacking jury discrimination in State courts. The Jury Selection and Service Act of 1968 provided comprehensive reform of jury selection in Federal courts, but did not authorize direct action by the Attorney General in State courts. Present law authorizes only his intervention in private suits of this nature. The proposal also prohibits any discrimination on the basis of race, color, religion, sex, national origin, or economic status in the selection of jurors in State courts.

The final title essentially, is the familiar proposal to grant the Equal Employment Commission cease-and-desist powers. The primary cosponsors of this bill have supported such a proposal since 1964 when the Commission was created. Indeed, we believe it is essential to an effective Commission.

During the 90th Congress the Labor and Public Welfare Committee, of which I am the ranking Republican member, considered more than one version of this proposal. While all were agreed on the cease and desist provisions, there was a difference of opinion—among supporters of the Commission—about other factors such as the right of aggrieved private individuals to sue, and pattern or practice suits. This is essentially a difference of opinion among lawyers over which type of legal actions would provide the most effective remedies in the circumstances.

The title as we introduce it today will come to the Labor and Public Welfare Committee and will undoubtedly be the subject of hearings there. The administration will have a proposal; civil rights organizations will propose amendments; and I may very well offer a proposal of my own. I join in sponsoring this bill today because I am committed to its essential purpose and anxious to "get the ball rolling" on a cease-and-desist proposal. I shall, however, feel free to offer amendments or to support other proposals which may be put forward which, in my judgment would strengthen the Commission's hand in this vital work.

Mr. SCOTT. Mr. President, I am one of the drafters of the omnibus civil rights bill of 1969 which was introduced today. Senators PHILIP A. HART, Democrat, of Michigan; JACOB K. JAVITS, Republican, of New York; EDWARD M. KENNEDY, Democrat, of Massachusetts, and I wrote a bill which we believe will protect and extend the civil rights gains which we helped to win in recent years.

I am urging prompt action on this important legislation by the Senate Judiciary Committee, on which I serve, and by the full Senate.

I spoke to President Nixon just this morning at the White House and urged his consideration of this new civil rights bill. President Nixon asked me to set up a meeting with the four major sponsors of the bill and Mr. Jerris Leonard, chief of the Civil Rights Division, Department of Justice. This has been done, and a report will be sent to the President.

The main purposes of the bill are as follows:

Title I extends to litigants in State courts the same protection against discrimination in selection of juries as provided in Federal courts in the Federal Jury Selection Act of 1968. The bill authorizes the Attorney General to file corrective suits only after due notice and opportunity for the State to take corrective action. States with nondiscriminatory jury selection systems would not be affected.

Title II gives the Equal Employment Opportunity Commission authority to issue cease-and-desist orders which could be judicially enforced. This authority would greatly increase the commission's effectiveness in its negotiations with those breaking the law.

Title III repeals the provision approved by the last Congress in limiting future appropriations for the Commission on Civil Rights to the 1968 level. This provision precludes annual congressional consideration of Commission needs and, in effect, forces the Commission to curtail its activities with each Government-wide pay increase or increase in the cost of living.

Title IV extends the provisions of the Voting Rights Act of 1965 for an additional 5 years. If no action is taken, States will be able to remove themselves from the provisions of the act and will be free again to use discriminatory voter registration laws.

ADJOURNMENT UNTIL THURSDAY, MAY 1, 1969

Mr. GRAVEL. Mr. President, in accordance with the order previously entered, I move that the Senate stand in adjournment until 12 o'clock noon on Thursday, May 1, 1969.

The motion was agreed to; and (at 6 o'clock and 2 minutes p.m.) the Senate adjourned until Thursday, May 1, 1969, at 12 o'clock noon.

NOMINATIONS

Executive nominations received by the Senate April 29, 1969:

U.S. ATTORNEYS

Dean C. Smith, of Washington, to be U.S. attorney for the eastern district of Washington for the term of 4 years vice Smithmore P. Myers, resigned.

R. Jackson B. Smith, Jr., of Georgia, to be U.S. attorney for the southern district of Georgia for the term of 4 years vice Donald H. Fraser, resigning.

CONFIRMATIONS

Executive nominations confirmed by the Senate, April 29, 1969:

POST OFFICE DEPARTMENT

Henry Lehne, of Massachusetts, to be an Assistant Postmaster General.

Ronald B. Lee, of Maryland, to be an Assistant Postmaster General.

DIRECTOR OF PUBLIC ROADS

Ralph R. Bartelsmeyer, of Illinois, to be Director of Public Roads.

CIVIL SERVICE COMMISSION

L. J. Andolsek, of Minnesota, to be a Civil Service Commissioner for the term of 6 years expiring March 1, 1975.

NEW ENGLAND REGIONAL COMMISSION

Stewart Lamprey, of New Hampshire, to be Federal cochairman of the New England Regional Commission.

POST OFFICE DEPARTMENT

Frank J. Nunlist, of New Jersey, to be an Assistant Postmaster General.

HOUSE OF REPRESENTATIVES—*Tuesday, April 29, 1969*

The House met at 12 o'clock noon.

Rev. William R. Barnhart, D.D., minister emeritus, Circular Congregational Church, Charleston, S.C., offered the following prayer:

O God, our help in ages past and hope for years to come, help us to learn and do Thy holy will.

Lift up our minds above the problems that perplex us. Lift up our hearts above the burdens that weight us down. Lift up our souls above the sorrows that grieve us.

May we have less pressure and more prayer, less work and more worship, less talking and more thinking.

Help us to realize the sanctity of politics and to put principles above parties and the virtue of measures above the vote of majorities. Help us to think about the next generation and not just the next election.

May we know that true greatness consists in love, service, and sacrifice. May we hear Thee say, "Inasmuch as you do it unto one of these brothers of mine, even to the least of them, you do it unto Me."

Give us the intelligent good will to match the problems of our time. May each one of us walk down the highway of life in a spirit of true nobility.

Help us to live greatly in a great age and in a great universe and under a great God and with a great aim. Amen.

THE JOURNAL

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

MESSAGES FROM THE PRESIDENT

Sundry messages in writing from the President of the United States were communicated to the House by Mr. Leonard, one of his secretaries, who also informed the House that on April 25, 1969, the President approved and signed a bill of the House of the following title:

H.R. 10158. An act to provide mail service for Mamie Doud Eisenhower, widow of former President Dwight David Eisenhower.

HEARINGS ON THE MODEL CITIES PROGRAM

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

Mr. BARRETT. Mr. Speaker, the model cities legislation enacted in 1966 is one of the most important programs in our efforts to improve the lives of those in the blighted neighborhoods in our towns and cities. Local government in 150 communities of every size throughout the country have been intensively planning to use the model cities approach to eradicate slums and to provide for the health, educational, and vocational needs of their people. Just this spring, the first handful of cities received approval of their model cities programs and many more communities expect to be approved shortly.

The Subcommittee on Housing of the Committee on Banking and Currency has been planning for some time to hold hearings to review the progress and problems in the model cities program. At the same time, there have been a number of suggestions and proposals made affecting the present concept of the model cities program. Secretary Romney's statement yesterday has raised a number of questions which need to be considered as soon as possible.

The Housing Subcommittee will hold a hearing on the model cities program on Monday, May 12, to discuss with top HUD officials the status of the program and the various recommendations made in connection with it. Other hearings already planned for the balance of that week will limit us to one day at this time, but it is our intention to follow up with additional hearings on model cities at a later date.

REPRESENTATIVE FOREMAN INTRODUCES BILL AIMED AT THE ARMED REVOLTS OF STUDENTS ON AMERICAN UNIVERSITY CAMPUSES

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

Mr. FOREMAN. Mr. Speaker, today I am introducing a bill aimed right at the armed revolt of students on American university campuses. This legislation amends title 18 of the United States Code, making it unlawful for any person to carry a weapon on the property of any institution of higher education, which receives or disburses Federal funds, when such person is acting in violation of a law, regulation, ordinance, or rule.

The time has come for an immediate and thorough investigation of this so-called student unrest problem. The departure to gun-carrying anarchists from card-burning leftists should not go unchallenged. We cannot allow the anarchists and subversives to destroy education in America. It is time for administrators of American colleges and universities to get firm in their handling of situations such as the armed revolt on Cornell's campus and several other universities—and we must give them the