

Hill Park in the District of Columbia as the Malcolm X Park; to the Committee on Public Works.

By Mr. RYAN:

H.R. 15473. A bill to provide for the comprehensive program for the control of noise; to the Committee on Interstate and Foreign Commerce.

By Mr. TEAGUE of Texas (by request):

H.R. 15474. A bill to amend chapter 17, title 38, United States Code, to provide drugs and medicines to veterans of World War I, World War II, the Korean conflict, or the Vietnam era, who are receiving increased compensation or pension because of being housebound; to the Committee on Veterans' Affairs.

By Mr. WHALEN:

H.R. 15475. A bill to provide additional benefits for optometry officers of the uniformed services; to the Committee on Armed Services.

By Mr. BENNETT:

H.J. Res. 1047. Joint resolution proposing an amendment to the Constitution of the United States to provide that appointments of Supreme Court and other Federal judges be required to be reconfirmed every 6 years, to require 5 years' prior judicial experience as a qualification for appointment to the Supreme Court, and to require retirement of Federal judges at the age of 70 years; to the Committee on the Judiciary.

By Mr. BRINKLEY:

H.J. Res. 1048. Joint resolution, proposing an amendment to the Constitution of the United States prohibiting involuntary busing of students; to the Committee on the Judiciary.

By Mr. MIKVA:

H.J. Res. 1049. Joint resolution proposing an amendment to the Constitution of the United States to provide that the right to vote shall not be denied on account of age to persons who are 18 years of age or older; to the Committee on the Judiciary.

By Mr. OLSEN:

H.J. Res. 1050. Joint resolution authorizing the Secretary of the Interior to provide for the commemoration of the 100th anniversary of the establishment of Yellowstone National Park, and for other purposes; to the Committee on the Judiciary.

By Mr. QUILLEN:

H.J. Res. 1051. Joint resolution designating the week commencing February 3, 1970, as International Clergy Week in the United States, and for other purposes; to the Committee on the Judiciary.

By Mr. SIKES:

H.J. Res. 1052. Joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

By Mr. THOMPSON of New Jersey:

H.J. Res. 1053. Joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

By Mr. TUNNEY:

H. Con. Res. 478. Concurrent resolution expresses the support of Congress for the principles embodied in the Santa Barbara Declaration of Environmental Rights; to the Committee on Merchant Marine and Fisheries.

By Mr. GARMATZ:

H. Res. 785. Resolution to provide funds for the expenses of the studies and investigations authorized by House Resolution 131; to the Committee on House Administration.

PRIVATE BILLS AND RESOLUTIONS

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

By Mr. GRAY:

H.R. 15476. A bill for the relief of Ofelia C. Santos; to the Committee on the Judiciary.

By Mr. PUCINSKI:

H.R. 15477. A bill for the relief of James J. Keilman; to the Committee on the Judiciary.

By Mr. RUPPE:

H.R. 15478. A bill for the relief of Mrs. Fernande M. Allen; to the Committee on the Judiciary.

PETITIONS, ETC.

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

375. By the SPEAKER: Petition of the City Council, Seattle, Wash., relative to supporting proposed legislation regarding repeal of the Emergency Detention Act of 1950; to the Committee on Internal Security.

376. Also, petition of Maurice Sullivan, Atlanta, Ga., relative to redress of grievances; to the Committee on the Judiciary.

SENATE—Tuesday, January 20, 1970

The Senate met at 12 o'clock meridian, on the expiration of the recess, and was called to order by the President pro tempore (Mr. RUSSELL).

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

Almighty God, in whose will is the destiny of men and nations, deliver us now from the tumult of the busy world, from the claims of many duties, and the confusion of many voices, that we may hear again Thy still small voice, lifting our vision, allaying our fears, instructing our minds, and flooding our inmost being. Imbue with Thy higher wisdom all whose service to Thee is rendered in this place. Make them sure of the goal toward which the Nation moves and certain of each step taken to reach it. Grant Thy reconciling grace, that being united in devotion to the Nation's welfare and the betterment of all mankind, Thy servants here may be ministers of healing to a broken world. In the stress and strain of this day and all the days ahead lead them by Thy spirit to the fullness of Thy kingdom, the law of which is love and the ruler of which is the Lord of Life.

In His holy name we pray. Amen.

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. 6244. An act to enable the Secretary of Agriculture to extend financial assistance to desertland entrymen to the same extent as

such assistance is available to homestead entrymen;

H.R. 10184. An act to provide for the disposition of judgment funds of the Sioux Tribe of the Fort Peck Indian Reservation, Mont.;

H.R. 11372. An act to amend the act entitled "An act to authorize the partition or sale of inherited interests in allotted lands in the Tulalip Reservation, Wash., and for other purposes", approved June 18, 1956 (70 Stat. 290); and

H.R. 12795. An act to amend the act entitled "An act to provide better facilities for the enforcement of the customs and immigration laws," to increase the amount authorized to be expended, and for other purposes.

HOUSE BILLS REFERRED

The following bills were severally read twice by their titles and referred, as indicated:

H.R. 6244. An act to enable the Secretary of Agriculture to extend financial assistance to desertland entrymen to the same extent as such assistance is available to homestead entrymen; to the Committee on Agriculture and Forestry.

H.R. 10184. An act to provide for the disposition of judgment funds of the Sioux Tribe of the Fort Peck Indian Reservation, Mont.;

H.R. 11372. An act to amend the act entitled "An act to authorize the partition or sale of inherited interests in allotted lands in the Tulalip Reservation, Wash., and for other purposes", approved June 18, 1956 (70 Stat. 290); to the Committee on Interior and Insular Affairs.

H.R. 12795. An act to amend the act entitled "An act to provide better facilities for the enforcement of the customs and immigration laws," to increase the amount

authorized to be expended, and for other purposes; to the Committee on Public Works.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Journal of the proceedings of Monday, January 19, 1970, be approved.

The PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

The PRESIDENT pro tempore. Without objection, it is so ordered.

ATTENDANCE OF SENATORS

The following additional Senators attended the session of the Senate today: BAYH, DODD, GOODSELL, and STEVENS.

DEMOCRATIC CONFERENCES HELD YESTERDAY AND THIS MORNING—REMARKS BY THE MAJORITY LEADER

Mr. MANSFIELD. Mr. President, the Democratic conference met yesterday morning to prepare for the beginning of the second session of the 91st Congress. This first meeting largely concerned routine matters—housekeeping chores of the Senate, so to speak. It was followed

today by a second conference on questions of majority policy.

The leadership presented an opening statement to the first conference. Following the statement, it was moved and unanimously approved that sections of this statement be incorporated in the RECORD today in the hope that Senators on both sides of the aisle would take notice of and bring to the attention of their staff personnel those portions of the statement which deal with order on the floor of the Senate.

I ask unanimous consent that the conference statement be incorporated at this point in the RECORD.

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

REMARKS BY THE MAJORITY LEADER PRESENTED AT THE DEMOCRATIC CONFERENCE, MONDAY, JANUARY 19, 1970

On behalf of the Leadership, I am happy to welcome you back to the Second Session of the 91st Congress. Today marks the resumption of the work left unfinished at the end of the last session.

Immediately following the reading of the Journal, the pending business will be the Conference Report on HR 13111, the appropriations measure for Labor-Health, Education, and Welfare. It is the intention of the Leadership to have a rollcall vote on this Conference Report as early as practicable.

I realize that it has been customary in the past to wait until the President presents his State of the Union message before undertaking legislative matters. There are a number of reasons why this tradition is being broken. Chief among them is that this measure, with its impact on the education and health of Americans, is too important to postpone. Educators and health officials throughout the nation have budgets and schedules whose determination await this action.

The President has indicated that he will veto the bill when we send it down. He has his own reasons, I am sure, for doing so. I respect them. But I must also state my judgment that for the Administration to reject this measure is to fight inflation, it seems to me, at the expense of those least able to bear it. A rejection of this bill, whatever its intent, is to strike at the needs of the young, the needy, the schools, the old, the sick, and the handicapped.

Following the disposition of the Labor-HEW Conference Report, it is the intention of the Leadership to move expeditiously to the following measures:

- S. 30, the Crime bill.
- S. 3246, the Drug bill.
- S. 1520, the Falling Newspaper bill.
- S. 3154, the Mass Transportation Act.
- H.R. 514, the Elementary and Secondary Education Act.

Of course, a Conference Report on H.R. 15149, the Foreign Aid Appropriations Act, would be privileged under the Rules, and if it becomes available, it will take precedence on the floor over a pending measure.

In accordance with suggestions made at previous Conferences, it is the intention of the Leadership to conduct the business of the Senate on at least a Monday through Friday schedule. At least for the present, it is planned that business will actually be transacted on a Monday through Saturday schedule until legislation which is now on the Calendar can be acted upon. It is hoped that Committees will set to work, without delay, on a similar full-time basis. With the cooperation of the Committees, the Leadership intends to follow the legislative program with as little interruption as possible.

I wish to remind all Senators that votes may come at any time on a pending measure,

and Senators should be on notice that once a rollcall has been completed, the regular order can be expected. Senators are asked to instruct their personal staffs to respond accurately and quickly to inquiries of Cloakroom personnel as to the whereabouts and status of each Member. Personal staffs, properly, try hard to protect the interests of members, but it is often easier for a page to find you in the Capitol than for your own staff to reach you from the Senate Office Building. In order to do this, however, we must know where you can be reached.

For several years now, the Leadership has undertaken to announce at the beginning of every session the dates of recesses in connection with certain national holidays. This practice has enabled all Members to plan their speaking schedules, and home visits in advance. It will be continued this year. As soon as concurrence of the Minority Leader is obtained on the dates, you will be notified by the Secretary for the Majority of the recesses for Lincoln's Birthday, Washington's Birthday, Easter, Memorial Day, and the Fourth of July.

It is the intention of the Leadership to keep these recesses to minimum length in this election year. Speaking personally, I am prepared to stay here until two weeks before election day and return after election if necessary. However, with full cooperation, the essential business of the Congress could be completed for a much earlier sine die adjournment.

This is a good time to raise before the Conference the question of an August recess. I know that last year's experience in this regard met with wide approval, particularly from younger Members with growing families. However, if we wish to attempt an early adjournment this year, a long summer recess may not be practicable. I wish Members would give some thought to this matter. For the present, I would prefer that the issue not be resolved. If it appears that there is a good possibility of completing all appropriations bills somewhere near Labor Day, it would be my recommendation not to take an August recess. If the Congress is bogged down in legislation, it may be desirable to recess briefly in August.

A matter of continuing concern is the order on the floor of the Senate. There is an increasing objection on the part of many Senators to staff personnel who remain on the Senate floor without an apparent need for their presence. I would urge that as a courtesy to each other we instruct our staffs to refrain from coming to the floor of the Senate unless there is an overriding need for their presence. If they are merely monitoring the proceedings, the gallery is the proper area. In any case, I see little justification for any Senator having more than one personal aide on the floor at any one time except, perhaps, when he is actually handling a piece of legislation. Along this same line, I again suggest most respectfully that there be less talk among Senators on the floor.

The Leadership has received a number of complaints concerning staff members using the Democratic Cloakroom and the telephones therein. As has been pointed out on several occasions, it is not possible for Members to carry on conversations or make telephone calls in private in these circumstances. The Conference has gone on record against staff using the Cloakroom and has adopted a resolution which states:

Resolved: That no person be permitted in the Democratic Cloakroom of the Senate except Senators, Members of the House of Representatives, Pages, and officers of the Senate.

An exception to policy has been granted only to staff members of the Democratic Policy Committee. All other staff personnel

are to refrain from using the Cloakroom, and I have instructed the Secretary for the Majority to uphold this resolution.

The rules which apply to the telephones in the Democratic Cloakroom are equally applicable to those in the Senators' Lobby. The Sergeant-at-Arms is directed to enforce a strict policy of restricting the use of telephones and news tickers in the Senators' Lobby.

Mr. MANSFIELD. Mr. President, I also ask unanimous consent to have printed in the RECORD the remarks made by the Senate majority leader, the Senator from Montana, now speaking, at the Democratic conference of this morning, Tuesday, January 20, 1970.

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

REMARKS OF SENATOR MIKE MANSFIELD AT THE DEMOCRATIC CONFERENCE, TUESDAY, JANUARY 20, 1970

This Conference met yesterday to consider certain housekeeping problems. As Democrats—as a Democratic majority—we also face political questions in this election year. With that in mind, I have called this second Conference. I think I am personally as mindful of these questions as any of the Democratic Senators whose seats will be contested in November since my term also expires. I realize, too, that not only seats but the organization of the Senate is at stake. Most significantly, the part which the Democratic Party will be able to play in a Republican-dominated government for the next two years is at stake. These are facts of political life. They are there. They will not go away. They must be faced, frankly, bluntly, and without apology.

However, to state them is not to call for a political session in this election year. To state them is to underscore the Leadership's belief that this Conference must continue to function—even in this election year—as a responsible Senate majority. That is our obligation as Senators of our States and the United States. It is our highest obligation; it must take precedence over our political concerns.

In my judgment, in this session as in the last the objectives of the Democratic Conference must be to contribute a constructive opposition to the development of national policies, while operating the Senate responsibly. In that way, we will do all that can be done, in all realism, from the Senate, to restore greater public confidence in the leadership of the Democratic party.

During the first session of this Congress, I believe the Senate Democrats did present a cohesive and constructive opposition. In so doing, we contributed to the nation and its citizens. I believe, for example, that that opposition helped to bring about the shift away from an ever-deepening American involvement in Viet Nam. In that connection, let me make clear what I have not hesitated to say on other occasions: The President deserves great credit for this shift. In making it, he has had the urging and the support of the Senate.

In a similar fashion, Senate Democrats moved, with Republican cooperation, to bring the issue of tax relief and tax reform to a decision during the last session. It took time to overcome the skepticism. In the end, however, an effective measure was adopted notwithstanding efforts to dodge, defer, and delay. Out of that reform will come some benefit for the over-burdened wage earners and for others, without convenient write-offs, who live on small and moderate incomes. Out of it, too, will come a modest increase in social security payments to older citizens which has been covered by tax adjustments

that will act to offset any additional inflationary pressure.

In the last session, the Senate was also instrumental in modifying the Administration's tendency to propose military expenditures without regard for inflationary effects, even as domestic needs were ignored in the name of fighting inflation.

That is indicative of the initiatives which came from the Senate during the last session. In cooperation with Republican Senators, it will continue to be the responsibility of the Democratic Majority to add correctives of this kind to the national policies proposed by the Administration.

May I say that the Administration's announced intention of vetoing the Labor-HEW appropriations bill provides, in my judgment, the first occasion for the exercise of this responsibility. Our votes on that issue, today, should affirm the insistence of the Democrats in the Senate that this Republican Administration must strike a better balance in the distribution of national funds as among urgent needs at home, expenditures for foreign policy and inexhaustible demands in the name of military security.

In this three-way balance, I must express the view that this Administration has not given sufficient recognition to domestic urgencies—to the requirements for pollution control, health-research, social security, welfare and education. Therefore, we must try, as best we can, from the Senate, to see to it that these needs are not ignored during this session.

It is time to state, bluntly, too, that while this Administration has yet to stop inflation its actions are already tending to stop the economy. According to the latest official economic reports, the nation's economic growth has ground to a halt. Yet, prices continue to climb at a rate in excess of 6%. That is not a formula for lowering the cost of living. Rather, it is a prescription for raising the prospects of recession and unemployment. There is, even now, a three-way squeeze of disappearing credit, high interest rates and ever-rising prices.

Other issues are emerging and will grow stronger unless there is action by the Administration to match words. It would be my hope, for example, that appropriate Senate committees will use their delegated powers to inquire fully into the abuses and inadequacies of the welfare system, into the costs of health and hospital insurance and into the sky-rocketing crime rates which, during the past year, have reached record levels.

Nor is the draft problem now to be laid aside because the system has been zeroed in on the 19 year olds. The system is no less antiquated, no less inequitable, and no less ineffective. In my judgment, it is time to rectify it or to get rid of it.

Vietnam has not yet disappeared as a matter of deep public concern: Nor will it disappear from the concern of the Senate, if the effort to bring about a final solution continues to drag on in Paris, while the drain of blood and resources goes on in Vietnam.

May I say again, that in the approach to these and similar issues, our responsibilities as Senators takes precedence over our political concerns. I do not mean to suggest, thereby, indifference to the Party's problems. What happens in the next election, to be sure, is of great concern. I am not disposed to see Democrats become a Senate Minority—if for no other reason than that this Government will then be left without an effective check on the present Administration.

In this connection I should note that your Majority Policy Committee, by unanimous agreement yesterday, directed me to announce that it is prepared to meet in the near future with Senate Democrats whose terms expire at the end of the year. These 25 Members constitute an excellent cross-section of the Party. For the most part they have just returned from visits to their States. They are,

in the judgment of the Policy Committee, acutely attuned to the contemporary concerns of the people of the nation. Therefore, the Committee will seek their viewpoints in the context of contributing a constructive Senate opposition to the formulation of national policy during this session.

It is a small matter whether political credit adheres to Senators for playing a part in reshaping Vietnamese policy, in bringing about tax relief and reform and restoring a better balance as among domestic urgencies, foreign policy needs and defense requests or for other constructive acts. That is our job. However, blame will certainly attach to us—and properly—for any failure or faltering in doing the people's business in the Senate.

On that score, I wish to bring to your attention at this time a matter of particular concern to the Leadership. In my judgment, every effort must be made to avoid a repetition of last year's delays in the appropriations process. I know the Congress and especially the Senate was by no means the only source of the logjam last year. Nevertheless, the situation is one which I believe requires urgent attention.

It is to be hoped that a permanent solution for the problem will eventually be devised. I am frank to state, however, that enduring reform of the fiscal process which still operates under an antiquated fiscal year concept is not yet visible. In the circumstances, the Democratic Policy Committee, on yesterday, authorized me to seek an interim adjustment. It is my intention to request a meeting of the Majority and Minority Leaders of the Senate with the Speaker and the Minority Leader of the House, together with the Chairman and ranking Member of the Senate and House Appropriations Committees in order to give prompt attention to this question. Thereafter another meeting may be requested—a meeting of the joint Congressional group with the Director of the Bureau of the Budget and, if deemed advisable, with the President.

All are involved in the appropriating process and all are potential sources of delay; the President and the Executive Branch, if the Administration's general statements and messages are not followed promptly by specific legislative requests and if special items continue to be added to original requests; the House which claims a Constitutional right of priority of action in appropriations bills; the Senate if it becomes bogged down in the procedural delays.

By taking this initiative at the outset of the session, it is the hope of the Democratic Policy Committee that the entire process can be expedited. If possible, it would be my intention to try to establish a tentative schedule of appropriations, from clearance at the Budget Bureau to final adoption of Conference Reports around Labor Day. I must caution, however, that the process, as I have indicated, is many-sided and completion by Labor Day may be an excessively optimistic objective.

To conclude, I would only reiterate my view that Democratic Senators will put above all else the interests of the United States and our primary Constitutional responsibilities as Senators in the United States Senate. This is going to be a difficult year for the party—I make no bones of it—but that principle, in my judgment, will be upheld. That I have tried to do since this Conference first selected me to the Leadership of the Senate. That I will continue to do as long as I occupy this Chair. So far as the Democratic Majority is concerned, this will not be a political session. It will be a practical session, a progressive session, a productive session.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

APPROPRIATIONS FOR THE DEPARTMENTS OF LABOR, AND HEALTH, EDUCATION, AND WELFARE, AND RELATED AGENCIES, 1970—CONFERENCE REPORT

The PRESIDENT pro tempore. The Chair lays before the Senate the conference report on H.R. 13111 and reminds the Senate of the time limitation and that it will vote on the report by 2:30 p.m. today.

The Chair is now ready to recognize any Senator who desires to speak on the conference report.

Mr. MAGNUSON. Mr. President, a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator from Washington will state it.

Mr. MAGNUSON. As I understand the pending order of business is the conference report on the Labor-HEW appropriation bill, H.R. 13111.

The PRESIDENT pro tempore. The Senator from Washington is correct.

Mr. MAGNUSON. And that we have 2½ hours for debate, the time to be controlled by myself and the distinguished minority leader, and that we vote at 2:30 p.m.

The PRESIDENT pro tempore. That is correct.

Mr. MAGNUSON. Mr. President, I have no one on this side who has requested to speak on the conference report, but the Senator from New Hampshire (Mr. COTTON) does have something to say. He is a distinguished member of the subcommittee and rendered literally weeks of yeoman service in the long, and complicated testimony that was taken. He has been a distinguished member of the HEW Subcommittee on Appropriations for a long time. He is, to my mind, one of the most knowledgeable persons in this field, and I would be glad to yield a portion of my time to the Senator from New Hampshire.

Mr. SCOTT. Mr. President, if the Senator will yield, since half of the time is allocated to me, we will have some requests for time beginning with the distinguished ranking member of the subcommittee, the Senator from New Hampshire, the distinguished assistant floor leader, the Senator from Michigan, and, I believe, the Senator from California, and other Senators who want an opportunity to be heard.

We are ready to proceed.

Mr. MAGNUSON. Mr. President, the point I am making is that I think we will be able to accommodate any Senator who wishes to speak on this subject. I would be glad to yield some of my time.

The PRESIDENT pro tempore. We are now in the allocated time.

Mr. MAGNUSON. Mr. President, I yield so much of my time as he may desire to the Senator from New Hampshire.

The PRESIDENT pro tempore. The Senator from New Hampshire is recognized.

Mr. COTTON. Mr. President, I thank the distinguished Senator from Washington, the chairman of our subcommittee, for his kind words.

It seems appropriate that I should accept the time from the chairman of my subcommittee rather than from the leader on this side of the aisle because of the position I find I will take on this conference report.

Mr. President, I am perfectly aware of the fact that there is very naturally a feeling on the part of a considerable number of Senators that they must oppose the adoption of the conference report because of the supposed and impending veto by the President of the United States. They have the feeling that a vote to adopt the report would in some way indicate their position on any veto which would come before the Senate.

In my own case, Mr. President, I do not take that position.

As the senior minority member of the Subcommittee on Health, Education, and Welfare Appropriations, I served throughout the hearings. In fact, I believe that the distinguished chairman of that subcommittee, the Senator from Washington, and I were perhaps two that had to be present and were present over many weeks of hearings.

At the end of those hearings our subcommittee reported a bill to the full Committee on Appropriations. I did not agree with all of that bill. I felt there were some soft spots. Curiously enough, I am not sure that the spots I had in mind were the same ones that the President considered soft. However, I participated in the report of the subcommittee to the full committee. I participated in the action of the full committee in reporting the bill to the Senate. And I served as a conferee on behalf of the Senate in considering this bill. It was reduced in conference, not as much as I would have liked in one particular detail, and because of that, I withdrew my signature from the report.

Nevertheless, having participated on the subcommittee, in the full committee, and in the conference report, I feel that I would be highly inconsistent if I did not vote to adopt the conference report. And that is my intention.

I want to make it very clear, however, that in casting that vote I am in no way indicating what my position will be in the event the President should veto the bill. And it is not an indication that I will not support the President if he does veto the bill.

Mr. President, I can continue to talk and use up considerable time and say no more than that. It is a fact—and I want to make this clear—that I feel certain provisions in this bill are excessive. However, also contained in the bill are some of the most necessary expenditures in the whole appropriations picture of this Government.

I also feel that while we could have produced a bill with greater economy, it is impossible for any five men, six men, or 20 men sitting on a committee to agree on what particular point should be

involved in the cutting of the appropriation. And the appropriating process, like the process involved in all legislative actions, consists of a series of compromises and agreements.

We on the committee agreed on the bill. We carried it to conference. We agreed on the conference report. I shall support it. I shall support the adoption of the conference report without amendment. And when and if the time comes, to determine the position on a Presidential veto, then the determination can be made.

I merely want to make it very clear that in voting to adopt the conference report, I am not indicating in the slightest degree that I do not intend to support my President if, when the time comes for him to exercise his function, he feels that he must veto the measure.

That is all I want to say. That is all I need to say at this time.

I thank the distinguished chairman of the subcommittee for yielding this time to me.

Mr. MAGNUSON. Mr. President, on yesterday and on December 22 and 23, when we had a great deal of debate on this bill there was considerable discussion about the largest item, the increase over the House bill and the increase over the Budget recommendation for that specific item, not the total Budget recommendations, for impacted areas. And I hope the RECORD will be clear that both the Senator from New Hampshire and I stated on the floor over and over again that we were concerned about this item, too, and that probably there should be a change in the basic formula, because it involves one of the biggest items in the bill. But any changes in the basic formula for Public Law 874 should be by legislation, and not Presidential unilateral action.

The Senator from Colorado proposed an amendment to increase the amount over the House amount. And the Senate agreed with him. The Senator from New Hampshire and I suggested that this was an item on which we felt we had to appropriate the amount of money involved, including a vote for the amendment of the Senator from Colorado, but we felt that there should be a change in formula.

I suggested yesterday in what few remarks I had to make, that if the President and the administration feel the amount is too large, then what they should suggest is that we amend the legislative act. This is what we call a noncontrollable item, and it cannot withhold.

The Senator from New Hampshire and I, if I recall the RECORD correctly, suggested—and we heard from other members of the Health, Education, and Welfare Subcommittee—that this is an item that we should take up in a legislative way, but it cannot be changed by saying, "We are not going to appropriate money, when the law exists." We were concerned about that very much.

The Senator from Colorado even had an amendment to increase it by \$60 million. It was increased in the House from the budget figure. The House figure was \$600 million. That is one of the big-

gest dollar items in this bill that the conference committee and the House agreed to.

Mr. President, I want the RECORD to be clear that the Senator from New Hampshire has been very consistent about this one item. I do not know what the Senate wants to do about Public Law 874, but they voted for the bill and this item almost overwhelmingly. The Senator from New Hampshire and I did not have much choice in the matter as long as the legislative mandate exists.

Is that not correct?

Mr. COTTON. Yes, it is correct, but I would go further than that.

The matter of funds for impacted areas, as every Senator knows, has been the subject of long controversy. I would not hesitate to assert that probably there is not a Senator in this body who is familiar with the formula and the history of these funds, who would say that the formula is or ever was a fair, equitable, and workable formula, or who would disagree with the statement that it has come to be out of adjustment. I think it is generally agreed that this subject should be reviewed legislatively and that the question of impacted area funds must be overhauled. It cannot be done by the adoption of a conference report.

(At this point, Mr. EAGLETON obtained the chair.)

Mr. MAGNUSON. We cannot do it in an appropriation bill.

Mr. COTTON. We cannot do it in an appropriation bill. That is generally agreed. However, there is one thing I am confident almost every Senator who reads his mail understands. That is that there is one reason why our people back home in the States that we represent feel very deeply and very passionately about impacted area funds. The reason is that those funds are practically the only funds of any magnitude whatsoever, that go into the school districts of this country to be used as the people in those school districts want to use them and for purposes that satisfy their needs. Practically all the rest of the funds in this huge bill that go to education are under the supervision and the control of the Office of Education in Washington.

Because of that, I am sure that whatever bill is eventually passed—whether it is the bill on which we are acting today, or another bill—the Committee on Appropriations and the Senate will continue to see to it that there shall be impacted area funds.

As a matter of fact, it has been a source of some amusement, perhaps, if not puzzlement to me through the years. I have seen various Presidents of the United States proceed to cut out impacted area funds. Sometimes they have cut out school lunches, and sometimes they have cut out or reduced Hill-Burton funds, or some of the other sensitive areas. I think in most cases they did it with tongue in cheek. They well knew that Congress would promptly put those funds back in the appropriation bill because the people in the States would demand them. I do not say this with disrespect to any President, but they could say, "Well, it was the Congress that exceeded the budget and it was the Con-

gress that was the spender. If they had followed my budget the appropriation would have been less."

Apparently the present President of the United States takes this matter seriously, and he may be laboring under the belief that if his veto is sustained—and in all probability this Senator would vote to sustain it—the impacted area funds would be cut to the point he recommended in his budget and the increase in Hill-Burton funds would be modified. I think probably we have news for him because in any continuing resolution or in any other bill that should be prepared by our subcommittee and the Committee on Appropriations and sent to the President I predict Senators would find impacted area funds included.

Those are the facts. I would hope, and I join in the hope expressed by my distinguished chairman, that we could review this matter carefully—not by the Committee on Appropriations, because we do not have that power, but in a different forum. I would hope even more fervently that if there is going to be a situation of tax sharing, then there would have to be some compensating factor or else we would break the Treasury. I hope any compensating factor would provide that from that time on there would be some matching, not necessarily 50-50, but a substantial matching of funds by the States and local subdivisions on programs. I know I am perhaps indulging in fantasy and vain hope, but if that could be done, it would be the people back home who would determine priorities and not the Congress, not the Bureau of the Budget, not the White House, not the Secretary of Health, Education, and Welfare, because if the States were matching such programs as they desire to match, and with some Federal tax money returned to them to use for their purposes, they could select those programs they believe vital and necessary. They could determine the priorities and when the money was spent, it would be spent more frugally, efficiently, and effectively because it would be spent nearer home.

There is one thing I wish to add that is unusual, and in this I am not in disagreement with my distinguished chairman. It has been a privilege and pleasure to work with him. I know of the time, dedication, and effort he puts into this matter. I know of no man in the Senate who has greater knowledge of these matters and keener and more perceptive in dealing with them. But some remarks were made on the floor yesterday about how much the committee and the bill cuts the President's recommendations. That is true in one sense, but it is true as an overall figure. It should be remembered, however, that in one fell swoop we obliterated from the bill advance funding for 1971. If my memory serves me correctly, that was \$1.2 billion. That was in the President's recommendation. It was a big cut and made up for additions in many other areas.

I would also like to say that I was most reassured and very happy when the people in the administration indicated in letters to many of us—I suppose to all Senators—the points on which the President found himself in disagreement with

the bill as reported in conference. Apparently the President agrees with us that the small, 10-percent average increase over fiscal 1969 that we adopted in the case of research for the various institutes of health—heart, stroke, cancer, and other research—was not one of the points with which the Executive disagreed. So we are not so far apart.

I say again, let us deal, if we must, with a veto message when the veto message comes. As far as the conference report is concerned, I believe at least those of us who served on the committee of conference and supported the conference report are honor bound to support it on the floor. That is what I shall do, without any indication whatsoever that I do not intend to support my President in such action as he may feel he must take afterward.

Mr. MAGNUSON. Mr. President, I yield myself 2 minutes.

I think we ought to clear up the impacted area matter a little more. The administration sent up a budget request for \$202 million, for all titles. The House increased that item to \$600 million, by a vote of 293 to 120 on the so-called Joelson amendment. The Senator from Colorado then asked the Senate to increase it, and finally we agreed to vote for a \$60 million increase, which made it \$660 million. The budget request was \$202 million for impacted areas. So it became \$660 million in the Senate, but in conference it was cut back to the House figure of \$600 million.

I want to say to the Senator from New Hampshire that I did not get any letter from the President of the United States. I do not know what specific items he is objecting to. I have not found a Democrat who received a letter from the President.

Mr. COTTON. If the Senator will yield, I do not know of anyone who got a letter from the President.

Mr. MAGNUSON. Or communication.

Mr. COTTON. But we received a communication from people in the Bureau of the Budget or from people who could be said to be in the President's confidence, but no direct communication.

Mr. MAGNUSON. That is why I was eliminating him. I did not receive any letter, but I understand, from people who are in the confidence of the President, that one of the main items he is objecting to is the impacted areas item. That amounts to less than one-half of all the money added for items by the House or Senate.

It is a kind of strange situation when the House voted 293 to 120 for \$600 million, and then the Senator from Colorado wanted to add \$60 million more, and the vote in the Senate on amendment of the Senator from Colorado was 73 to 9.

The Senator from New Hampshire and I still suggest that we should change the formula by legislative act. When the Senate votes 73 to 9 to increase even the House figure, which was \$600 million, and that item accounts for about 35 to 40 percent of the whole matter we are talking about here, it is obvious how the Congress feels. The vote in the House on impacted areas was nonpartisan and it was nonpartisan here in the Senate. So this is a procedure that is a little strange.

As I have said, I have not received any letter or communication from the President. I am not in his confidence on this matter, I guess, although I am chairman and am handling the bill. I understand this is one of the main items to which he objects, and the Senate voted 73 to 9 to increase the House figure of \$600 million, which was about \$400 million over what the budget suggested. This to me is a very strange procedure.

If Members of Congress who wanted impacted areas aid voted for it in that strength, I would think they would vote against a veto, because, in round figures, this item is 40 percent of the whole amount. The rest of the differences with the President are in smaller amounts.

As the Senator from New Hampshire said, the administration may not be objecting to the increase for research. So what we are talking about in the bill is objection to very few items. One is impacted areas, which was voted for in the Senate by a vote of 73 to 9. I do not know whether the two Senators I see right now voted for it or not, but I will look at the RECORD—

Mr. PEARSON. I voted for it.

Mr. MAGNUSON. The Senator from Kansas voted for it. The vote in the House was over 2 to 1. So, naturally, the Senator from New Hampshire and I said, when we went to conference, "The Congress wants this."

I understand the second item—again, I get my information secondhand—is the amount of money we provided for Hill-Burton hospital construction, which the House agreed to overwhelmingly and which the Senate agreed to. Now some Members of Congress are saying, "We did not mean it."

With respect to the other items, one by one, I know that the administration has been opposed to our additions—and I have the figures here—amounts for education of deprived children under title I ESEA, \$170 million over the budget estimate was provided. Another item is supplementary education centers, \$48 million. Another item is library resources and community services.

The Budget sent up a request of zero for library resources. I think one of the prime needs in the country, particularly in primary-secondary education, is that very item, and we added \$50 million.

There is a relatively small sum, \$30 million, provided for equipment and minor requirements. All of these contained within a \$312 million increase for elementary and secondary education. Then there is the item for impacted areas, \$398 million, which I have already discussed. Another item is an increase, to which the House and Senate agreed, for Hill-Burton hospital construction, of \$104 million. The last large item of disagreement with the President's budget is vocational education, where we have added \$209.5 million.

This is what we are talking about. But it seems to me a little strange, when the Senate voted 73 to 9 for the provision for aid to impacted areas it is criticised so much. The Senator from New Hampshire and I were rather lukewarm on that one, because we thought the formula ought to be changed. The Senator from Florida knows that we discussed that in committee.

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

Mr. MAGNUSON. I yield.

Mr. HOLLAND. The Senator from Florida feels very strongly that the formula should be changed, and he thinks it is a complete injustice that counties like Montgomery, Prince Georges, and the counties adjoining the District in Virginia are included in this provision, when they simply have civilian employees of the United States who own their own homes and pay their own taxes. Those counties are still included in this bill.

Mr. MAGNUSON. Yes.

Mr. HOLLAND. But the State of Florida has two vitally affected counties, among others. One of them is Brevard County, where the Kennedy Space Center is located, and the other Okaloosa County. Actually, there are three counties in that latter area: Santa Rosa, Okaloosa, and Walton; but Okaloosa is the principally affected one. That is where Eglin Field is located; and Eglin Field takes about half of the area of Okaloosa County off the tax rolls, and contributes about 50 percent of the children to the public school system of Okaloosa County.

Brevard County is already hard hit by the cutting down of the space program—though the formerly employed people are still there, and their children are still there. So those two areas very greatly need the help under this program.

I will join with my friend from Washington and others in revising what I regard as a much too-broad provision of the impacted areas act.

Mr. MAGNUSON. The interpretation of it.

Mr. HOLLAND. But I am not going to strike a blow—and it would be a very hard blow—against the chance for an education of several thousand children, particularly in those two counties of Florida by turning down this bill. Others are adversely affected, but those are the two main ones in our State.

Mr. MAGNUSON. That is right.

Mr. HOLLAND. The Senator from Florida also has very strong feelings on the hospital construction matter. We are a State which is growing with exceeding rapidity. We have more people who want to get in hospital beds than we have beds. We have areas crying out for hospital construction. I feel this is a field which should not be ignored and cannot be responsibly ignored at this time.

I have been very plain in my discussions of this bill with the Senator from Washington. There are items in this bill which I would have liked to have seen decreased. The question now is, having cut other budgets covering other agencies in an amount vastly greater than this, and having already made a cut in the foreign aid bill which is an offset—

Mr. MAGNUSON. Almost to the dollar.

Mr. HOLLAND. Almost to the dollar for this increase, I am not willing to see very worthwhile and necessitous objectives set back. We are already set back too far, because by the time this bill can be passed and made operative, the fact is that we will have probably only 4 to 5 months remaining in the fiscal year.

So the Senator from Florida, with some reluctance—and the Senator from Washington knows this is the case—finds so many necessitous items in this bill, so many items that are required if the present needs of our population are to be served, he is certainly not going to vote to turn down this conference measure.

Mr. MAGNUSON. It is a small amount in the bill, but for a pretty important objective—and I see the Senator from New Mexico is here—we added \$15 million for bilingual education. There are several million youngsters to be served.

Mr. MONTOYA. 3 million youngsters.

Mr. MAGNUSON. 3 million youngsters in this country who need this special assistance, so that they can take full advantage of their schooling.

Mr. MONTOYA. That is right. Those youngsters are handicapped, because when they go to school they cannot speak the English language.

IS THE ADMINISTRATION USING LIVES TO BALANCE THE BUDGET?

Mr. President, President Nixon has announced his intention of vetoing the pending HEW-Labor-OEO Appropriations Act if Congress adopts it in the form approved by a conference committee. The President bases his opposition on increased inflation he claims would be caused by funds added by Congress to the amount he asked for.

Certainly we added \$1.262 billion. Most of it, \$919 million, was added to the Federal contribution for support of America's public schools. Moreover, I see no reason at all for cutting such an essential expenditure, and if the President, in his wisdom, does veto the measure, I shall vote to override that veto.

President Nixon's own Commissioner of Education, James E. Allen, Jr., recently expressed public dissatisfaction with education's place among the Nixon administration's domestic priorities. A 50-member urban education task force appointed last year by Secretary of Health, Education, and Welfare Finch has recently recommended a \$5 to \$7 billion annual increase in Federal funds for urban schools. Congress has sought to respond to an increasingly acute crisis through such added funds. Now the President responds to such an urgent situation by holding the sword of a veto over the head of our Nation's children. It is terribly sad to see such shortsightedness on the part of an administration.

Local school districts are now taxed to the absolute limit, as voter rejection of larger numbers of school bond issues shows. Federal spending for public schools dipped in 1969, according to the National Education Association. Yet such signals are ignored by the administration.

How can we pour \$30 billion annually into Vietnam and cut our schools and health expenditures? How can we subsidize some already oversupported elements of America's business community, yet shortchange our children? How can we assume so many costs around the world while ignoring health and education needs?

In my own State of New Mexico, such a veto would immediately deprive our

schools of \$8.4 million in funds for education. Federally impacted areas would be struck a body blow, and such areas are many all over the west.

The cut in medical research and health funds is an equal tragedy, for such slashes hurt twice. Once in immediate losses, and again in terms of long-reaching effects that will be felt for years. Research teams are being broken up, as relatively modest Federal backing is cut or withdrawn. Medical research, medical school faculty salaries, and aid to medical students is being hamstrung. Laboratory animals will be sold or destroyed. Invaluable files and research results will be lost or disposed of. Close working relationships will be broken up. Demoralization is already setting in across the land in the ranks of researchers, faculties and students. Early reports are reaching us of the first such signs of this.

Every major educational, medical, hospital, dentistry and public health association in America has joined in begging the President to refrain from exercising his veto on this measure. A spokesman for the National School Boards Association has predicted that some schools will have to close their doors early or drop programs—which could force dropout-prone, less motivated students onto our streets, creating problems in every American city.

In health the picture is as gloomy, as leaders in this area have assured us we will be unable to train the 70,000 additional doctors the Nation requires. How can the administration use lives to balance the budget?

One example that immediately comes to mind is Government's failure to provide some \$40 million to train workers in coronary care units in our hospitals. This could mean that 50,000 people might die in the next 12 months who need not perish.

The last time a President of the United States vetoed a major education measure of this type was in 1859, when President Buchanan did so. We all know President Nixon is a compassionate man with decent instincts. I fervently hope his compassionate feelings will override reasons he has given recently as grounds for threatened veto of this measure. If not, then America will have totally turned its order of priorities around in the past year.

Each of the three American scientists who recently participated in the winning of the Nobel Prize for Medicine have had their research funds cut by the Federal Government. Dr. Max Delbruck, of California Institute of Technology at Pasadena, has his funds cut 8 percent. Dr. Alfred D. Hershey, of the Carnegie Institution of Cold Spring, N.Y., had his funds cut 10 percent. Dr. Salvador E. Luria of MIT lost 9 percent of his money for research.

Mr. President, such facts speak for themselves. In addition to cutting aid to education, libraries, hospitals, Job Corps, OEO, conservation, antipollution moneys, and funds for acquisition of new national parks, the President now seeks to cripple basic areas of endeavor essential to na-

tional well-being for years to come. We must prevent him from doing so. Our duty as Senators is clear. We must override any Presidential veto.

Under the Bilingual Education Act, which the Senator from Texas and I sponsored here, we would be able to give, under this program, instruction to children before they started in the first grade, so they could be on a competitive level with their counterparts in the educational system. I think this is sorely needed. We have had some very good pilot programs, and this kind of instruction has proved itself out. HEW is for it, and the educators who have tried it are for it. In fact, other educators throughout the country are copying it.

I commend the Senator from Washington, because he was very sympathetic to this particular program, as well as to other educational programs. In fact, I do not think there is a valid, credible, logical argument for saying that this expenditure for education is inflationary, that it feeds the fires of inflation. I do not think so. I think that uppermost in our minds should be whether or not we are going to establish education as one of the top priorities in this country; and I think that we have ample room here to justify this additional expenditure, in view of the fact that we cut expenditures in the defense budget, we cut foreign aid, and we cut other programs that do not relate to our domestic priorities. That is what the Senator from Washington and his subcommittee were doing, and that is what we were aware of when the full Appropriations Committee acted upon this bill.

I think that Congress itself has reacted similarly in giving an overwhelming vote to this appropriation. I commend the Senator from Washington.

Mr. MAGNUSON. May I, right at that point, state for the Record that the vote on final passage on this bill in the Senate was 88 to 4.

Mr. MONTOYA. That is right. I am hopeful that the President will realize that education should have a top priority in this country, and that this expenditure is in proper order, because the representatives of the people—those in the House of Representatives and we here in the Senate—have spoken for and on behalf of the people and the educators of this country, who sorely need this Federal funding to upgrade the school systems.

We need this type of money. We need to imbue our local systems with Federal moneys, because school bond issues have been going down the drain. The taxpayers at the local level are overburdened with taxation to support their school systems, and it is up to us to establish this as a top priority, and to give it due consideration, as we are giving it in this bill, and I commend the Senator from Washington because he was the great leader in this movement to put education in the forefront.

Without a good, healthy educational system, America will regress, and many of our individuals, many of our children, will be dropouts, and they will continue in that cycle of adversity—of economic adversity, if you please—unless we do something for them.

Mr. MAGNUSON. I thank the Senator for that contribution. I wish to make it clear again that I gather this, though I have no direct word from the administration, that the main objection is we are above—and when they say “above,” I do not know; above what? Above a budget estimate originally sent up, and then a dozen or more amendments afterward, changing their minds clear up until November?

It is a little like when I was handling the truth-in-packaging bill. We said that they should stop the practice, in retail stores, of permitting the marking of goods “10 cents off,” when one could ask the question, “Off from what?”

It is the same way with this matter. Off the budget, yes. We were not off from the budget at all. If you include the \$1.226 billion that they asked for forward financing on title I of ESEA, which I agreed to. As a matter of fact, the total budget request for HEW—and I hope these figures will be stated completely in the Record; I wish I could capitalize them—was \$19,834,125,700 for all these functions; and the total appropriation in this bill, the current total, is \$19,747,153,200, or \$86,972,500 under the request of the administration.

But we shifted the priorities. What did this shift include? We took money from one thing and we put it in the Hill-Burton program—\$104 million more than the budget. In the NIH training grants and research we put \$56 million, but I understand they are not objecting to that, and I hope that is true. We did more for health manpower, we added \$16,449,000.

The next big item was \$312 million for elementary and secondary education, which includes the bilingual libraries, guidance, supplementary centers, title I and many other matters. Impacted aid, \$398 million and higher education, direct student loans, \$67,100,000.

The last one is vocational education. That is \$209 million.

Those items are approximately 85 to 90 percent of what we are talking about. If there is any need in this country in the whole spectrum of education, it is for vocational education, and not one person who testified before our committee suggested that we cut back on vocational education. That is what this is all about.

We understand that there is not too much argument about the rest of it. At least, I hear this.

It is a very strange thing that is happening to the impacted areas program, for which the Senate voted 73 to 9. That is a strange political switch. The Senate voted 73 to 9 to increase aid to impacted areas, and then the suggestion is made that we turn around and say we did not mean it. The committee thought the Senate meant it, and when we went to conference, we came out with the House figure. That is a substantial increase over the President's budget.

The vote in the House on this bill, which is substantially the same as the Senate—was 293 to 120. The teller vote on the amendment I mentioned was 242 to 106, and the vote in the House on the conference report December 22 was 261 to 110.

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

Mr. MAGNUSON. I yield.

Mr. MONTOYA. As the Senator well remembers, I introduced the amended continuing resolution in the Senate.

Mr. MAGNUSON. The Senator is correct.

Mr. MONTOYA. And 47 Senators joined in cosponsorship of that joint resolution with me, indicating to me that there is an overwhelming sentiment in this body for the additional funding for educational purposes such as are provided in this bill.

Mr. MAGNUSON. The continuing resolution in many cases provided much more than the President's budget.

Mr. MONTOYA. The amended continuing resolution provided the type of funding that is now in this bill.

Mr. MAGNUSON. The word “inflation” is used a great deal, and every Member of this body is concerned. There may be some objections about how we go about fighting inflation.

Apparently, the economy is not getting any better under some of the procedures that have been going on. No one has made a move on tight interest that is causing so much trouble in this country. If somebody does not change some direction in this case soon we are going to have a recession. Under the Eisenhower administration we had a couple of them, but they called it a rolling readjustment. But when you are out of a job, it is not a rolling readjustment. Unemployment is rising, and perhaps you can have deflation without some unemployment.

But when you suggest to the American people that it is inflationary when you do something about the training of people for the health care of the American people, so that we have more trained people available, I think you are off on the wrong track.

The reason for the inflationary prices, the tremendous rise in hospital costs, medical costs, and clinical costs is the lack of trained personnel. They are hard to get, hard to find, and hard to train. There is a shortage of at least 50,000 doctors and I do not know how many dentists. If you do not believe it, try to get an appointment with a dentist. You will stand in line. There is a shortage of technicians and clinicians of all types in health care. A great number of the poor in the country are sick, and they are sick because they are poor, and they do not get adequate health care.

When you talk about inflation, you had better specify your direction. The inflationary cost of health care in this country is due to the fact that we have not paid attention to personnel and health manpower. Here we are talking about an amount of money that is less than one-hundredth of 1 percent of the gross national product. I think we can afford that.

Mr. GRIFFIN. Mr. President, may I inquire as to the time remaining?

The PRESIDING OFFICER. Seventy minutes to the minority leader or his designee and 28 minutes to the Senator from Washington.

Mr. GRIFFIN. Mr. President, I yield 5 minutes to the distinguished Senator from Nebraska (Mr. HRUSKA).

Mr. MAGNUSON. Mr. President, will

the Senator yield to me for a minute, for an observation, on my own time?

Mr. GRIFFIN. I yield.

Mr. MAGNUSON. I am now the recipient of the message from down below. I just got it. It reads:

DEAR WARREN: I enclose a copy of a letter, with enclosure, relating to the HEW bill, which Bryce Harlow has sent apparently to Republican Members of the House and Senate, because this particular letter was addressed to a Republican Member, and called to my attention by a friend of mine.

This is a most unusual letter, (1) that before a bill reaches the President, that he announced it is going to be vetoed, and (2) that the announcement is made apparently to Republican Members by Bryce Harlow, Counselor to the President.

I thought you would be interested to receive the copy of the enclosed letter.

I am about to read it—to myself.

Mr. GRIFFIN. Mr. President, I yield 5 minutes to the distinguished Senator from Nebraska.

Mr. HRUSKA. Mr. President, I intend to cast my vote against the adoption of the conference report on H.R. 13111.

I urge my colleagues to join in this opposition.

Not because we have less confidence in our conferees, for they have done a magnificent task in preserving the essentials of the Senate's wishes. Not because we have lost faith in the members of our Appropriations Committee, for I can attest to the long, serious consideration they gave each and every item in the bill that was before them.

Rather, we should reject the conference report because new facts are now available and we are faced with a different situation from which existed in mid-December. It would be the height of irresponsibility to hold a previous position when we now know that position to be faulty. It would be even worse if we acted out of some mistaken notion of partisan advantage. The situation at hand is far too grave for that.

These new facts include the following points:

The conference report seeks to appropriate amounts totaling about \$1.3 billion over and above the budget figure requested by the President.

This increase would be inflationary. It would badly impair the President's fight against inflation.

Many of these increases provide excessive, misdirected, and low priority expenditures—expenditures that can be deferred.

The President has said that he will veto the bill in its present form. His decision is not capricious. Nor does it follow any pattern of antagonistic response to the Congress. On the contrary, he has accepted legislation passed by this Congress even though he had strong reservations about some aspects of several bills which he signed into law. He has been moderate in his comments about the product of our first session, even though our output has been tardy, and in some respects skimpy.

From a nearsighted partisan standpoint, President Nixon might prefer to see the bill stand as it is, since it appears to provide extra funds to some popular programs. We can be very sure that the President's decision to veto is

not based on any shallow political considerations.

We should consider very seriously, then, why the President—who is a consummate political, as well as a great President—has publicly decided to take this politically unpopular course.

The answer is not hard to find. If this report is approved here, the President will veto it because his conscience requires him to do so. He will veto it because it runs counter to the higher priority he has placed upon his many-faceted efforts to stem inflation; and to get the most out of every dollar spent. He must take the responsible road, regardless of the political consequences.

The fight against inflation is as difficult as any which this country has ever faced. If it is not won, we will devour ourselves as a society and as a nation. The conference bill would be a serious setback in this battle.

In attacking inflation, the President is not singling out the field of health, education, or welfare. He has taken progressively stronger actions in similar fashion to correct a situation not of his own making. One of the major efforts in these actions is to reduce the inflationary fuel of Federal expenditures.

He has drastically and substantially cut back in the military.

He has reduced the popular space program.

He has slowed the pace of Federal construction.

He has urged both labor and industry to be responsible in their actions, as to wages and prices.

He is in the process of taking new and drastic steps to reduce even further the Federal budget requests for fiscal year 1971.

And he seeks now to oppose the excessive, in some instances, low priority items in the conference report now before the Senate.

Each of these actions is bound to be unpopular with those who are adversely affected. Some of them, I am sorry to say, have been frustrated or mitigated by the actions of this Congress.

Mr. President, it is submitted that we cannot let the President of the United States stand alone in this fight. We should have the understanding and the courage to act for all the people and for the good of the whole Nation. I, for one, do not intend to desert the President on this crucial issue.

Mr. Nixon was nominated by the Republican Party to be our President, and to carry out the programs and principles enunciated in his party's platform.

The people found that platform to be in concert with their wishes, and the election of Mr. Nixon was the result.

Among other things, the Republican platform promised to "restore fiscal integrity and sound monetary policies." The President is working hard to do this. We can do no less, as members of his party, to support him in his efforts. I can do no less, as chairman of the platform subcommittee on fiscal policy, than to help the President meet our common pledge.

I have noted with interest that the platform of the Democratic Party also

made a commitment to the objective of price stability. That platform points out that "price inflation hurts most the weak among us," a fact recognized by all, and specifically mentioned by the administration as a reason for the promised veto.

Thus Republicans and Democrats alike are committed to price stability and fiscal integrity, by their promises to the people who elected them. The President is calling upon us to honor those promises. He has put the fight against inflation in first place, so that our schools, and our hospitals and our needy, do not have to see their resources eroded by continually spiraling costs.

Mr. President, I voted for H.R. 13111 as it was amended by the Senate, and I make no apologies for that vote. The programs contained in the bill are necessary to the people in Nebraska, as they are to the people throughout the land.

Under other circumstances, I could in good conscience vote to increase many of those programs by very substantial amounts—those programs which are in the bill and which are in dispute in the conference report. The problems they seek to solve are still with us, and the President is as aware of this as the most experienced among us. The question is primarily one of timing, priority, and emphasis.

As the President has pointed out, inflation does its worst damage to those whom the bill is designed to serve. Having been apprised of the dangers and of the President's position, who among us is so cynical as to pretend that we are concerned about health and education, knowing that, in large degree, our actions are detrimental to those causes?

Mr. President, there is an alternative and it is the duty of this body and of the Congress to reflect on the issue before us.

We must avoid a disastrous confrontation with the President and seek instead to reach an accommodation. The President is a man of conscience and good will. We are a body of responsible men. I am completely convinced that some middle ground exists which will lessen the dangers cited by the President and at the same time permit the legislative will to be exercised.

I therefore propose, Mr. President, that the conferees be instructed to reexamine the conference report, in concert with whomever the President designates, with the objective of arriving at a mutually acceptable position.

With formidable legislative and executive prospects facing us in the coming year, we do not need—in fact, we cannot stand—the chaos and bitterness which will surely follow from any other course than to oppose the conference report.

Mr. GRIFFIN. Mr. President, I yield myself 10 minutes.

The PRESIDING OFFICER (Mr. SPONG in the chair). The Senator from Michigan is recognized for 10 minutes.

Mr. GRIFFIN. Mr. President, in passing judgment today on this conference report we must consider not only what is desirable and appealing, but what is practical, and what is in the best interest of the Nation at this particular time.

Viewed independently and separately, I

am sure that almost everyone could easily find some merit in each item and every part of this appropriation bill.

But it must be viewed as a whole, in light of priorities so far as the economy is concerned—and so far as education is concerned. It must be viewed in light of the importance of the President's determined effort at this particular point in history to contain the inflationary spiral.

There are compelling reasons why the Senate should reject the conference report, and why we should vote to sustain a veto if that should become necessary.

I take that position for three basic reasons:

First, the conference report calls for misdirected spending. The measure would spend too much in some areas; but of equal importance and concern is the fact that it would not spend enough in other areas.

Second, this appropriation measure involves ineffective—and possibly wasteful—spending, because the additional funding comes too late in the fiscal year, and in the school year, to be spent wisely, in some circumstances.

Third, the appropriation of \$1.3 billion over and above the HEW budget request would be inflationary.

At the outset, it should be acknowledged that the conference report does appear to call for an appropriation of \$16.725 billion for HEW, as compared with an administration request of \$16.689 billion.

But those figures do not reflect an accurate picture.

The figure in the conference report was reached by dropping, entirely, \$1.2 billion requested by the administration for advance funding under title I of the Elementary and Secondary Education Act.

This advance funding feature, requested by the administration, would have had no inflationary impact this year. It was, and is, a very important feature so far as school administrators are concerned—those who are striving to plan intelligently for the next school year.

To eliminate the advance funding feature requested by the administration, as the conference agreement does, is truly a serious blow to education unless the move was made for appearance's sake only. I believe the latter is the case—and, accordingly, no one should be fooled.

The record clearly demonstrates that this President is not only deeply concerned about education—he is very interested in a reordering of priorities in the field of education that will benefit particularly the poor and the disadvantaged.

During the 1968 campaign, President Nixon emphasized the importance of improving education at the elementary and secondary levels. In a CBS radio network speech on October 20, 1968, he said:

Buildings, books, administration structures—all these are important. But everyone knows the key to learning is the gifted teacher. We must make a serious and comprehensive effort to rejuvenate the teaching profession at the elementary and secondary levels. . . . For too long we have riveted our attention on the needs of higher education. Important these still are, but we must now turn more attention to the quality, effectiveness and requirements of classroom teachers from kindergarten through the twelfth grade.

In the same address the President also said:

Effective programs already in operation . . . will be expanded as the need grows. When research indicates the desirability of new programs, they will receive support from my administration. All of us need to understand that perhaps our greatest deficiency today is in the teaching of remedial reading.

This deep concern of the President was reflected in the HEW budget he submitted to Congress last year. His budget request emphasized the need for new approaches and new techniques relevant to rapidly changing times.

For example, he requested \$25 million to provide a testing ground for new teaching techniques and methods, particularly for remedial reading for children in the inner city.

While ordering huge increases in some areas of the bill which the President did not request, the conference report disregards altogether this request of \$25 million by the President for a very important program for children who need help with remedial reading.

The report cuts \$11 million from the President's request for education scholarships and opportunity grants—a cut that would deprive at least 20,000 students of needed assistance.

For the Teachers Corps, the measure provides \$10 million less than the amount asked for in the President's budget.

Funds requested by the President for a highly successful dropout prevention program were reduced by \$19 million—a reduction that will prevent any new programs from being started in this area.

Mr. President, I ask unanimous consent that a summary showing these reductions be printed at this point in the RECORD.

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

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

DECREASES IN HIGH PRIORITY PROGRAMS

National Institutes of Health

Nursing Scholarships—\$4.8 million below the President's budget

Nursing scholarships are designed to assist qualified young people with serious financial needs to become nurses. Thirty-eight percent of nursing students come from families with incomes of \$7,500 or less. As a result, at least thirty percent of students enrolled in nursing schools require financial aid to complete their education. Scholarship funds are of particular value in reaching minority and disadvantaged groups not now entering the nursing field in sufficient numbers. Yet in the face of this great need, the congressional reduction of \$4.8 million represents a cut of 4,822 in the number of needy students who can be awarded scholarships for the 1970-1971 academic year.

Office of Education

Elementary and secondary education: Dropout prevention—\$19 million below the President's budget

The decrease will confine this successful demonstration program to its present level of operations. It will not allow for (1) the initiation of any new projects, (2) the operation of programs for which planning funds were included last year, or (3) the normal expansion of existing demonstrations. The Administration proposed to plan 20 new projects, to make operational nine projects

planned last year, and to expand slightly 10 projects now operational.

The purpose of this program is to develop and demonstrate educational practices that help to reduce and prevent dropouts in urban and rural schools having a high concentration of children from low income families and a high dropout rate.

There are almost 1,000 dropouts a year from the school system. Today, only about five percent of the jobs in this country are in the unskilled category. Each year that passes without the availability of a meaningful dropout prevention program increases this unskilled labor force, which will produce a large unproductive segment of the U.S. Labor market in the 1970's.

The Dropout Prevention program seeks to meet these problems. The program hopes to produce benefits, not only in dollars saved, but in effective utilization of our most valuable resource—our Nation's youth.

Teacher Corps—\$9 Million Below the President's budget

The decrease in this program for improving the teaching of the disadvantaged will result in fewer new Corpsmembers than were supported last year. Although the total size of the Corps—which includes both new trainees and second-year members will remain the same, namely 3,479, the crucial number of new recruits will drop by more than 25 percent—from 1,500 last year to less than 1,100 this year. To capitalize on the effectiveness of this program, the Administration had hoped to increase the number of new Corpsmembers to 2,000 in 1970.

The Teacher Corps program is now a nationwide effort to improve educational opportunities for children in low-income families. It attracts college graduates and undergraduates to a two-year program of professional training and service in poverty areas. Teacher Corps programs are planned and administered by poverty area schools, local universities, and State departments of education. These programs provide special training for teachers in educating the disadvantaged child, and has been highly successful in retraining these persons in poverty areas. The program has been praised by a broad spectrum of public opinion as an effective way of improving the education of the disadvantaged.

Research and training: Major demonstrations—D.C. model school—\$4 million below the President's budget

The decrease for this item will prevent any planned expansion of the project and will seriously impair the Federal Government's credibility with the community where major expectations have been raised.

This program, located in the District of Columbia, is a model of nationwide significance of what can be done to deal with some of today's urban education problems. So far, the program has focused on the improvement of basic reading skills and on increased community participation—a subject of great interest throughout the country. The additional funds requested—but denied—would have permitted the program to add teacher aides, special job training activities, in-service training of teachers and several other new components which had been carefully planned to phase in during the second year of the project. The problem of improving inner-city schools has received nationwide attention and recognition. Many have despaired of an answer and increasing turmoil in our schools and communities has been the result. This program was designed to serve as a model of what might be done in the way of constructive solutions.

Research and training: Experimental schools—\$25 million below the President's budget

The elimination of funds for this program is a significant set-back for the improvement of educational practices. Although the

Conference Agreement would permit planning activities to proceed within existing research resources, the lack of operational funds will delay implementation of the program.

The Experimental Schools program was developed in response to increasing reports of uncertainty about the pay-off on our larger educational assistance programs. Studies have shown that we do not know enough about which educational methods and techniques are really successful. Despite the expansion of research and development activities in education, there is still a need to test these discoveries in large-scale settings where an entire school or system of schools is involved. Under the HEW plan, proposals would be solicited from State and local officials. Rigorous testing and evaluation would assure improved education practices and substantial savings in the educational dollar.

Social and Rehabilitation Service

Work Incentives Program—\$9.6 Million Below the President's Budget

The Work Incentives Program will form the nucleus of the very essential training portion of the Family Assistance Plan. Cash assistance can be planned and carried out in a relatively short time, but an effective work and training program of the magnitude necessary for the success of the Family Assistance Plan, cannot be initiated overnight. We must ensure an expanding work and training capability in the States. This reduction of \$9,640,000 which would have funded training in FY 1971, may very well mean that the program will expand by only the slightest margin in FY 1971. This would stifle the development of training capabilities in the States on the eve of the Family Assistance Plan.

Formula Grants to State Vocational Rehabilitation Agencies—\$35 Million Below the President's Budget

The Vocational Rehabilitation State grant program (section 2) is one of the most successful in terms of serving people, and one of the most cost-effective in terms of returns on the Federal and State dollar investment. Rehabilitants return to the Government in increased taxes, many times the cost of their rehabilitation. The reduction allows only enough increase in 1970 to cover the statutory increase in the Federal share from 75% to 80%. It excludes further program increases.

Vocational Rehabilitation of Migrant Families—\$3.5 Million Below the President's Budget

An adequate supply of migrant labor is crucial to much of our agricultural industry. The migrant labor population in this country has an incidence of physical and mental disability, far greater than that of the general population, and yet they are among the last and most difficult to be reached by rehabilitation services. This sub-group has simply not received its proportionate share of social services because of the many special problems involved. This program will be designed to deal with the special problems of the migrant family.

Juvenile Delinquency Prevention and Control—\$5 Million Below the President's Budget

The 1969 appropriation of \$5 million, primarily funded State planning activities and technical assistance to aid in the development of those plans. Most of the States are now ready to institute programs of prevention and rehabilitation based on the State plans. These action programs are most costly than planning activities and the full \$15 million dollars requested is necessary to mount a meaningful program. We have begun an effort by thoughtful planning and raised expectations in the States. To keep faith with

the States, we must provide adequate funds for implementation now.

Salaries and Expenses—\$4.2 Million Below the President's Budget

The 1970 budget was prepared in a climate of severe restraint. With all of HEW's program responsibilities which grow yearly, the 1970 budget contained only one request for additional personnel—that was for the Social and Rehabilitation service. There were a number of proposals for reductions in personnel, but this was the only increase. The Secretary has determined that the agency cannot effectively do its job with the current level of staff. Such problems as Medicaid abuse and the planning and development of a new social service system to support the Family Assistance Plan simply must be dealt with.

Mr. MAGNUSON. Mr. President, will the Senator yield on my time for a point? I am sure that he wants to be correct.

Mr. GRIFFIN. I yield.

Mr. MAGNUSON. Mr. President, we added \$15 million to the dropout program in the Senate. That is one of the things they were objecting to.

Mr. GRIFFIN. My information is otherwise.

Mr. MAGNUSON. Perhaps the Senator is privy to some information that I do not have.

Mr. GRIFFIN. Mr. President, what this boils down to, can be stated quite succinctly:

The refusal to approve these modest funds comes at a time when the Nation is spending \$40 billion a year on its schools but is devoting less than one-half of 1 percent of that to exploring new ways to improve them. This figure should be compared with the 10 percent of the Defense budget which goes for research and development.

It concerns this Nation, we know too little about how to get more for our educational dollar.

Mr. President, it is also of serious concern that the funds provided in this bill above and in addition to the budget request are not likely in some instances to be spent wisely or most effectively.

This fiscal year began last July. The school year began last September.

When the planning was done at the State and local level for the school, it was based—or should have been based—on the level of Federal appropriations requested in the budget. Surely, no one can argue with the logic that a Governor or local school board had no right to expect and plan on the basis that Congress would appropriate 5 months prior to the end of the 1970 fiscal year \$1.3 billion more than the President asked for in his budget.

Secretary of Health, Education, and Welfare Robert Finch, touched on this point in an appearance at the National Press Club on January 12. He said:

When the budget goes into effect . . . you cannot possibly, constructively spend those dollars through the State and sub-systems that you have to do, you can't hire teachers on that basis. You might be able to buy some good athletic equipment. A billion two is not going to be spent effectively in the final days.

It is also evident that some of the large increases have been made in areas which the administration feels should be reexamined. If we are to have fiscal re-

sponsibility, and I think most of us could agree, on that point this reexamination should be done if inflation were not a problem.

An editorial in the January 14, 1970, edition of the Wall Street Journal emphasizes this point. In commenting on excessive and misdirected spending in the HEW bill, the editorial notes:

No matter how stable the Nation's economy, Federal spending should be related to need and outlays restricted to programs that have some chance of achieving results. And the fact is, of course, that the economy now is not stable at all.

Mr. President, I ask unanimous consent to have the Wall Street Journal editorial printed in the RECORD following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. GRIFFIN. Mr. President, one of the more disturbing aspects of the increases written into the HEW appropriation is that they occur primarily in programs calling for mandatory spending. In short, these increases simply tie the President's hands.

Without discretion to impound appropriated funds, the President will be unable, in the face of new inflationary pressures, to cut or delay programs which could be postponed without detriment to the country's welfare.

I know there is some question of whether the President could be forced to spend money that he does not want to spend. But the President has obtained legal opinions from his advisers that, indeed, the special nature of the funds added to the Labor-HEW bill for education raises serious questions as to his authority to impound these funds.

In this connection, I would like to read a pertinent paragraph from one of two memorandums prepared by the Justice Department on this question:

It is in our view extremely difficult to formulate a constitutional theory to justify a refusal by the President to comply with a Congressional directive to spend. It may be argued that the spending of money is inherently an executive function, and it seems an anomalous proposition that because the Executive Branch is bound to execute the laws, it is free to decline to execute them. Of course, if a Congressional directive to spend were to interfere with the President's authority in an area confined by the Constitution to his substantive control and direction, such as his authority as Commander-in-Chief of the Armed Forces and his authority over foreign affairs . . . a situation would be presented very different from the one before us. But the President has no mandate under the Constitution to determine national policy on assistance to education independent from his duty to execute such laws on the subject as Congress chooses to pass.

Mr. President, I ask unanimous consent that the Justice Department memorandums be inserted in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit No. 2.)

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. GRIFFIN. Mr. President, I yield myself an additional 5 minutes.

The PRESIDING OFFICER. The Senator is recognized for an additional 5 minutes.

Mr. GRIFFIN. Mr. President, according to estimates I have obtained, about \$1 billion of the \$1.3 billion in HEW increases are considered of a mandatory nature. Some of the increases in manda-

tory spending under the formula grant provisions include:

For hospital construction \$104.4 million under the Hill-Burton Act; the \$398 million added for impacted school aid, and all but \$17 million of the \$209.5 million added for vocational education.

Mr. President, I ask unanimous con-

sent to have inserted at this point in the RECORD a series of tables showing increases over budget requests in the areas of mandatory formula grants.

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

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

MANDATORY FORMULA GRANT PROGRAMS RECEIVING INCREASES IN HOUSE OR SENATE

[Dollars in thousands]

Appropriation/activity	1970 budget	1970 House	1970 Senate	1970 final conference action	Increase over budget
OFFICE OF EDUCATION					
Elementary and secondary education:					
Educationally deprived children.....	\$1,226,000	\$1,396,975	\$1,396,975	\$1,396,975	+\$170,975
Supplementary educational centers.....	116,393	164,876	164,876	164,876	+48,483
Library resources.....		50,000	50,000	50,000	+50,000
Guidance, counseling, and testing.....		17,000	17,000	17,000	+17,000
Equipment and minor remodeling.....		78,740	78,740	78,740	+78,740
School assistance in federally affected areas: Maintenance and operation.....	187,000	585,000	645,000	585,000	+398,000
Education professions development: Grants to States.....	15,000	15,000	21,500	18,250	+3,250
Higher education:					
Undergraduate instructional equipment.....			14,500		
Direct loans.....	161,900	229,000	229,000	229,000	+67,100
Facilities grants.....	43,000	76,000	200,000	76,000	+33,000
Vocational education:					
Grants to States.....	230,330	357,836	352,836	352,836	+122,500
Work-study.....		10,000	10,000	10,000	+10,000
Programs for students with special needs.....		40,000	40,000	40,000	+40,000
Research (State portion only).....		17,000	17,000	17,000	+17,000
Consumer and homemaking education.....	15,000	15,000	20,000	20,000	+5,000
Libraries:					
Library services.....	23,209	40,709	40,709	40,709	+17,500
Construction of public libraries.....		9,185	9,185	9,185	+9,185
Education for the Handicapped: Preschool and school programs.....	29,250	29,250	34,250	29,190	-60
Total, Office of Education.....	2,047,088	3,131,571	3,341,571	3,134,761	+1,087,673
HEALTH AGENCIES					
Hill-Burton construction grants.....	150,000	254,400	254,400	254,400	+104,400
Community mental health center construction grants.....	29,200	30,500	36,200	31,500	+2,300
Health professions student loans.....	15,000	19,781	27,781	23,781	+8,781
Nursing student loan.....	9,610	15,110	17,610	16,360	+6,750
Grants to the States for public health services (314d).....	90,000	90,000	100,000	100,000	+10,000
Total, health agencies.....	239,810	409,791	435,991	426,041	+132,231
SOCIAL AND REHABILITATION SERVICE					
Development of programs for the aging: Grants to States.....	13,000	(¹)	20,000	13,000	
Total, HEW.....	2,353,898	3,541,562	3,797,562	3,573,802	+1,219,904

¹ Consideration deferred due to lack of authorizing legislation.

Mr. GRIFFIN. Any question but that an effort would be made to require the spending of the money should be dispelled by an article appearing in the Washington Post of January 7, 1970, dealing with this matter. In part, the article said:

... it was learned that the Emergency Committee for Full Funding of Education Programs—which helped lobby the increases through Congress—is considering bringing a law suit to force Mr. Nixon to spend the money if he should decide to sign the bill or if Congress should override a veto.

Charles Lee, a spokesman for the group, said he considered most of added funds to be indeed mandatory in character and believe the President could legally be compelled to distribute them. A suit brought by a state would go directly to the Supreme Court and could be settled rapidly, he said.

So we come down to this point. The needs of education and health services, however deserving, cannot be considered apart from the overriding problem of inflation.

As we are all aware, inflation is a clear and present danger. If allowed to go unchecked, it would render ineffective, if not meaningless, many of the objectives we seek in this and in other measures we have considered or will consider in this session.

The increases made in this conference agreement in the name of education ignore the fact that the schools themselves are among the chief victims of inflation.

According to the January issue of School Management, increases in school spending are being consumed by inflation.

On the basis of a survey of 1,000 school districts, the magazine reported:

While many administrators complain bitterly, these days, about the adverse effect on education of the Nixon administration's tough anti-inflation measures, the Cost of Education Index makes it abundantly clear that inflation itself is far more damaging than any of the attempts to bring it under control.

Mr. President, I ask unanimous consent that the entire article to which I have referred be printed in the RECORD following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 3.)

Mr. GRIFFIN. Mr. President, moreover, a substantial amount of the increases are for construction items where the effects of inflation have had the greatest impact.

So, on this issue, we must consider, as the President has, the welfare of the en-

tire country—not just one segment of it.

The vote on the pending matter will be of crucial importance in the President's determined effort to stem the tide of inflation and restore fiscal integrity in government. His sound position deserves our support.

Therefore, I shall vote against the conference agreement. If it becomes necessary, I also shall vote to sustain a veto.

EXHIBIT 1

[The Wall Street Journal, Jan. 14, 1970]

CONFRONTATION ON SPENDING

The Administration is determined to curb Federal spending, and many Congressmen appear to see profligacy as a virtue. A key confrontation between these points of view is shaping up later in the month.

At issue is the massive appropriations bill for the Departments of Labor and Health, Education and Welfare. President Nixon asked for about \$19 billion, a substantial sum by any standards, but Congress decided to put up around \$2 billion more.

When Mr. Nixon first threatened to veto the package, House-Senate conferees cut the total to \$20 billion. The reduction, however, scarcely qualified as economy: The conferees achieved most of it by eliminating \$1.1 billion of advance funding for fiscal 1971 educational programs, money that sooner or later must be appropriated.

Reasonably enough, the President figures

this sort of change is no improvement and still promises a veto. So the forces are mobilizing on both sides of the battle.

"If the bill is vetoed, every effort will be made to override the veto," declares House Speaker John W. McCormack. "I hope the national interest above partisan interest will be displayed by Republican members if the bill is vetoed."

Well, we would hope so too. But is it really true, as some of Mr. Nixon's more virulent critics charge, that he is trying to economize at the expense of the nation's health and well-being?

HEW Secretary Robert H. Finch, who isn't known as a hidebound conservative, obviously doesn't think so. He notes that the bill would increase outlays on several educational programs that are "under a cloud" and should be re-evaluated.

He mentioned compensatory education for deprived children and Title I of the Elementary and Secondary Education Act of 1965, which provides extra money for schools in poor neighborhoods. The Office of Education currently is investigating reports that Title I funds have been widely misused. However great the need to attain the aims of such programs, it would make little sense to pour extra funds into the programs if they are headed in wrong directions.

Moreover, about half of the increase voted by Congress would go to schools in so-called Federally impacted areas, where Government employees may send many children to school but provide only limited tax revenue. This program has always been controversial, and surely could stand closer study before any expansion.

According to White House officials, the program in 1968 paid \$5.8 million to Montgomery County, Md., which leads the nation's counties in per-capita income. At the same time, they added, a total of only \$3.2 million went to the 100 poorest counties.

"In many cases these (impacted area) payments exceed the cost to local schools of educating Federal pupils," the White House statement continued. "In other instances the program enables wealthy districts to exert a lower tax effort than other districts in the same state."

No matter how stable the nation's economy, Federal spending should be related to need and outlays restricted to programs that have some chance of achieving results. And the fact is, of course, that the economy now is not stable at all.

Thanks to the Congressional spending attitude and the recent broad tax cuts, the projected Federal budget surplus for the current fiscal year is swiftly disappearing. The Administration promises a balanced budget for next fiscal year, but such a result obviously depends on the lawmakers' willingness to approve a wide range of tax boosts, hardly a sure prospect in this election year.

The upshot is that efforts to check inflation depend almost entirely on continuation of the Federal Reserve System's restrictive monetary policy. That policy, with its high interest rates and its uneven impact on the economy, is lamented by numerous lawmakers, few of whom seem to see that their actions have forced the Fed's hand.

It's worth mentioning, too, that the inflation is rapidly raising costs for the nation's educational institutions, just as it is elsewhere. Inflation also is making it vastly more difficult for states and localities to raise funds to finance new or expanded schools.

As Mr. McCormack says, the national interest should be the prime concern of the legislators, Democrats as well as Republicans. That interest won't be advanced by spending that is both excessive and misdirected.

EXHIBIT 2

DECEMBER 1, 1969.

Hon. EDWARD L. MORGAN,
Deputy Counsel to the President,
The White House,
Washington, D.C.

DEAR ED: Attached is a memorandum dealing with the authority of the President to impound funds appropriated for assistance to federally impacted schools. A memorandum dealing with other education programs is in preparation.

Sincerely,

THOMAS E. KAUFER,
Deputy Assistant Attorney General,
Office of Legal Counsel.

MEMORANDUM

Re: Presidential Authority to Impound Funds Appropriated for Assistance to Federally Impacted Schools.

You have asked us to consider whether the President may, by direction to the Commissioner of Education or to the Bureau of the Budget, impound or otherwise prevent the expenditure of funds appropriated by Congress to carry out the legislation for financial assistance to federally impacted schools, Act of September 30, 1950, as amended ("P.L. 874"), 20 U.S.C. 236 *et seq.*, and Act of September 23, 1950, as amended ("P.L. 815"), 20 U.S.C. 631 *et seq.*

In July the House of Representatives, in adopting the Joelson Amendment to the Labor-HEW Appropriations bill, added approximately one billion dollars to the sum to be appropriated for various programs administered by the Office of Education. One of the largest increases was in the appropriation to carry out P.L. 874, which was raised to \$585 million, nearly \$400 million over the figure requested by the Administration and reported by the House Appropriations Committee. The appropriation for P.L. 815, on the other hand, is only \$15,167,000, the same as that requested by the Administration.

The question arises whether, assuming that the appropriations carried in the Joelson Amendment are not significantly reduced by the Senate, the Administration is bound to spend the money appropriated. This memorandum considers the situation with respect to P.L. 874 and P.L. 815, particularly the former. In a subsequent memorandum we shall consider the situation with respect to certain of the other items in the Joelson Amendment.¹

P.L. 874 authorizes financial assistance for the maintenance and operation of local school districts in areas where school enrollments are affected by Federal activities. Payments are made to eligible school districts which provide free public education to children who live on Federal property with a parent employed on Federal property (§ 3 (a)) and to children who either live on Federal property or live with a parent employed on Federal property (§ 3(b)); to those school districts having a substantial increase in school enrollment resulting from Federal contract activities with private companies (§ 4); and to school districts when there has been a loss of tax base as a result of the acquisition of real property by the Federal Government (§ 2). Where the State or local educational agency is unable to provide suitable free public education to children who live on Federal property, the Commissioner of Education is required to make arrangements for such education (§ 6). Major disaster assistance is authorized for local educational agencies under section 7 of P.L.

¹ This memorandum does not consider title I of the Elementary and Secondary Education Act of 1965, 20 U.S.C. 241a *et seq.*, which, although enacted as title II of P.L. 874, is usually cited as a separate statute and is listed as a separate appropriation item in the Joelson Amendment.

874. It should be noted that the \$585 million provided by the Joelson Amendment is for assistance "as authorized by sections 3, 6, and 7" of P.L. 874. Consequently, no funding is provided for sections 2 and 4, and these sections need not concern us further.

Section 3 of P.L. 874 requires the Commissioner to compute the "entitlement" of a local educational agency under a formula, whereby, simply stated, the number of category A children and one-half the category B children² is multiplied by the local contribution rate for the school district as determined under section 3(d). The determination of entitlement is not entirely mechanical, for within fairly narrow limits the Commissioner has discretion in selecting the basis for his determination of the local contribution rate, and other provisions permit him to make favorable adjustments in entitlements under narrowly defined circumstances (§§ 3(c)(2), 3(c)(4), 3(e), 5(d)(1)).

Once a district's section 3 entitlement has been determined, however, the process of making payments becomes mechanical. Section 5(b) of P.L. 874 provides:

"(b) The Commissioner shall * * * from time to time pay to each local educational agency, in advance or otherwise, the amount which he estimates such agency is entitled to receive under this title. * * * Sums appropriated pursuant to this title for any fiscal year shall remain available, for obligation and payments with respect to amounts due local educational agencies under this title for such year, until the close of the following fiscal year."³

However, P.L. 874 does not constitute a promise by the United States to pay the full entitlement, for the statute contemplates that Congress may choose not to appropriate sufficient money to fund the program at 100% of entitlement. In such a circumstance section 5(c) provides that the Commissioner after deducting the amount necessary to fund section 6, shall, subject to any limitation in the appropriation act, apply the amount appropriated pro rata to the entitlements.⁴ (Since the Joelson Amendment provides no funding for sections 2 and 4, this would mean that after deducting the amount necessary to fund section 6 and, perhaps, constituting a reserve for possible application to section 7,⁴ the appropriation would be applied to the payment of section 3 entitlements.)

² The terms "category A" and "category B" refer to the standards for eligibility under subsections 3(a) and 3(b) respectively.

³ This provision for continued availability beyond the close of the fiscal year conflicts with section 405 of the appropriation bill. However, we understand that HEW regards the obligation of the funds as occurring within the fiscal year, even though the precise amount due may not be ascertained until after the close of the fiscal year.

⁴ Thus, he would have no authority to vary this formula in order to provide fuller funding for category A entitlements at the expense of category B entitlements unless Congress were so to provide in the appropriation act.

⁴ It is arguable that since the Joelson Amendment appropriates funds to carry out sections 3, 6 and 7, the Commissioner could set up a reserve for contingencies under section 7, disaster assistance. On the other hand, section 7(c) of P.L. 874 permits the Commissioner, notwithstanding the Anti-Deficiency Act, to grant assistance under section 7 out of moneys appropriated for the other sections, such funds to be reimbursed out of subsequent appropriations for carrying out section 7. Since the statute permits such application of funds allocated to carrying out section 3, it would be hard for the Commissioner to justify withholding funds from allocation on the basis of the possibility that they might be needed for disaster assistance.

In sum, whatever limited discretionary authority the Commissioner may have with respect to determining entitlements, section 5 does not appear to permit any exercise of discretion in the application of appropriated funds to the payment of entitlements. Since the \$585 million carried in the Joelson Amendment is only 90% of the total estimated entitlements, Departments of Labor and HEW Appropriations, 1970, Hearings before a subcommittee of the House Appropriations Committee, 91st Cong., 1st Sess., Pt. 5, p. 229, discretionary cutbacks on entitlements would have to exceed 10% of the total before there would be any impact on the total funding of the program.

We do not, in short, find within P.L. 874 any statutory authority for the Commissioner in the exercise of his discretion to avoid applying to the entitlements the full sum appropriated, and we conclude that the provisions of section 5 are mandatory in this respect.⁵ We understand that this conclusion is consistent with the position taken over the years by the General Counsel of the Department of HEW.⁶

P.L. 815 authorizes payments to assist local school districts in the construction of school facilities in areas where enrollments are increased by Federal activities. The entitlement for assistance is computed under a statutory formula, and in addition there is provision for judicial review of a Commissioner's determination refusing to approve part or all of any application for assistance under the Act. (P.L. 815, § 11(b), 20 U.S.C. 641(b).) On the other hand, the mechanics of administration of P.L. 815 differ significantly from those of P.L. 874. First, the Commissioner is not required to apply appropriations pro rata among the eligible districts, but in accordance with priorities which he establishes by regulation (§ 3). Second, entitlement for assistance is not computed on an annual basis, but as a share of the cost of a particular project. Thus, if funds are held up in one fiscal year, the project may be funded the next year. Finally, the Commissioner is apparently free to allot, in his discretion, an indefinite share of the appropriation to section 14 purposes, school construction on Indian Reservations.

While we hesitate to conclude, on this fairly summary consideration, that the Commissioner has discretionary authority under P.L. 815 to delay indefinitely the obligation and expenditure of funds appropriated to carry out the statute, it does appear to us that there are enough discretionary powers throughout the statute to permit him to postpone the obligation of funds during fiscal 1970. Indeed, the Joelson Amendment provides that the appropriation for P.L. 815 shall remain available until expended, which would seem to confirm the conclusion that there is no legal requirement that the funds be obligated in the year for which the appropriation is made. However, inasmuch as the appropriation in question is relatively small and is consistent with the Administration's budget request, we see no need to discuss in greater detail the legal arguments

⁵ Mandatory, that is, provided that the school district is in compliance with applicable federal statutes and regulations. Where a district is not in compliance, the Commissioner may have authority to withhold or terminate assistance, see *e.g.*, Civil Rights Act of 1964, title VI, 42 U.S.C. 2000d *et seq.*; 45 C.F.R. Part 80. Whether in the event of such a withholding or termination the Commissioner would be required to apply the funds to the unfunded entitlements of other districts is a point we need not decide at this time.

⁶ Memorandum of March 29, 1966 from General Counsel Willcox to Assistant Secretary Huit; Memorandum of August 6, 1958 from General Counsel Bants to the Secretary (HEW files do not indicate whether this memo was actually sent).

which could be used to support a deferral of action to obligate the funds.

Notwithstanding the apparently mandatory provisions of P.L. 874, it has been suggested that the President has a constitutional right to refuse to spend funds which Congress has appropriated. In particular, there have been a number of statements by Congressmen with respect to the very programs of the Office of Education presently under consideration that Congress could not force the President to spend money which he did not want to spend.

Section 406 of the Vocational Education Amendments of 1968, 20 U.S.C.A. 1226 (Feb. 1969 Supp.) provides that notwithstanding any other provision of law, unless expressly in limitation of this provision, funds appropriated to carry out any Office of Education program shall remain available for obligation until the end of the fiscal year. The purpose of this provision was to deny to the President authority which he would otherwise have had under the Revenue and Expenditure Control Act (P.L. 90-364), §§ 202, 203, to reduce obligations and expenditures on Office of Education programs, and, in particular, the impacted area programs and title III of the National Defense Education Act, 20 U.S.C. 441 *et seq.* See volume 114, part 22, CONGRESSIONAL RECORD, page 29155. During the debate in both Houses on this provision several members stated that section 406 would not interfere with the President's constitutional authority to reduce expenditures in the area of education. See remarks of Senators Dominick and Yarborough, volume 114, part 22, CONGRESSIONAL RECORD, page 29159; remarks of Congressmen Perkins and Quie, volume 114, part 22, CONGRESSIONAL RECORD, page 29477.

Similar views were expressed almost contemporaneously in connection with the House of Representatives' consideration of a Senate amendment to the Labor-HEW Appropriations Bill, 1969, (H.R. 18037), which would exempt from both the Anti-Deficiency Act and the Revenue and Expenditure Control Act an appropriation of \$91 million for impacted area school assistance for fiscal 1969. In advising the House to accept the Senate amendment, Cong. Flood stated:

"Section 406 of the Vocational Education Act amendments seems to many and, I must say, not to others, to cover what the language in disagreement seeks to do; but in any event there are many instances in which it has been made clear that the President has the constitutional powers to refuse to spend money which the Congress appropriates," volume 114, part 23, CONGRESSIONAL RECORD, page 30588.

Cong. Laird agreed:

"The language will not be interpreted as a requirement to spend because of the constitutional question which is involved. The Congress cannot compel the President of the United States to spend money that he does not want to spend." *Ibid.*

More recently, in the hearing on HEW's appropriation bill for fiscal 1970, Congressman Smith stated his belief that HEW was not compelled to spend the funds appropriated for the impact aid program. Hearings before a Subcommittee of the House Appropriations Committee, 91st Cong., 1st Sess., Pt. I, p. 263. Subcommittee Chairman Flood appeared to agree. *Ibid.*, p. 264.

Taken together these statements evidence broad Congressional support for the proposition that the President has some residual constitutional authority to refuse to expend those funds to which section 406 applies. What is not clear is the nature or the precise source of the authority the speakers had in mind.

For the reasons discussed below we conclude that the President does not have a constitutional right to impound P.L. 874 funds notwithstanding a Congressional directive that they be spent. However, before proceeding with discussion of the constitu-

tional question we might note that the Congressional statements cited above might be used in support of another argument for Presidential authority, based on statutory interpretation. It might be argued that although these statements cannot affect the interpretation of P.L. 874, since they were not made in the course of enacting or amending that statute, nevertheless P.L. 874 is not self-executing, and its operation is expressly conditioned on the enactment of subsequent appropriations legislation. Therefore, in determining the duties of the Commissioner of Education one must construe the intent of both the substantive legislation, P.L. 874, and the appropriations legislation, and the present understanding of Congress, as evidenced by the statements above, is that the enactment of the appropriation does not create a duty to spend.

Up to a point this argument has a certain amount of validity. We do not doubt, for example, that notwithstanding the terms of P.L. 874, Congress could provide in its appropriation that the money need not be spent. Or it could enact an appropriation, and then provide in contemporaneous or subsequent legislation that the money need not be spent, as was done in title II of the Revenue and Expenditure Control Act of 1968, P.L. 90-364. However, the Congressional statements cited above refer to the President's constitutional powers and not to Congressional intent. It seems doubtful that one can infer from those statements, most of them made in 1968, that Congress, in enacting the appropriations legislation in 1969, intended to exert less than its full authority to require the expenditure of funds appropriated to P.L. 874. Still, since at this writing the appropriations legislation has not yet been passed, it may be that legislative history may still be made which would support the argument that Congress does not intend to require the expenditure of the entire sum appropriated.

With respect to the suggestion that the President has a constitutional power to decline to spend appropriated funds, we must conclude that existence of such a broad power is supported by neither reason nor precedent. There is, of course, no question that an appropriation act permits but does not require the executive branch to spend funds. See 42 Ops. A. G. No. 32, p. 4 (1967). But this is basically a rule of construction, and does not meet the question whether the President has authority to refuse to spend where the appropriation act or the substantive legislation, fairly construed, require such action.

In 1967 Attorney General Clark issued an opinion, 42 Ops. A. G. No. 32, upholding the power of the President to impound funds which had been apportioned among the States pursuant to the Federal-Aid Highway Act of 1956, 23 U.S.C. 101 *et seq.*, but had not been obligated through the approval by the Secretary of Transportation of particular projects. This opinion appears to us to have been based on the construction of the particular statute, rather than on the assertion of a broad constitutional principle of Executive authority. While the reasoning of the opinion might lend support to Executive action deferring the obligation of funds under P.L. 815, we think the case of P.L. 874 is clearly distinguishable, because, among other reasons, impounding the P.L. 874 funds would result not in a deferral of expenditures, but in permanent loss to the recipient school districts of the funds in question and defeat of the Congressional intent that the operations of these districts be funded at a particular level for the fiscal year.

While there have been instances in the past in which the President has refused to spend funds appropriated by Congress for a particular purpose we know of no such instance involving a statute which by its terms sought to require such expenditure.

Although there is no judicial precedent

squarely in point, *Kendall v. United States*, 12 Pet. 524 (1838), appears to us to be authority against the asserted Presidential power. In that case it was held that mandamus lay to compel the Postmaster General to pay to a contractor an award which had been arrived at in accordance with a procedure directed by Congress for settling the case. The court said:

"There are certain political duties imposed upon many officers in the executive department, the discharge of which is under the direction of the President. But it would be an alarming doctrine, that Congress cannot impose upon any executive officer any duty they may think proper, which is not repugnant to any rights secured and protected by the Constitution; and in such cases, the duty and responsibility grow out of and are subject to the control of the law, and not to the direction of the President. And this is emphatically the case where the duty enjoined is of a mere ministerial character." 12 Pet. at 610.

It might be argued that *Kendall* is not applicable to the instant situation because the Commissioner of Education's duties are not merely ministerial. Cf. *Decatur v. Paulding*, 14 Pet. 497, 515 (1840). On the other hand, while discretion is involved in the computation of the entitlement of the recipient districts, as we have pointed out, the application of the appropriation to the payment of entitlements pursuant to section 5(c) of P.L. 874 might reasonably be regarded as a ministerial duty. In any event, the former distinction between discretionary and ministerial duties has lost much of its significance in view of the broad availability of judicial review of agency actions and of a remedy in the Court of Claims for financial claims against the Government, 28 U.S.C. 1491. Thus, the mere fact that a duty may be described as discretionary does not, in our view, make the principle of the *Kendall* case inapplicable, if the action of the federal officer is beyond the bounds of discretion permitted him by the law.

In an unpublished opinion letter of May 27, 1937 to the President, Attorney General Cummings answered in the negative the question whether the President could legally require the heads of departments and agencies to withhold expenditures from appropriations made. Insofar as the opinion concludes that a Presidential directive may not bind a department head in the exercise of discretionary power vested in him by statute, this opinion appears inconsistent with the views expressed in the opinion of Attorney General Clark previously cited and with constitutional practice in recent years.¹ However, the Cummings opinion also rejects any idea that the President has any power to refuse to spend appropriations other than such power as may be found or implied in the legislation itself.

It is in our view extremely difficult to formulate a constitutional theory to justify a refusal by the President to comply with a Congressional directive to spend. It may be argued that the spending of money is inherently an executive function, but the execution of any law is, by definition, an executive function, and it seems an anomalous proposition that because the Executive branch is bound to execute the laws, it is free to decline to execute them. Of course, if a Congressional directive to spend were to interfere with the President's authority in an area confided by the Constitution to his substantive direction and control, such as his authority as Commander-in-Chief of the Armed Forces and his authority over foreign affairs, *United States v. Curtiss-Wright Export Corp.*, 299 U.S. 304, 319-322 (1936), a situation would be presented very different from the one before us. But the President

has no mandate under the Constitution to determine national policy on assistance to education independent from his duty to execute such laws on the subject as Congress chooses to pass.

It has been suggested that the President's duty to "take care that the laws be faithfully executed" might justify his refusal to spend, in the interest of preserving the fiscal integrity of the Government or the stability of the economy. This argument carries weight in a situation in which the President is faced with conflicting statutory demands, as, for example, where to comply with a direction to spend might result in exceeding the debt limit or a limit imposed on total obligations or expenditures. See, e.g., P.L. 91-47, title IV. But it appears to us that the conflict must be real and imminent for this argument to have validity; it would not be enough that the President disagreed with spending priorities established by Congress. Thus, if the President may comply with the statutory budget limitation by controlling expenditures which Congress has permitted but not required, he would, in our view, probably be bound to do so, even though he regarded such expenditures as more necessary to the national interest than those he was compelled to make.²

If Congress should direct the expenditure of funds in the carrying out of a particular program or undertaking, say, construction of a public building, but without limiting the Executive's discretion in such a way as to designate the recipient of the appropriated funds, a better argument might perhaps be made for a constitutional power to refuse to spend than is available in the formula grant situation presented by P.L. 874. Or this might be viewed simply as a situation in which the duty to spend exists but there is no constitutional means to compel its performance.

As to the availability of a remedy, if our conclusion that section 5 of P.L. 874 requires expenditure of the appropriation is correct, we believe that the recipient school districts will probably have a judicial remedy. It is true that unlike P.L. 815, P.L. 874 has no specific provision for judicial review of a refusal to make a grant. However, absence

¹ We understand that the operation of the expenditure limitation imposed by title IV of P.L. 91-47 may require curtailment of certain controllable expenditures. Paradoxically, title IV would not conflict with the increases over budgeted amounts in appropriations provided by the Joeson Amendment, because the expenditure limitation would automatically be adjusted upward. Nevertheless, we are informed that it might prove difficult to comply with title IV without cutting back on expenditure of budgeted funds for P.L. 874 and other Office of Education programs. Whether in such a situation title IV could be viewed as conflicting with and thus superseding the requirements of P.L. 874 depends to a large extent on the Executive's spending options at that time. Two considerations cause us to hesitate to infer from title IV a grant of authority to the President to impound appropriations for formula grants for education. First, title IV, as passed by the Senate, contained specific language permitting the impounding of funds appropriated for formula grants and other mandatory programs, but exempting from this authority education programs. The conference report contained neither the grant of authority nor the exemption. Second, section 406 of the Vocational Education Amendments of 1968 (see p. 6, *supra*) would conflict with such a grant of authority, and there is legislative history to the effect that title IV was not intended to alter the effect of section 406. See CONGRESSIONAL RECORD, vol. 115, pt. 14, pp. 18923-18929. Nevertheless, we do not rule out at this time the possibility that in appropriate circumstances title IV might permit the impounding of such funds.

of such a provision does not imply that no judicial review was intended. See *Abbott Laboratories v. Gardner*, 387 U.S. 136, 139-46 (1967). It may be that a suit to compel the Commissioner to apply the appropriation would be inappropriate, see *Land v. Dollar*, 330 U.S. 731, 738 (1947), but if the school districts are legally entitled to payment under the statute, they can sue the Government in the Court of Claims, 28 U.S.C. 1491. Such a suit could raise interesting legal problems, for it is clear that "entitlement" under P.L. 874 is not itself equivalent to a legal obligation to pay, and it is doubtful that even entitlement plus appropriation creates a vested right which may not be destroyed by subsequent Congressional action. Accordingly, technical defenses might prevent recovery by a school district even if the court concluded that the Executive branch had a statutory duty to spend the appropriation.

WILLIAM H. REHNQUIST,
Assistant Attorney General Office of Legal Counsel.

MEMORANDUM FOR THE HONORABLE EDWARD L. MORGAN, DEPUTY COUNSEL TO THE PRESIDENT
Re Presidential Authority To Impound Funds Appropriated for Office of Education Programs.

In our memorandum to you of December 1, we considered the authority of the President to impound funds appropriated for assistance to federally impacted schools under P.L. 874, 20 U.S.C. 236 *et seq.* and P.L. 815, 20 U.S.C. 631 *et seq.* We concluded that the President has no constitutional authority to refuse to spend funds appropriated for federal programs for assistance to education where the substantive legislation, read together with the provisions of the appropriation legislation, constitutes a direction that such funds be spent. We also considered specifically the terms of P.L. 874 and P.L. 815. We concluded that P.L. 874 constituted a direction to spend but that there was sufficient discretion left in the Executive Branch under P.L. 815 and the appropriations bill to justify at least postponing the obligation of appropriated funds into fiscal 1971.

In this memorandum we will consider the President's authority to impound funds for some of the other items covered in the Joeson Amendment to H.R. 13111, the HEW-Labor Appropriations Bill, 1970. With respect to each item the question we will consider is whether the pertinent legislation compels the obligation and expenditure of the full appropriation or leaves sufficient discretion to the Executive Branch to justify a Presidential directive to impound.

A few general comments are in order. As we stated in our previous memorandum, an appropriation is not in itself ordinarily interpreted as a direction to spend. To determine whether or not there is a duty to spend one must examine the substantive legislation. The substantive legislation for some Office of Education programs clearly gives broad discretion to the Commissioner. For example, section 402 of the Elementary and Secondary Education Amendments of 1967, 20 USC 1222, authorizes appropriation of sums "to be available to the Secretary . . . for expenses, including grants, contracts, or other payments for (1) planning for the succeeding year programs or projects . . . and (2) evaluation of programs or projects so authorized." We have no doubt that the \$9.25 million appropriated² for this program may be impounded.

On the other hand, substantially all sizeable Office of Education programs do not involve such broad grants of discretion to the agency. They are formula grant programs, in which the statute provides for the allotment or apportionment of the funds

Footnotes at end of article.

¹ See, also, 2 Ops. A. G. 482 (1831).

appropriated for the program among the States on the basis of population or some other mathematical criteria. Typically, the substantive legislation provides for submission by State authorities of a plan for the use of the funds. If the Commissioner of Education determines that the plan meets the statutory criteria, he must approve it, and the State becomes entitled to its share of the appropriation. There is usually also provision for judicial review of a disapproval of the plan or of action to withhold or terminate assistance on grounds of noncompliance with the plan.

Examination of the language and legislative history of these State plan-State grant programs indicates little or no attention by Congress to the question of impounding. The principal purpose of formula grants was presumably to assure equitable distribution of the funds available, and it might reasonably be contended that no clear purpose to deny to the Executive the right to make across-the-board reductions in spending was manifested. But neither can it be said that there is evidence of an intent to preserve such a right. Consequently, in each case the question is likely to turn on whether the requisite Executive discretion can be found within the mechanics of the grant distribution scheme rather than whether Congress intended or did not intend to preclude impounding.

One further point of general application. Section 406 of the Elementary and Secondary Education Amendments of 1967 ("P.L. 90-247"), as amended, 20 U.S.C. 1226, which we cited in our previous memorandum,³ provides:

"Notwithstanding any other provision of law, unless expressly in limitation of the provisions of this title, funds appropriated for any fiscal year to carry out any of the programs to which this title is applicable shall remain available for obligation until the end of such fiscal year."

["This title" is Title IV of P.L. 90-247, and it is applicable to all programs of the Office of Education, 20 U.S.C. 1221.]

The purpose of this provision was to deny to the President authority he would otherwise have had under the Revenue and Expenditure Control Act (P.L. 90-364), §§ 202, 203, to reduce obligations and expenditures on Office of Education programs. As we pointed out in footnote 8 of our previous memorandum, the present effect of section 406 may be to prevent such Presidential authority from being inferred from Title IV of P.L. 91-47.

It might be argued that section 406 also prevents the impounding for budgetary reasons of any funds appropriated for Office of Education programs, even where the substantive legislation might otherwise permit impounding. However, section 406 does not, in terms, require that appropriations be expended or obligated; it requires that they remain "available for obligation" until the end of the fiscal year. The prohibition is apparently aimed at the Bureau of the Budget,² and seems based on the assumption that Congress can prevent the Bureau of the Budget or the President from impounding funds without requiring the agency to which the funds are appropriated to spend them. But if the Commissioner of Education has the discretionary authority to decline to spend the funds, the President undoubtedly has, in our view, the authority to guide the Commissioner's discretion in this matter by virtue of his constitutional authority to "take care that the laws be faithfully executed."² Ops. A.G. 482 (1831). Consequently, if section 406 were read as an attempt to interfere with the President's authority to direct the actions of the Commissioner of Education, it would raise constitutional problems. Accordingly, we think the cor-

rect interpretation of section 406 is that it denies to the President any statutory authority to impound appropriations for the mandatory programs of the Office of Education, but that it does not interfere with the President's authority to direct the Commissioner to exercise his discretion, where such discretionary authority exists, to avoid the obligation and expenditure of funds.⁴

We proceed, therefore, to consider the authority to impound funds appropriated to particular Office of Education programs.

TITLE I-A, ELEMENTARY AND SECONDARY EDUCATION ACT

H.R. 13111 appropriates \$386,160,700 "for an additional amount for grants under Title I-A of the Elementary and Secondary Education Act of 1965 for the fiscal year 1970." [This sum is additional to appropriations made for this program for fiscal '70 in the Labor-HEW Appropriation Act, 1969, P.L. 90-557, 82 Stat. 969, 975.] It is our conclusion that sums appropriated for this program must be spent in accordance with the terms of the statute and may not be impounded.

Title I of ESEA, 20 U.S.C. 241a *et seq.*, provides for federal financial assistance to local educational agencies for the education of children of low-income families. The statutory formula for computation of payments is fairly complicated, but, basically, local educational agencies are eligible to receive from the Federal Government 50% of the average per pupil expenditure in the State or, if greater, in the United States, multiplied by the number of low-income children in the district. ESEA, § 103(a)(2). In addition, State agencies are eligible to receive direct payments computed on a similar statutory formula for the education of handicapped children, children of migrant laborers, and children in institutions for neglected or delinquent children. ESEA, § 103(a)(5), (6) and (7).⁵

Payments under Title I are made by the Commissioner to the States. Local educational agencies eligible for assistance apply to the State educational agency which determines whether the application meets the statutory and administrative criteria. ESEA, § 105(a). To participate in the program each State must file an application with the Commissioner containing required assurances regarding the State's administration of the program. ESEA, § 106(a). The Commissioner is required to approve a State application which meets the statutory criteria, § 106(b), and disapproval of the application is subject to judicial review, § 133. There is no specific provision for judicial review at the instance of a local educational agency.

Title I is similar to P.L. 874 and P.L. 815 in that there is no specific dollar authorization for appropriations. The authorization consists of the aggregate eligibility computed under the statutory formula, and the Commissioner is directed to apply the appropriations for Title I to the satisfaction of such eligibility.

The language of the statute seems clear as to the mandatory nature of the program. Section 102 provides, "The Commissioner shall, in accordance with the provisions of this part, make payments to State educational agencies for grants to local educational agencies * * *." Section 107(a)(1) provides, "The Commissioner shall * * * pay to each State * * * the amount which it and the local educational agencies of that State are eligible to receive under this part." The State agencies are, in turn, directed to distribute the payments to the local agencies, § 107(a)(2).

Section 108 supplies additional evidence of the mandatory nature of the program. It provides that "if the sums appropriated for any fiscal year * * * are not sufficient to pay in full the total amounts which all local and State educational agencies are eligible to receive under this part for such year," the eligibilities will be paid in accordance with

a prescribed formula.⁶ Section 108 contemplates no shortfall between the appropriation for making grant payments and sums actually available for that purpose, for if it did the formula would presumably be based on availability and not on appropriations. Furthermore, if funds were to be impounded, the Commissioner would either have to interpret the word "appropriated" in section 108 as if it read "available," *cf.* P.L. 90-218, § 204, or he would have to depart from the Congressional intent with respect to the allocation of funds in the event of shortfall.

For the reasons set forth above we conclude that Title I of ESEA is a mandatory program, and that funds appropriated to it may not be impounded.⁷

TITLES II AND III, ELEMENTARY AND SECONDARY EDUCATION ACT

H.R. 13111 would appropriate \$50 million to carry out Title II of the Elementary and Secondary Education Act of 1965, 20 U.S.C. 821-27, and \$164,876,000 to carry out Title III of that Act, 20 U.S.C. 841-45.

Title II provides for nonmatching grants to States for the acquisition of school library resources, textbooks and other instructional materials. The statutory scheme is a fairly typical State plan-State grant arrangement. The Commissioner is directed to allot the sums appropriated to carry out the title among the States on the basis of total elementary and secondary school enrollment. ESEA, § 202. Each State desiring to participate must submit a plan for the Commissioner's approval. The Commissioner must approve a plan which complies with the statutory criteria, § 203(b), and the State is entitled to obtain judicial review of disapproval of a plan or a determination by the Commissioner that the State has failed to comply with its plan, § 207. Section 204(a) provides, "From the amounts allotted to each State under section 202 the Commissioner shall pay to that State an amount equal to the amount expended by the State in carrying out its State plan."

From this sketch of Title II it appears that the Commissioner has little if any discretionary authority to decline to spend funds appropriated to the program. The allotment is carried out by mathematical formula, the State plan must be approved if it complies with the statute, and payments must be made in the amounts expended by the State in carrying out the plan.

There is, however, one point at which discretion may be exercised. Section 202(b) provides, "The amount of any State's allotment * * * which the Commissioner determines will not be required for such fiscal year shall be available for reallocation from time to time * * * to other States in proportion to the original allotments * * *." It is not entirely clear from the language of the title whether such a determination by the Commissioner must be made in the context of a partial disapproval of the State plan, in which case the determination would presumably be subject to judicial review, or whether such determination is left entirely to the discretion of the Commissioner. (Since allotments must be made annually, while there is no requirement for annual filing of a plan, it appears that the determination to reallocate is not part of the process of approving a plan. Office of Education regulations also indicate that reallocation does not occur at the time plans are approved, but at a later time and on the basis of the States' statements of anticipated need, 45 C.F.R. 117.46.) There is legislative history to the effect that the question of reallocation is within the discretion of the Commissioner.⁸ Obviously, to withhold funds for reallocation on the basis of a determination of comparative need is quite different from an across-the-board cut in allotments for budgetary reasons, and it does not follow that because the Commissioner is authorized to do the former, he may also do the

Footnotes at end of article.

latter. Nevertheless, this reallocation provision at least supports the argument that a State with an approved plan does not have a "vested right" to its full allotment. Consequently, while on balance we do not believe that Title II funds may be impounded, we believe that there is a better argument for doing so than with respect to either Title I of ESEA or P.L. 874.

Title III of ESEA provides for a program of grants for supplementary educational centers and services. As enacted in 1965 Title III provided for direct grants from the Office of Education to local educational agencies out of sums apportioned among the States. However, the Elementary and Secondary Education Amendments of 1967 ("P.L. 90-247") revised Title III so that it provides for a State grant-State plan program very similar to that in Title II.

Section 302(a) provides for an allotment of the appropriation among the States under a formula based partly on school age population and partly on total population. Section 302(c) provides reallocation authority similar to that in section 202(b). States are required to file plans annually for the use of the funds. The Commissioner shall approve a plan that meets the statutory criteria, § 305(b), and the State may obtain judicial review if the plan is disapproved, § 305(e) (3). The States, in turn, receive and act on grant applications from local educational agencies in accordance with standards prescribed in section 304. The local educational agency is entitled to obtain judicial review of the State agency's action with respect to its application, § 305(f).

Section 307 provides, "From the allotment to each State pursuant to section 302, for any fiscal year, the Commissioner shall pay to each State, which has had a plan approved pursuant to section 305 for that fiscal year, the amount necessary to carry out its State plan as approved."*

On the question of authority to impound, we see no significant difference between Title III and Title II, and our conclusion is, therefore, the same.

Vocational education

H.R. 13111 appropriates \$488,716,000 for carrying out the Vocational Education Act of 1963, 20 U.S.C. 1241-1391, and section 402 of P.L. 90-247, 20 U.S.C. 1222,¹⁰ of which "not to exceed \$356,836,000" shall be for State vocational education programs under Part B of the Act and \$40,000,000 shall be for programs under section 102(b) of the Act.

Parts A and B of the Vocational Education Act provide for formula grants to the States for vocational education programs. The basic grants are provided under Part B, while section 102(b) authorizes a separate appropriation for programs for persons with "academic, socioeconomic, or other handicaps" that prevent them from succeeding in regular vocational education programs. The distinction between the two items is not important, for the same allotment formula and other administrative provisions are applicable to both the appropriation for Part B and that for section 102(b).¹¹

Section 102(a) of the Act authorizes an appropriation for Parts B and C, of which 90% would be available for B, basic grants, and 10% for C, research and training. However, H.R. 13111 carries "not to exceed \$357,836,000" for Part B, making no mention of Part C. Whether or not the full sum must be made available to Part B, a question to which we will return, it is evident that it may be used for Part B, without any deduction for Part C.

Section 103(a) provides that out of sums appropriated pursuant to section 102(a) the Commissioner shall reserve up to \$5 million for transfer to the Secretary of Labor to finance certain studies. (This sum, we believe, can be impounded.) The remainder of the

sums appropriated under section 102(a) and all sums appropriated under section 102(b) "shall be allotted among the States" under a rather complicated formula based on population in various age groups and per capita income in the States. In other respects the provisions of Parts A and B are similar to those in the Elementary and Secondary Education Act. States must file plans with the Commissioner; the Commissioner shall approve a State plan upon making the prescribed determinations, § 123(a). The State may seek judicial review from unfavorable action by the Commissioner on the plan, § 123(c), and a local educational agency dissatisfied with the State's action on its application may likewise obtain judicial review, § 123(d).

Section 124(a) provides, "The Commissioner shall pay, from the amount available to the State for grants under this part, to each State an amount equal to 50 per centum of the State and local expenditures in carrying out its State plan * * *." As in Titles II and III of ESEA there is provision for reallocation of funds on the basis of the Commissioner's determination that they will not be required. However, the reallocation provision, § 102(c), is more narrowly drawn than its counterparts in the ESEA. Funds shall be available for reallocation "on the basis of criteria established by regulation, first among programs authorized by other parts of this title within that State and then among other States, * * *" (emphasis added). In view of Congress' evident concern that a State should not lose funds through the reallocation process, the argument of no vested right we suggested earlier would have less validity here.

One further point needs to be touched upon. Our analysis thus far indicates that the funds appropriated for Part B must be made available for that program. However, the appropriation reads "not to exceed \$357,836,000," which implies that less may be allocated to that part. We have no explanation for this language, which is apparently deliberate.¹² In the absence of any positive evidence that the intended effect of this language is to permit the Commissioner to allot less than the full sum in accordance with the statutory formula, we would still view these funds as not subject to impounding.

Higher education appropriations

H.R. 13111 appropriates \$859,633,000 for various higher education programs. This includes three items for carrying out the Higher Education Act of 1965: \$159.6 million for educational opportunity grants under Title IV, Part A; \$63.9 million for loan insurance under Title IV, Part B; and \$154 million for college work-study programs under Title IV, Part C.

Section 401 of Title IV, Part A, of the Higher Education Act authorizes appropriations for educational opportunity grants. These grants are made by the Office of Education to institutions of higher education, which, in turn, award grants to financially needy full time students. Section 401 authorizes the appropriation of \$100 million for initial year grants and such sums as may be necessary for second-, third-, and fourth-year grants.¹³

Section 405 provides that from the sums appropriated for initial year grants the Commissioner shall make an allotment to each State in accordance with its total full time enrollment. Sums appropriated for continuation grants are not allotted according to formula, but presumably in accordance with the need to follow up previous initial year grants.

Although funds are allotted among the States, payments are not made through the States. The Office of Education allocates funds within each State in accordance with "equitable criteria," § 406. Recipient institutions must enter into agreements with the Commissioner in order to be eligible to participate in the program.

Despite the provision for allotments by States, we believe that this program is discretionary. The Commissioner has broad discretion as to which institutions to make grants to and how much each is to receive; there is no provision for judicial review. Furthermore, because of the lump sum appropriation, the Commissioner is also granted discretion in allotting funds between initial year and continuation grants. It is extremely doubtful, therefore, that any institution could claim that it was entitled to a grant. It does not necessarily follow that because there is no designated or ascertainable recipient, there is no duty to spend. However, since there is at least a plausible case for regarding the program as discretionary, and, in our view, little likelihood that such a conclusion could be challenged in court, we believe that as a practical matter these funds may be impounded.

H.R. 13111 appropriates \$63.9 million, to remain available until expended, for loan insurance programs under Title IV, Part B of the Higher Education Act. While participation in this program is apparently discretionary with the Commissioner, the major part of this appropriation, according to the budget justification, is for anticipated losses due to the death or disability of borrowers, § 437. Therefore, impounding of these funds may not be feasible.

H.R. 13111 appropriates \$154 million for work-study programs under Title IV, Part C of the Higher Education Act. These sums are used to provide part-time employment for students. The program is generally similar to Title IV, Part A, in that the Commissioner is required to allot funds among the States on a formula basis, but enters into agreements with institutions of his own selection within the States. For the reasons cited in our discussion of Part A, we believe these funds may be impounded.

H.R. 13111 appropriates \$222,100,000 for Federal capital contributions to student loan funds pursuant to section 204 of the National Defense Education Act of 1958, 20 U.S.C. 424.

Title II, NDEA, provides that sums appropriated for this purpose shall be allotted among the States in accordance with total college enrollment figures, § 202(a). Section 204 authorizes the Commissioner to enter into agreements with institutions of higher education for Federal capital contributions to the institution's student loan fund. Section 203 provides that the institutions with which the Commissioner has agreements must file applications for such capital contributions. If the total amount applied for exceeds the State allotment available for the purpose, the contributions are made pro rata, § 203.

Although there is no provision for judicial review in Title II, the terms of the statute appear mandatory, and the recipients are identifiable. Consequently, the statute appears mandatory at least to the extent that eligible institutions apply for the full State allotment. Where a State's allotment has not been applied for,¹⁴ the Commissioner "may" reallocate it, but apparently he is not obligated to do so.

Other programs

We have concentrated in this memorandum on a few large-item appropriations in H.R. 13111. Obviously, we have been unable in the time available to examine in detail the smaller items in the Office of Education appropriation, some of which, at least, appear on cursory consideration to be for discretionary programs. We might point out, however, that of the \$859.6 million appropriated for higher education programs, \$160 million is not earmarked for specific programs. This sum is apparently intended to be available for application in the Commissioner's discretion to those programs to which specific sums were not allocated. These programs appear to us to be discretionary, and the \$160 million may, in our view, be impounded.

Footnotes at end of article.

Remedies

We expressed the view in our previous memorandum that where the statute directs expenditures and the recipient is ascertainable, a judicial remedy would probably lie. Whether it would take the form of a suit against the United States in the Court of Claims or an action against the Commissioner of Education is not certain.

Where the statutes provided for judicial review, it is possible that that procedure could be used to challenge an impounding of funds, even though it could be contended that such review is authorized only for actions involving the disapproval of a plan or the withholding of funds for noncompliance with a plan.

The point is that while precedents in this field are few, the trend in the law has been to supply the remedy once the right is recognized. If, therefore, a court can be persuaded that a prospective recipient has been injured by the failure of the Commissioner of Education to comply with the direction of the statute, it will in all likelihood devise a means of relief.

WILLIAM H. REHNQUIST,

Assistant Attorney General, Office of
Legal Counsel.

FOOTNOTES

¹ Throughout this memorandum we shall refer to the figures and language contained in H.R. 13111 as it passed the House and assume, for purposes of this discussion, that the bill will be enacted in its present form.

² In our previous memorandum we referred to this provision as section 406 of the Vocational Education Amendments of 1968. Actually, section 406 was added to P.L. 90-247 by section 301(b) of the Vocational Education Amendments of 1968.

³ Senator Yarborough stated that section 406 "says that if the Appropriations Committee * * * does appropriate the money, it shall remain available. The purpose is to keep the Bureau of the Budget from whacking it to pieces." CONGRESSIONAL RECORD, vol. 114, pt. 22, p. 29155.

⁴ This conclusion is consistent with the view taken by the General Counsel of HEW at the time the Vocational Education Amendments bill was before Congress. Memorandum of August 15, 1968 from General Counsel Willcox to the Secretary.

⁵ Part A of Title I provides for "basic grants," Part B for "special incentive grants." However, H.R. 13111 carries no funds for Part B grants.

⁶ This formula, rather complex as set forth in the statute, is further complicated by the provision in H.R. 13111 that the amounts available to each State shall be no less than 92% of the amounts allocated to local agencies in such State in fiscal 1968.

⁷ This conclusion is subject to minor qualifications. Under section 103(a)(1), an amount equal to 3% of the amount appropriated for grants to or through the States shall be allotted among Puerto Rico and the Insular Possessions, and for payments with respect to Indian children. The Commissioner probably has sufficient discretion here to withhold some of the funds available for this purpose. There is similar discretionary authority in other formula grant statutes with respect to the allotment of funds to Puerto Rico and the Possessions, see e.g., ESEA, § 302, 20 U.S.C. 842, but in view of the small sums involved and the undesirability of imposing a burden on those jurisdictions not shared by the States, we will omit further consideration of this possibility.

Our conclusion is also based on the assumption that the Title I funds presently carried in H.R. 13111 will not be sufficient to pay the aggregate eligibility in full. These funds, added to last year's advance funding would bring total fiscal '70 appropriations for Title I to about \$1.4 billion, whereas

HEW's budget justification estimated the total authorization at \$2.36 billion.

⁸ In response to a question from Senator Prouty as to whether the Commissioner would have full authority to decide whether a State needs its full allotment, HEW replied in a memorandum that the language in section 202(l) was similar to that found in other education legislation. The memorandum stated further:

"The Office of Education has had experience in administering this provision without any difficulty or cutback on State programs. The Commissioner does have authority to decide whether or not a State needs its full allotment. Administratively, this has been carried out by the Commissioner polling each of the States: (1) whether they will need their full allotment and, if not, how much be [sic] available for reallocation; (2) what additional funds could the State prudently use if they have already used their entire original allotment. On this advice of the States, the Commissioner then carries out his reallocation authority." Hearings on the Elementary and Secondary Education Act of 1965 before a Subcommittee of the Senate Committee on Labor and Public Welfare, 89th Cong., 1st Sess., p. 1190.

⁹ P.L. 90-247 provided for a gradual transition from direct Federal grants to local agencies to grants through the States. In fiscal '70 the States are eligible to receive their entire allotments less those sums, not in excess of 25%, necessary for direct grants to complete local projects previously initiated. §§ 305(d), 306(c).

¹⁰ The reference to section 402 is puzzling since \$9.25 million is specifically provided for section 402 earlier in the bill.

¹¹ However, Part B grants are 50% matching grants, while the Commissioner has discretion to waive the matching requirement with respect to section 102(b) funds. § 124(a).

¹² Since Part B is a 50% matching grant program, it may be that Congress anticipates that all the funds will not be used, and wishes to provide that in such event the money will be available for other purposes under the Vocational Education Act.

¹³ The appropriation itself does not indicate how much is for initial year and how much for continuation grants. Presumably, Congress assumes that the Commissioner will determine how much is necessary for the continuation grants, and the balance will be available for initial year grants. Since the budget estimate was \$175.6 million for both kinds of grants, we assume that at least \$75.6 million is expected to be used for continuation grants.

It might be noted that the special programs for low income students authorized by section 408 of Part A are apparently not intended to be funded out of the \$159.6 million appropriated for educational opportunity grants, but would be funded, if at all, out of the portion of the \$859,633,000 appropriation not earmarked for specific programs.

¹⁴ An applicant institution must put up one dollar for each nine dollars of Federal money, § 204(2).

EXHIBIT 3

COST OF EDUCATION INDEX 1969-70

(By Orlando F. Furno and James E. Doherty)

Inflation is burning up most of this year's record spending increases—the median district is spending 13% more per pupil—and the bulk of what's left goes into higher salaries. The grim conclusion: Drastically increased spending in recent years has probably had little effect on the quality and quantity of education many children receive.

Inflation is roaring through education's fiscal forest like a fire blazing out of control. Dollars spent for books, buildings, salaries and services are going up in smoke. Local districts are attempting to douse the blaze

by pouring more and more money into education. But very substantial portions of the increased spending are being consumed in the flames.

This grim analogy is borne out by data in School Management's 1969-70 Cost of Education Index (CEI). Results of the annual survey of current public school spending show that the unprecedented inflationary spiral of the past two years has created a tremendous need for school funds to merely maintain the status quo with respect to purchasing power.

The nation's median school district is spending \$582 per elementary pupil and \$757 per secondary pupil for Net Current Expenditures (NCE) in 1969-70. Last year, the median school district budgeted \$516 and \$671 for the same items. In 1967-68, the NCE median stood at \$465 per elementary pupil and \$605 per secondary student.

This year's increase of nearly 13% over 1968-69 is by all odds the steepest 12-month rise since the CEI's base period (1957-59)¹ and is probably the sharpest school spending rise ever.

The greatest previous single-year increase was last year's 11% jump. But while spending reached record heights in 1968-69, so did inflation, which rose nearly 10 index points, or almost 7%, wiping out much of the 11% increase in spending.

CEI estimates of educational inflation for the current year are, as usual, conservatively pegged. A minimum increase in inflation of 8.4 index points, or 5.6% is indicated. But the general level of inflation could easily match that of last year and, in selected budget categories, inflation can be expected to exceed estimates.

In sum, the prospect for the current school year is gloomy. Until inflation cools down, school districts that increase spending will, in effect, simply be spinning their wheels; school districts that fail to increase spending will face program cutbacks. While many administrators complain bitterly these days, about the adverse effect on education of the Nixon Administration's tough anti-inflation measures, the CEI makes it abundantly clear that inflation itself is far more damaging than any of the attempts to bring it under control.

DIVERGENT SPENDING

The CEI data is based on detailed budget reports collected by school management from 1,200 school districts, carefully controlled for geographical location, student population and expenditure levels. (For a detailed explanation of procedures used to develop the CEI, see SM Jan. '69, page 129.) This year, as in past years, the data shows extremely divergent spending patterns throughout the nation.

The region spending the largest amount per pupil continues to be the middle-Atlantic group—New York, New Jersey and Pennsylvania—with an average NCE of \$764 per elementary pupil, 31% above the national average.

At the low end of the scale, the south-central states—Alabama, Mississippi, Tennessee and Kentucky—continue to provide the least dollars for education. Median districts in these states are spending only \$386 per elementary pupil and \$502 per high school pupil.

The average teachers' salary in the nation's median district increased a thumping \$718 this year, a fact of major significance.

The continuing wide diversity in educational expenditures is reflected in teachers'

¹ The 1957-59 base period includes average annual expenditures during the 1957-58 and 1958-59 school years and expenditures during the last half of 1956-57 school year and the first half of the 1959-60 school year. These have been averaged to give a single figure for the base period.

salaries. On the West Coast, the average teacher can earn \$12,540 after 13 years on the job. In the Southwest, however, he could hope to earn only \$8,089 after working 16 years.

The median school system spends \$5.75 per elementary student for textbooks and \$15.66 for other teaching materials, including library books. At the secondary level, \$7.48 is spent on textbooks and \$20.36 on other teaching materials.

The average school district has a debt totaling \$483 per pupil mostly long-term bonds for school construction. More than 10% of the districts are in debt \$1,322 or more for each pupil enrolled.

WHERE INFLATION HURTS

Last year, CEI estimates indicated some hope for a big gain on inflation in 1968-69 and a significant improvement in real spending. Unfortunately, it didn't work out that way. Of the \$51 increase in spending per elementary pupil last year, inflation burned up \$25. Of the \$65 increase anticipated for the current school year, inflation is expected to consume at least \$22. However, a repeat of last year is possible, with inflation gobbling up half, or more, of any 1969-70 spending increase.

Since the 1957-59 base period of this study, inflation has consumed nearly 60% of increased school spending.² Today, the median district is spending \$324 more per

elementary pupil (NCE) than in 1957-59; inflation, however, has devoured \$154 of that increase. The \$170 difference represents the real increase in spending since 1957-59.

POCKETBOOK IMPROVEMENTS

Theoretically, the \$170 increase is a solid investment in improved education. In reality, this is not necessarily the case. The reason: Most of the \$170 increase has gone into salaries, not programs. Thus, while the welfare of school employees has substantially improved, it is a moot point whether recent drastic increases in spending have had any significant effect on the quality or quantity of education many children receive.

Of the \$65 per pupil added to NCE spending by the median school district this year, \$35 are in classroom teachers' salaries.

Translated in terms of a "raise," the average teacher in the nation's median district is receiving a 9.1% wage hike this year, compared to 10.4% last year and 6% in 1967-68.

The average teacher's salary in the median district increased from \$7,903 to \$8,621 in 1969-70. The beginning salary in the median district has jumped 6.7%, from \$6,000 last year to \$6,400 this year. And the median district's maximum salary has moved 12%, from \$10,168 to \$11,200. These increases are substantial, compared to increases in past years. Expenditures for teacher salaries have more than doubled in the last 11 years.

class size as part of their annual contract, staffing adequacy is continuing to improve.

Paraprofessionals. Expenditures for the use of instructional clerks, secretaries and aides has again increased sharply during the past year. The jump—from \$10 per pupil last year to nearly \$12 this year—is a 19% increase, compared to 25% in 1968-69. There is also another substantial increase in "other expenditures," a budget category (see following table) that often includes payment for paraprofessional help. Wages being paid to instructional clerks and secretaries have increased nearly 6% during the past year. Also, more people are working in these areas. A reflection of this can be seen in the increase in total number of secretaries and clerks working in both administration and instruction: 3.95 per 1,000 students (SPU) in 1967-68; 4.42 last year; 4.81 in 1969-70.

Materials slowdown. Substantially higher expenditures for salaries and retirement benefits appear to be forcing slowdowns in materials and textbooks. In terms of NCE, expenditures for textbooks and teaching materials have increased in 1968-69 and 1969-70, but the increments are nominal. Spending on materials increased 33¢ per elementary pupil last year (2.2%) and 58¢ this year (3.8%). Spending for textbooks increased 48¢ per elementary pupil last year (9.4%) and only 17¢ (3%) this year. As a percent of the median district's NCE, both textbooks and teaching materials are declining; the money in other words, is being spent elsewhere.

NET CURRENT EXPENDITURES PER EPU—1969-70

To get this figure for your district, total all costs for your administration, instruction, attendance, operation, maintenance, fixed charges, student body activities, and feeding in 1969-70, and divide the result by your expenditure pupil units]

	10 percent	25 percent	50 percent	25 percent	10 percent
National Region:	\$393.92	\$494.60	\$592.31	\$699.13	\$846.10
1	478.52	542.77	644.23	736.33	879.10
2	568.43	628.01	763.49	917.52	1,079.51
3	447.74	533.04	607.28	694.73	798.40
4	470.64	526.45	605.84	695.70	788.31
5	351.50	397.99	494.17	576.73	704.82
6	292.33	338.96	385.68	445.55	508.98
7	314.47	400.86	448.37	519.77	611.31
8	441.06	497.37	575.31	642.77	701.33
9	529.51	581.12	641.12	719.59	804.87
Size:					
1	390.64	479.73	592.10	708.84	772.65
2	409.43	490.21	619.27	716.76	826.07
3	418.51	538.02	627.78	791.15	954.15
4	389.42	543.49	626.23	723.78	838.63
5	389.48	503.22	589.29	677.05	860.53
6	380.63	451.62	540.95	638.07	744.09
7	382.77	471.52	586.27	705.79	889.78
Expenditure category:					
1	262.77	315.89	357.48	384.30	390.52
2	413.38	419.68	437.58	454.46	467.54
3	482.65	496.60	521.79	538.05	545.10
4	559.67	571.14	587.43	607.10	618.53
5	633.52	644.84	662.78	682.87	694.71
6	706.97	716.95	729.22	745.74	762.90
7	786.24	792.62	807.93	820.68	834.68
8	870.66	896.57	957.47	1,086.42	1,390.51

NOT THE WHOLE STORY

However, salary alone does not tell the whole story of the budget in 1969-70. Despite recent healthy raises, teacher salaries have accounted for a smaller percentage of the median district's NCE in recent years. When you examine the data to find out why, you encounter the following developments.

Retirement funds. After showing modest increases through the years, median district expenditures for retirement funds have risen sharply. Last year's unprecedented \$4.12 per pupil increased amounted to a 30% jump. This year's even bigger leap—\$7.33, to a total of \$25.31 per pupil—amounts to a 41% rise. As a percent of the NCE, retirement funds have commanded an increasingly large share, picking up a full 1% of the total NCE in the current year. This partially explains why teachers salaries are taking up a smaller percentage of the budget; as salaries approach

celling in many districts, teachers are shifting their emphasis to, among other things, retirement funds.

Also responsible for the incredible increase in expenditures for retirement funds is the fact that, in a number of states, the state itself has taken over payment of the teachers' retirement contribution. The states are, in effect, making "health and welfare payments" to the teachers. Money allocated to this category in the local budget has doubled in the CEI during the past two years. This is an example of how increased budget input can bypass children.

Staffing adequacy. With teacher salaries taking up a slightly smaller percentage of the median district's budget, but with salaries still on the increase, you might expect to find that the median district is hiring less teachers. A glance at the staffing adequacy data on page tk shows this not to be the case. There are 44.76 classroom teachers per every 1,000 students (SPU) in the median district this year, compared to 44.16 last year and 43.20 the year before. Clearly, as teachers continue to insist on negotiating

OTHER AREAS

Maintenance is the traditional whipping boy when budgets must be pruned. But this year, expenditures show an 11% increase in maintenance spending, compared to only 4% in 1968-69. During the past two years, schools have hired more custodians and improved their wages. But inflation still takes a disproportionate bite out of the maintenance dollar.

Spending on operation has increased 11% this year.

Capital outlay expenditures are up 15% in 1969-70, after a sharp drop last year.

Finally, debt service spending has increased sharply this year, in terms of per pupil expenditures, reflecting the extraordinary rise of inflation (23%). Since 1966, inflation in interest payments has risen 50%. Per pupil spending in this area has increased only 13.8% (\$6.57 per pupil) and the bulk of the spending increase has occurred this year (\$4.09).

Summing up the national school cost picture in 1969-70, three trends stand out:

1. Sharp increases in expenditures for salaries and retirement funds.
2. Relatively moderate increases in most other budget areas.
3. Debilitating increases in educational inflation.

USING THE CEI

Before you turn to the pages of data that follow, carefully read the instructions so you can identify pertinent data and understand how to use it.

The CEI is designed to help you make valid comparisons. For example:

Compare your district's overall costs with those of other districts in your region or size group.

Compare expenditures for such specific items as transportation, teachers' salaries, administrative costs, food services, etc.

Prepare a budget for next year that will present a balanced pattern of expenditures.

Compare and evaluate the efforts your taxpayers are making for the education of their children this year.

Compare expenditures, spending patterns and staffing ratios with districts across the

² The inflationary increase in school costs since the base period of this study is indicated by computations based on more than two dozen cost studies and price indexes.

nation whose over-all expenditures most closely match yours.

Compare your spending with districts whose wealth—or ability to pay—is similar to your own community's.

About the only thing CEI figures do not show is what school districts should be spending. The data shows only what districts are spending.

Most schoolmen agree, though, that "average" or "median" is really below par.

How \$35,226,920,000 will be spent for education

The nation's public elementary and secondary schools are spending more than \$35.2 billion during 1960-70, excluding loan funds for new buildings. This table shows approximately how the money is being allocated.

	Thousands
Administration	\$1, 179, 600
Professional salaries.....	580, 600
Clerks and secretaries.....	341, 200
Other expenditures.....	257, 800
Instruction	23, 485, 800
Classroom teachers.....	19, 047, 600
Other professionals.....	2, 405, 900
Clerk and secretaries.....	617, 900
Textbooks.....	298, 400
Other teaching materials.....	817, 600
Other expenditures.....	298, 400
Health	190, 200
Professional salaries.....	166, 800
Other expenditures.....	23, 400
Operation	2, 662, 000
Custodial salaries.....	1, 494, 000
Heat.....	375, 400
Utilities other than heat.....	549, 000
Other expenditures.....	243, 600
Maintenance	898, 100
Maintenance salaries.....	337, 000
Other expenditures.....	561, 100
Fixed charges.....	1, 901, 700
Retirement funds.....	1, 321, 600
Other expenditures.....	580, 100
Other services.....	81, 000
Net current expenditures.....	30, 398, 400
Transportation	1, 320, 620
Salaries.....	527, 770
Other.....	792, 850
Capital outlay.....	676, 200
Debt service.....	2, 831, 700
Total expenditures.....	35, 226, 920

ABOUT THE CEI

Short summary

Nearly 1,200 school districts participate in School Management's national Cost of Education Index survey. Each fills out a detailed six-page questionnaire which itemizes expenditures for dozens of budget items for a two-year period (1968-69 and 1969-70).

The questionnaire was devised by Dr. Orlando F. Furno, who is assistant superintendent, division of research and development, Baltimore city schools.

The school districts used in our weighted sample are carefully selected by geographical location, student population, and expenditures per pupil. Each represents, in effect, a randomly selected unit of measurement.

The accumulated CEI data is placed on punched cards and processed by computer.

This makes it possible to analyze all data by region, district size and expenditure level, as well as on a national basis.

The budget categories used in this study are the same as those recommended by the U.S. Office of Education. For definitions of these categories, consult "Financial accounting for local and state school systems." This booklet can be ordered from the Superintendent of Documents, U.S. Govt. Printing Office, Washington, D.C. 20402. (Ask for "State educational records and reports series: handbook II," OE-22017.) Price \$1.

YOUR GUIDE TO USING CEI

How to find your district's expenditure pupil units (EPU's)

In computing school district expenditures. "Expenditure Pupil Units" (EPU's) are used, rather than the actual number of pupils.* Expenditure Pupil Units take into account the fact that it costs more to educate a high school student than it does to educate an elementary school student. By using this measure, it is possible for any district in the United States to compare itself with any other.

To find your district's Expenditure Pupil Units, multiply the Average Daily Attendance (ADA) of your high school students by 1.3 and add this figure to the elementary ADA.

Elementary ADA includes those grades which are normally classified as elementary by state and local practice. Any span of grades from K-8 (such as K-6, 1-8) may be considered elementary. Students explicitly taught in junior high schools, however, must be considered as secondary school pupils, no matter what their grade designation.

Because it costs more per pupil to operate a very small school than it does to operate a large one, a "sparsity" correction is used to take this into account. This correction was developed by the late Dr. Paul R. Mort of Teacher's College, Columbia University.

If your district has fewer than 316 elementary school students and/or fewer than 695 secondary school students, you must apply these correction factors.

If your district's elementary ADA is less than 316 and between:

1 and 22, use the figure 22.
23 and 44, use your actual ADA.
45 and 109, multiply your ADA by 1.56 and subtract 25.

110 and 315, multiply your ADA by .82 and add 57.

If your district's secondary ADA is less than 695 and between:

1 and 68, multiply your ADA by 1.68 and add 14.

69 and 391, multiply your ADA by 1.02 and add 59.

392 and 694, multiply your ADA by .78 and add 153.

If you sparsity-corrected your secondary student population, you must multiply the corrected figure by 1.3 and add it to the elementary ADA (or sparsity-corrected elementary ADA), to obtain your Expenditure Pupil Units.

Note: If your district uses Average Daily Membership figures, rather than ADA, these may be substituted for ADA. But for precise cost comparisons, ADA should be used.

How to find your staffing pupil units

Staffing Pupil Units (SPU's) are based on the fact that it takes more staff members to work with students on the secondary level than it does on the elementary level. These units are used in figuring the staffing adequacy of your district. Staffing Pupil Units are obtained by multiplying your secondary ADA by 1.1 and adding the elementary ADA.

If your elementary ADA is less than 316

*For ease of reading, the terms "pupils," "students" and "Expenditure Pupil Units" (EPU's) are used interchangeably throughout this report.

and/or your secondary ADA is less than 695, you must apply sparsity corrections. These are the same corrections used (above) in figuring your district's EPU's.

How to find your ability pupil units

In estimating the wealth behind each student in your district, a different measure is used. This measure is called Ability Pupil Units (APU's). To get your district's APU's, first obtain a figure for Resident Average Daily Attendance.

Resident Average Daily Attendance incorporates all students attending your schools and residing in your district added to all students who reside in your district but go to public schools outside your district to which your district pays tuition. RADA does not include students attending your schools but residing in another district, nor private or parochial school students.

When you have resident Average Daily Attendance figures for your district, multiply the secondary RADA by 1.3 and add that figure to the elementary RADA. If your elementary RADA is less than 316 and/or your secondary RADA is less than 695, the same sparsity corrections used to obtain EPU's must be applied.

(NOTE.—Some districts do not keep separate attendance figures for resident and non-resident students. If that is the case, you can estimate your RADA. To do this, get a ratio between actual students in your district and Average Daily Attendance. Multiply your resident students by this ratio. The resulting figure is a good estimate of your RADA. For example, if there are 1,000 students registered in your schools and your ADA is 900, the ratio of ADA to registered students is 90% or .90. If there are 1,200 resident students in your district, multiply 1,200 by .90. The result (1,080) will serve as a good estimate of your RADA.)

How to find your region

For purposes of this study, the nation has been divided into nine regions. These particular regions are chosen to conform with those used by the Federal government.

Region 1: Me., N.H., Vt., Mass., R.I., Conn.
Region 2: N.Y., N.J., Penn.
Region 3: Ohio, Ind., Ill., Mich., Wisc.
Region 4: Minn., Iowa, Mo., N.D., S.D., Neb., Kan.
Region 5: Del., Md., D.C., Va., W.Va., N.C., S.C., Ga., Fla.
Region 6: Ky., Tenn., Ala., Miss.
Region 7: Ark., La., Okla., Tex.
Region 8: Mont., Ida., Wyo., Colo., N.M., Ariz., Utah, Nev.
Region 9: Wash., Oreg., Calif., Alaska, Ha.

How to find your district size

For purposes of this study school districts are divided by size into seven groups based upon actual enrollment figures.

Size 1—More than 25,000.

Size 2—12,001 to 25,000.

Size 3—6,001 to 12,000.

Size 4—4,001 to 6,000.

Size 5—1,201 to 4,000.

Size 6—601 to 1,200.

Size 7—300 to 600.

(Note.—Because about 99% of the public school students of the United States are in districts with 300 or more students, this bottom limit is put on the survey. Districts with fewer than 300 students can generally count themselves in Size 7.)

How to find your district's net current expenditure (NCE)

To get this figure, total all costs for your administration, instruction, attendance, operation, maintenance, fixed charges, student body activities and feeding. Then, divide the result by your Expenditure Pupil Unit (EPU). Note: Do not include debt service, current capital outlay or transportation.

How to find your expenditure category

For purposes of this study, school districts have been divided into eight expenditure categories, based on their Net Current Expenditures.

- 1—Less than \$399 per pupil.
- 2—\$400 to \$475 per pupil.
- 3—\$476 to \$550 per pupil.
- 4—\$551 to \$625 per pupil.
- 5—\$626 to \$700 per pupil.
- 6—\$701 to \$775 per pupil.
- 7—\$776 to \$850 per pupil.
- 8—More than \$851 per pupil.

How to find your wealth group

For purposes of this study, school districts have been divided into eight wealth groups, as shown here, based on their true valuation per pupil (TVP). If market value of all taxable land in your district is \$6 million, with 600 students your wealth is \$10,000 per student.

- 1—Less than \$10,000 TVP.
- 2—\$10,001 to \$16,000 TVP.
- 3—\$16,001, to \$22,000 TVP.
- 4—\$22,001 to \$28,000 TVP.
- 5—\$28,001 to \$34,000 TVP.
- 6—\$34,001 to \$40,000 TVP.
- 7—\$40,001 to \$46,000 TVP.
- 8—More than \$46,000 TVP.

How to define CEI budget categories

The budget categories in the Cost of Education Index conform to those recommended by the U.S. Office of Education and used by most (but not all) school districts. Further clarification on each category can be obtained from the USOE publication, "Financial accounting for local and state school systems," a standard reference volume in most superintendents' offices. If you do not have a copy, it can be ordered from the Superintendent of Documents, U.S. Govt. Printing Office, Washington, D.C. 20402. (Ask for "State educational records and reports series Handbook 11," OE-22017.) Price \$1.

Mr. MAGNUSON. Mr. President, I yield myself 2 minutes.

The PRESIDING OFFICER. The Senator is recognized for 2 minutes.

Mr. MAGNUSON. Mr. President, I do not know what figures the Senator from Michigan has had printed in the RECORD. But I did have a mandatory formula grant chart printed in the RECORD yesterday.

There is \$3,577,802,000 that would have to be mandatorily spent of the total. The conference action resulted in an amount of \$3,134 million of that which is Office of Education, which is plus \$1 billion from the President's budget. But that includes title I, ESEA, library resources, impacted areas, and higher education, all which I listed earlier.

Some are comparatively small amounts. Direct loans to college students, consisting of \$229 million for the whole country, vocational education, audio-visual equipment, guidance, counseling and testing, education of the handicapped, and library resources—that is all that is mandatory in the bill. I do not know which one of those they want to cut out and not spend and not do what Congress wanted.

Under the President's budget, \$2,353,898,000 of the total bill, would be mandatorily spent. And the Congress increased that to \$3,797,562,000. The Senate made it \$3.7 billion. And the conference report made it \$3.7 billion. So there is an increase of over \$1 billion of mandatory spending. But the total is only \$3.7 billion in a \$16,724,805,200 bill.

A good deal has been said about advanced funding for elementary and secondary education for fiscal 1971 in the amount of \$1.226 billion. I want to make clear that this item was deleted by the

conference, not by the Senate. At the time the conference was held it was not yet authorized, and it has not been authorized as of today. The conference felt we should not put this item in. If it had been authorized it would be in the bill, but it was not authorized. There is no objection to the amount. It simply was not authorized up to the time of the conference in early December. This is a matter we will have to take up in this session and I am sure it will be agreed to.

Mr. GRIFFIN. Mr. President, I am glad that the distinguished chairman of the committee made it clear that the \$1 billion increase to which I referred was accurate.

Mr. MAGNUSON. Yes; of mandatory amounts.

Mr. GRIFFIN. That is correct.

Mr. MAGNUSON. There is only \$3 billion in the entire bill.

Mr. GRIFFIN. Earlier in the course of my remarks the distinguished Senator from Washington raised a question about the figures I used with respect to the dropout prevention program. It is my understanding that President Nixon requested \$24 million for the dropout prevention program and that the conference report provides for some \$5 million, or approximately a total cut of \$19 million from the President's request. There are some odd fractions involved.

Mr. MAGNUSON. The Senator is correct about that.

Mr. GRIFFIN. I am correct. There was a cut of some \$19 million.

Mr. MAGNUSON. In the conference.

Mr. GRIFFIN. The conference report provides for \$5 million.

Mr. MAGNUSON. Yes, and the original House figure was \$5 million.

Mr. GRIFFIN. That is correct.

Mr. MAGNUSON. Let us get the facts correct. The President asked for \$24 million in April; the House allowed \$5 million in July; the department appealed for a \$15 million total; and the Senate made it \$20 million. The conference struck our increase and made it \$5 million.

Mr. GRIFFIN. But we are voting on the conference report.

Mr. MAGNUSON. Yes. I was speaking about the Senate action.

Mr. GRIFFIN. But we are voting on the conference report today.

My point is that the conference report not only appropriates huge additional sums over and above what the President requested—and in a number of areas which the President does not consider to be of high priority—but it also cut budget requests in other areas where the President believes there is a high priority, particularly in the field of education. He asked for \$24 million for the dropout prevention program directed at the inner cities, the needy and disadvantaged youngsters, to help them, and this conference report cut his request by \$19 million.

This reduction emphasizes and underscores the point I made earlier: that it rearranges the priorities which the President believes are important. It misdirects funds by spending too much in some areas and not enough in other areas.

Mr. MAGNUSON. I do not believe Congress should abdicate its responsibility in determining priorities. Congress is the appropriating body. This happens all the time. This is fundamentally a disagreement of priorities, but we have a responsibility; and we have voted overwhelmingly. We think we are the appropriating body and not the administration, and that we should make these decisions.

Mr. HANSEN. Mr. President, will the Senator yield for a question?

Mr. GRIFFIN. I yield.

Mr. HANSEN. Mr. President, I would like to ask the distinguished Senator from Michigan if it is not true that according to recent press reports one of every seven children has a very serious reading deficiency, that there is great need to do further research in the field about which he has just spoken?

Mr. GRIFFIN. The Senator is correct.

Mr. HANSEN. I wish to ask the Senator if the President did not have in mind determining what might be done in order to make more relevant their courses of instruction in reading that are now being afforded in the schools?

Mr. GRIFFIN. The Senator is absolutely correct. The request which the Senator from Washington and I were discussing a moment ago related to the dropout prevention program.

Mr. MAGNUSON. Yes, the dropout program.

Mr. GRIFFIN. But it is also true, as the Senator from Wyoming is suggesting, that a Presidential request having to do with improved methods and techniques of teaching, particularly with respect to remedial reading, was cut substantially. The conference report provides considerably less money in that important area than the President asked for, which I think is very unfortunate and not in line with the priorities set by the President.

While Congress can disagree with him, I believe the overwhelming majority of the people agree there is a need for improvement in the methods and techniques of teaching reading, particularly in the intercity, and that this area is important and needs more money and attention.

Mr. HANSEN. I agree. Having returned recently from my State of Wyoming, I might add that I was privileged to visit with the presidents of two of our junior colleges. Both of them were disturbed over the guidelines and the specificity which has been written into the bill by Congress insofar as vocational and technical programs are concerned.

We find a situation contrary to what has been the practice. For several years our junior colleges have been recipients of Federal funds in order that they might better offer programs that have been so meaningful in upgrading the talents and abilities of youngsters. As the president of one of the junior colleges, the largest in my State of Wyoming, observed, "The program no longer will be very helpful to Wyoming." He said it seems to be geared altogether too much to the ghetto area, instead of offering continuing assistance in a pro-

gram that has been helpful out there, and he now finds that they will be denied the funds they had in the past. As a consequence I think it is indicated that the bill does need further study in order to shape these priorities as they should be.

Mr. GRIFFIN. I would be glad to yield time to the Senator from Wyoming.

The PRESIDING OFFICER. How much time does the Senator yield?

Mr. HANSEN. Will the Senator yield to me for 5 minutes?

Mr. GRIFFIN. I yield 5 minutes to the Senator from Wyoming.

Mr. HANSEN. Mr. President, in putting us on notice that he plans to veto the 1970 HEW-Labor-OEO appropriation bill in its present form, President Nixon has performed an act of great national leadership.

It would be easy to approve the bill. It would be the expedient thing to do.

But the President has rejected the easy way. He has made the tough but courageous decision that had to be made.

He has done so not to scuttle the programs of these agencies, but to rationalize them. He has done so to serve the longrun interests of the people of this Nation, to fight the galloping inflation which takes away food from their tables, clothing from their backs, medicines from their shelves, even books from their classrooms.

The bill as it now stands is a grab bag of fat and pork barrel. Despite the fact that we are more than half-way through the fiscal year it is intended to fund, it has the marks of haste and scanty consideration. It ignores the findings of study groups commissioned by Congress itself which show that some programs are seriously misdirected. It bypasses the lessons of experience and the recommendations of the Cabinet members responsible for administering these programs. It does a disservice to the real cause of education and health.

My opposition to the HEW appropriations bill is based not only on the additional funds it contains for low priority items, but also on the funds it does not contain for programs of real merit.

One of the priority programs of the Secretary of Health, Education, and Welfare was the budget request of \$25 million to develop new, innovative models of elementary and secondary schooling. This money would have been used to test new approaches to teaching reading, the use of older children to teach younger children, the concept of making schools accountable to the community for results, and other promising innovations.

Secretary Finch's personal plea for these funds was rejected by both the House and the Senate. This is ironic, in view of how little we know about how to get the most out of our educational dollar. At a time when the Nation is spending \$40 billions a year in tax moneys on its schools, less than one-half of 1 percent of the total is being devoted to exploring ways to improve them. This compares with the 10 percent of the defense budget, which goes for research and development.

This administration is seeking to establish new directions and new dimen-

sions of effective government. The budget increases proposed by Congress would ignore the need for new directions, and would provide additional money for many programs which are more in need of refocusing in the light of today's most urgent priorities.

I yield back the remainder of my time to the distinguished minority leader.

Mr. MAGNUSON. Mr. President, I yield myself 1 minute. Perhaps I should keep quiet, but I do not know where the figures that have been raised come from. On research and innovations, education of the handicapped, the 1970 budget request of the President was \$18,350,000. The Senate and the conference made it \$23,700,000. We increased it. Part of that involves reading for handicapped children, the deaf-blind centers.

Then, on elementary-secondary education, which is the large item, we increased it \$312 million. That includes not only bilingual education, but reading for educationally deprived children, those who cannot read very well.

So I do not know where those figures come from. All I know is that when the Appropriations Committee writes the figures down, when we are through that is what they are.

We have two or three other items in research and training, which include innovations, demonstrations and new items, for which the 1969 budget was \$74 million Research and Training, Office of Education. The revised budget, or Nixon budget, was \$68.8 million. The House and Senate agreed to that \$68.8 million. It was exactly what the administration sent up to Congress and asked for.

The PRESIDING OFFICER. Who yields time?

Mr. GRIFFIN. Mr. President, I yield myself 2 minutes.

Let me be specific about the points I have raised. I refer to the request of the President for funds for experimental schools, which was considered important by the administration to improve and test teaching techniques, with emphasis on remedial reading. The request was for \$25 million.

The Senate provided \$9.5 million, but in the conference agreement that amount was eliminated. So the conference agreement comes to us with elimination of the request of the President for \$25 million for experimental schools to test new techniques and methods of teaching, particularly in the inner city.

Now I yield to the Senator from Kentucky such time as he may request.

Mr. MAGNUSON. Mr. President, I yield myself another half minute. As I said, I do not know exactly where these figures come from, but we have in the District of Columbia the Anacostia project, which both administrations and all Secretaries agreed to, and which I feel is an excellent program. The Senate put \$4 million in the bill for the Anacostia project. The House said it could use only \$1 million.

The House was adamant, because I believe they wanted the Anacostia school project, which is just getting started, to prove itself. That is the reason why that happened. It is a very small amount out

of a \$16,724 million bill, but the conference committee eliminated the Senate increase for that item.

Mr. GRIFFIN. Mr. President, if the Senator from Kentucky will permit me to take another moment, I think these matters ought to be answered at this time, if possible.

It is my understanding that, while the distinguished Senator from Washington is referring to an experimental or demonstration school item, that is another item having to do with the demonstration or model school for the District of Columbia. I would make the point that, insofar as that appropriation is concerned, that item in the conference report is \$4 million less than the President asked for.

Mr. MAGNUSON. Is it not \$3 million?

Mr. GRIFFIN. My figures show \$4 million.

Mr. MAGNUSON. The Senator is right; \$4 million.

Mr. GRIFFIN. This is another example of disagreement—not that the Congress does not have a right to disagree with priorities set by the President, but it buttresses and underscores what I have been saying, that the conference report, in a number of important instances so far as the President is concerned, substantially cuts what he requested. He is not satisfied and does not like the priorities that the conference committee seeks to impose.

Mr. MAGNUSON. I am sure that the Senator from Michigan does not think that on a bill of this size it is inflationary; does he? I refer to the Anacostia project.

Mr. GRIFFIN. The Senator answered my point concerning a cut of \$25 million and made reference to the Anacostia project. The Senator from Washington brought it up.

Mr. MAGNUSON. This is a \$16 billion bill.

Mr. GRIFFIN. I did not raise the point of the Anacostia item, but I wanted to answer it so there would be no confusion in what I am covering.

Mr. MAGNUSON. The Senator covered three items, which involve about \$25 million in a \$16 billion bill. The Senator covered it. I do not know whether this will help in the fight against inflation or not.

Mr. GRIFFIN. Now I yield to the Senator from Kentucky.

Mr. COOPER. Mr. President, I shall be brief. I do not intend to go into great detail with respect to the figures in the various items of the bill. I intend to vote against the conference report because, when it comes to the issue of whether we should vote to sustain the veto, I shall vote to sustain the veto; therefore, I believe it would be misleading to vote for the conference report. I do so only on the ground that I accept the President's position that if the conference report should be adopted and should become law, it would seriously disrupt the effort he is making against inflation.

I accept his position. Yet I must raise some questions about several programs which are limited because of the administration budget. I believe if the conference report does not become law during the remainder of this session we must

seek constructive proposals on the part of the administration to remedy any defects. I want to name three programs about which I am concerned.

First, assistance to federally affected areas. Every President since President Eisenhower has urged that appropriations for assistance to federally affected areas be reduced. President Kennedy so urged, and President Johnson likewise so urged. Congress overrode them. I do not think there was any great outcry from these administrations because they were overridden.

In fiscal year 1969 approximately \$521 million was appropriated for assistance to federally affected areas. I believe the President's budget asked for \$202 million. It includes both programs, under Public Law 815 and Public Law 784, one dealing with the operation and maintenance of federally affected schools, and the other with construction.

There always has been some question as to whether these programs have been expanded beyond their original intent. That is the issue. The program was intended at first to meet the problems in areas where Federal activities brought in individuals from other areas with children, parents with no tax base, and of course, the children had to be taken care of by the local schools, assisted by payments provided under this Federal program.

Later the program was enlarged to include children of people who worked in Federal areas activities, although the parents were actually residents of Kentucky and often of the community, and of course there really was not any reason why they should have been included in the program.

I believe that the conference report includes a little over \$600 million for this program.

Mr. MAGNUSON. That is correct.

Mr. COOPER. So we do have this great disparity between the \$202 million that the administration has asked for, the \$521 million that was made available last year, and the \$606 million that is in the conference report.

I hope that if the veto is sustained—and I believe it will be—the President and the administration will send up to Congress their proposals about this program, and for funds that are necessary to take care of the children who fall in category A, whose parents have actually come into the area because of Federal activity and who are not residents and have no tax base.

I further raise this problem. This is an old program, and year after year school boards, relying upon its continuation and that payments will be made to them by the Federal Government, borrow money to carry on their activities under this program. I have received letters from school boards in Kentucky, one of them from a county which is seriously affected—Jefferson County—where this has been done, relying upon the fact this program will be continued on the scale of fiscal year 1969.

It may be said, because the President's budget asked for only \$202 million, that school boards should have taken notice

of his request. But I must say that all of the facts, having come to the notice of Congress and the appropriations committees in the latter part of 1969, did not, I believe, give the notice to these school boards that they deserved; and if it should turn out that in Kentucky and throughout the country that school boards have borrowed money anticipating that the payments could be made to them by the Federal Government, then I think it would be only fair and honorable that those amounts be ascertained and, before the close of this fiscal year, supplemental appropriations be made to cover their borrowings. As I say, I think that would only be fair, honorable, and just and if necessary I will so propose. That is my comment on these areas.

The second program which is troubling is that dealing with library facilities. All over the country, and particularly in my State, there has been a great interest in the growth of library facilities, the program reaches not only students, but people throughout rural areas as well as urban areas. I believe that funds to continue such activities should be at the level of 1969, should be provided in a supplementary appropriation.

Third, I understand that student loans or student grants would be reduced. With the large number of students now going to college—certainly we want them to go—and many of them cannot afford to go—this is an area which demands the attention of the administration and the Congress.

In the past, I have always supported these educational programs. I intend to continue to do so. I once served as chairman of the Subcommittee on Education of the Committee on Labor and Public Welfare. In my first service in the Congress I joined with the late Senator Taft, Senator AIKEN, and Senator ELLENDER in introducing the first bill ever passed by the Senate to aid elementary education, in 1948. I have helped develop the National Defense Education Act and other educational bills.

But I shall join at this time to support the President in his battle against inflation. However, I hope before the end of this fiscal year, these three programs I have mentioned will be studied again by the administration, and it will submit to Congress recommendations for appropriations necessary to carry them on.

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

Mr. COOPER. I yield.

Mr. MAGNUSON. The Senator is familiar with the fact that the Senate was confronted with no budget estimate in the library resource field at all, so we put in what we felt was a modest amount. I hope we will not wait until next year's budget, because I understand the figure may be zero in next year's budget also.

Mr. COOPER. We know that this conference report is not going to be sent back with instructions to correct various items. So I am faced, as many of us are, with the question of voting for this conference report, one which is over the President's recommendations—

Mr. MAGNUSON. No, no, it is not.

Mr. COOPER. Well, it is over on the items I have mentioned.

Mr. MAGNUSON. It is \$86 million under the budget requests.

Mr. COOPER. It is over on some very important items. So, while it is a position I have difficulty being in, I have said I intend to vote this way because I intend to support the President in this vote. Nevertheless, there is no reason why, if the measure is defeated, that more constructive positions cannot be advanced by the administration. I urge that that be done.

In summary, I voted against the conference report, which represents the action of representatives of the House and Senate on health, education, and welfare programs solely to support the President in his fight on inflation.

The President had asked appropriations of approximately \$16.6 billion for fiscal year 1970, ending June 30, 1970, compared to \$15.5 billion appropriated for fiscal year 1969. The conference report would appropriate \$17.7, \$1.3 billion more than the President's budget. I vote against the conference report because of the President's position that increases would deal a critical blow to his fight on inflation.

If a veto is sustained, I believe that the administration must take immediate action, which I will propose, to correct certain inequities in the administration's proposal.

First, with respect to federally affected school districts, additional funds above the President's budget must be provided to meet the educational costs of children whose parents have moved to Kentucky counties because of Federal activity. As an example, the costs to local school districts of the education of children, whose parent is assigned to a military base, such as Fort Knox, must be paid, whether the parent lives on or off the base.

Second, in cases where school districts have borrowed money in anticipation of congressional approval of the federally affected assistance program, I believe Congress has an obligation to assure payment of such borrowings and, if necessary, I will so propose in later appropriations bills, such as the supplementary bill.

I also suggest that the administration offer adequate proposals for the library services and construction program which is very important to Kentucky and as a national program.

As I had stated, I would vote to sustain a Presidential veto, and I think it would be misleading and not a forthright action for me to vote for the conference report. If the conference report does not become law, I believe we can and will work out adequate support for these educational programs, and without contributing to inflation.

That is all I have.

The PRESIDING OFFICER. Who yields time?

Mr. MAGNUSON. I meant to say \$86 million under the President's request.

The PRESIDING OFFICER. Who yields time?

Mr. COOK. Mr. President, I yield myself approximately 4 minutes.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. COOK. Mr. President, I also must vote against the conference report on the HEW-Labor appropriations bill, even though I supported some of the amendments to this bill which resulted in the appropriation of additional funds above what the administration requested. I have come to the conclusion that the cumulative effect of the increases would be harmful at a time when we are all vitally interested in halting the inflationary spiral.

The Nixon administration revised budget for 1970 included an increase of roughly a billion dollars over the 1969 budget, certainly an indication of the priority this administration places upon this whole area. However, the House provided for additional expenditures of \$1,-

055,176,000, the Senate voted for measures which would have increased the budget request by \$1,639,240,000 and the Senate-House conference maintained an increase of \$1,331,823,500, over what the Department of Health, Education, and Welfare finally requested.

Even though I will support the recommendation of the President, I do regret the reduced request for aid to schools in impacted areas, as set out by my distinguished senior colleague. This is particularly painful for school districts in these areas which have planned their budgets for this year on the basis of anticipated funds. The 1969 expenditure for impacted areas was \$521,100,000. The President's Budget suggested cutting that figure to \$202 million, and it was the desire of the Senate and the House of Representatives that that figure be increased; I believe the amount was \$61,178,000.

I, too, believe the school superintendents throughout the country, at least, if not attempting to base their operating budgets, under impacted areas aid, on the \$600 million figure, did at least figure on an appropriation equal to the \$521,100,000 appropriated last year.

However, all Americans have a vital interest in curbing inflation. It is my hope that the Senate will reject the conference report but if that position should not prevail that the Congress will subsequently sustain the President's veto of this bill, thus indicating to our constituents a true commitment to halting inflation.

I ask unanimous consent to have printed in the RECORD the first page recap of the HEW budget and their analysis for 1969 and 1970.

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

SUMMARY—DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE—CONGRESSIONAL ACTION ON THE 1970 HEW-LABOR APPROPRIATION BILL

Agency	1969 comparable	1970 revised budget	House action	Department appeal	Senate action	Conference agreement	Increase	Decrease
Consumer Protection and Environmental Health Service.....	\$227,064,000	\$229,477,000	\$277,177,000	\$227,177,000	\$250,968,000	\$242,522,500	+\$14,445,500	-\$1,400,000
Health Services and Mental Health Administration.....	1,077,261,000	1,030,441,000	1,103,449,000	1,001,939,000	1,179,037,000	1,154,339,000	+134,700,000	-10,802,000
National Institutes of Health.....	1,394,549,500	1,448,610,000	1,449,651,000	1,448,445,000	1,629,384,000	1,546,244,500	+102,974,500	-5,340,000
Scientific activities overseas.....	15,000,000	3,455,000	3,455,000	3,455,000	3,455,000	3,455,000		
Subtotal.....	2,713,874,500	2,711,983,000	2,784,732,000	2,681,016,000	3,062,844,000	2,946,561,000	+252,120,000	-17,542,080
Office of Education.....	3,647,200,000	3,197,634,000	4,222,889,000	3,160,997,000	4,540,724,000	4,276,117,000	+1,155,560,000	-77,197,000
Social and Rehabilitation Service.....	7,338,302,000	8,451,856,000	8,410,754,000	8,449,856,000	8,397,257,000	8,400,920,500	+9,900,000	-60,835,500
Social Security Administration.....	1,690,772,000	2,014,864,000	2,014,564,000	2,014,564,000	2,014,864,000	2,014,864,000		-800,000
Special Institutions.....	36,146,000	62,409,000	62,409,000	62,409,000	62,723,000	62,723,000	+314,000	
Departmental Management.....	30,898,000	35,160,000	34,734,000	34,954,000	34,734,000	34,734,000		-426,000
Total, Department of Health, Education, and Welfare.....	15,457,192,500	16,473,906,000	17,529,082,000	16,403,796,000	18,113,146,000	17,735,619,500	+1,418,014,000	-156,300,500
Title I advance funding:								
1970 advance (in 1969 bill).....	1,010,814,300	-1,010,814,300	-1,010,814,300	-1,010,814,300	-1,010,814,300	-1,010,814,300		
1971 advance (in 1970 bill).....		1,226,000,000		1,226,000,000	1,117,580,000			
Total, HEW appropriation bill.....	16,468,006,800	16,689,091,700	16,518,267,700	16,618,981,700	18,219,911,700	16,724,805,200		

* Includes \$1,010,814,300 appropriated in the 1969 bill.

² Due to lack of authorizing legislation, the House did not consider \$28,360,000 requested for "Development of programs for the aging."

Mr. COOK. It will show that the expenditures of the Department in 1969, not including those in title I that were transferred into 1970 or 1971, amounted to \$15,457,192,000, that the 1970 revised budget upped that to \$16,473,906,000. The House action increased that to \$17,529 million, and the Senate action increased it to \$18,113 million. This was probably not without some of my help; I will be very honest. However, the Department itself asked for \$16,403,796,000.

Mr. President, I agree with the chairman of the committee, the distinguished Senator from Washington, that in regard to school equipment and libraries, the expenditures in 1969 by HEW were a little above \$143 million. It was the desire of both Houses of Congress that this be cut to \$97 million. It was the desire of the administration to eliminate this cost completely. So there is a reduction of some \$46 million. I agree that this should be reconsidered, and it should be reconsidered by the administration.

However, I do feel that if this matter is vetoed by the President, and if it is sustained, we at least find ourselves not in the position of a continuing resolution under the 1969 budget figures, but under the figures that were adopted by the House; because, as will be recalled, we

were in a position of having to approve a continuing resolution not based on the 1969 figures, but based on the figures as established by the House of Representatives.

Even if this is so, we will find ourselves placed in this position: that the House established its cost at \$17,735,619,500, and that the conference raised that by almost \$300 million.

Excuse me, I have the wrong figures. The House figures were \$17,529,082,000, and the final figure was \$17,735,619,500. So at least I will in some degree be trying to save the taxpayers of America approximately \$200 million until this matter can be straightened out by Congress. I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. MAGNUSON. I yield myself 1 minute?

Mr. GOLDWATER. Mr. President, will the Senator yield for a question?

Mr. MAGNUSON. A question addressed to me or to the Senator from Kentucky?

Mr. GOLDWATER. I wanted to get a clarification of something the senior Senator from Kentucky said.

Mr. MAGNUSON. I yield.

Mr. GOLDWATER. From what the

senior Senator from Kentucky said, I am led to believe that Federal employees are included in the impacted area moneys in this bill.

Mr. MAGNUSON. Yes.

Mr. GOLDWATER. Would this include congressional people whose children attend the schools?

Mr. MAGNUSON. It could. The school board could ask for it.

Mr. GOLDWATER. Well, do they?

Mr. MAGNUSON. I think they do, in Maryland and Virginia.

Class A is military people in a Federal reservation who have children who would have to go out to school. Class B is people who work in a Federal building or Federal job and have children but who may live anywhere else, and the children go to primary or secondary school. That is why I think the formula has to be reviewed.

Here is an extreme example: A Federal judge in Phoenix who has children and who works in a Federal courthouse. His children could be classified as living in an impacted area, and the school district could receive a certain fee. They receive a certain fee per child.

Mr. GOLDWATER. The same could be applied to Members of Congress?

Mr. MAGNUSON. It could be. I do not

know whether it is, but it is applied to Government employees.

Mr. GOLDWATER. Is that not kind of silly and archaic?

Mr. MAGNUSON. Of course, it is. But it is the law, and we were confronted with the fact that the House voted for this 3 to 1. The Senator from New Hampshire and I talked about this. This was the most popular amendment in the Senate. Even after the House voted \$600 million, the Senator from Colorado upped it \$60 million, and the Senate voted 73 to 9 to increase it.

Mr. GOLDWATER. Would that include the President's children?

Mr. MAGNUSON. It would. I guess they could include the President's children.

Mr. GOLDWATER. Things are pretty tough.

Mr. MAGNUSON. The Nixon children are not in elementary school. I think they are above elementary and secondary schools. But it could include them, and they do it. These school districts have been relying upon this money and expending, or obligating funds based upon this reliance. As the Senator from Kentucky well points out, they make their plans expecting that they are going to get it.

Mr. GOLDWATER. What about any grandchildren who might live in the White House?

Mr. MAGNUSON. Well, their father would have to work there.

Mr. GOLDWATER. If he were living in the White House?

Mr. MAGNUSON. If he were living there permanently and responsible for them, I think they could be so classified, yes.

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

Mr. MAGNUSON. I yield.

Mr. COOPER. One situation is somewhat between the situation intended to be covered by the federally assisted areas and cases the Senator has mentioned, which are the extremes and are ridiculous. The Senator was not ridiculous in asking about them, but they are ridiculous uses of this law.

We have a situation in Kentucky, and I am sure it prevails in other States where there are service posts. Soldiers come into the area and are serving at a post.

Mr. MAGNUSON. They have children.

Mr. COOPER. They have children. There are schools on the post, but they are not adequate to take care of these children. These men live off the post with their wife and children, and the children have to go to the local school. The school boards count those children, and I think they should, because the military service cannot provide a school for them on the base. I must say that under this act—not the conference action, but under the budget proposal—they will be cut off.

Mr. MAGNUSON. The class B students.

Mr. COOPER. The children of the soldiers who are living off the base. That is not fair, and that is why I say that if this is defeated, that situation ought to be taken care of.

I may sound as though I am arguing both ways. I admit my dilemma. I am going to vote to sustain the President because of the fiscal situation. I believe that if these issues are brought to his attention and to the attention of the good committee, they will be corrected.

I just make the point of our soldiers who have to go to a post and their children are living there and there is no school except the county or city school, and those school boards cannot take care of those children unless they have the funds.

Mr. MAGNUSON. Mr. President, I merely want to say to my good friend, the Senator from Arizona, that this, of course, is a legislative mandate. This is a mandatory thing, and we made it so, and it should not be changed or altered by appropriation acts or Presidential orders. Apparently, it is the most popular law around here. The Senator from Colorado upped it \$60 million from the \$600 million of the House.

I have put in the RECORD what all States receive. Senators will note what Maryland and Virginia receive in ratio to their population. It is tremendous. I see the Senator from Delaware smiling. I do not think they get that far up the ladder.

Much has been said about the budget requests of the administration on this bill. I reiterate that the budget request was \$19,834,125,700. That includes the \$1.2 billion for the forward financing of ESEA, title I, which the House did not consider because it was not authorized, and the conference could not consider either. We put it in here in the Senate at the administration's request. But the total budget request from the administration, up until the time the conference was ended, was \$19,834,125,700.

The conference agreement on the bill as it now stands before us is \$19,747 million, and this is \$420 million over last year's appropriations and \$86,972 million under the administration's budget request.

How can they call that inflationary, unless they want to have inflation, when we cut it?

It is true that we did take out the forward funding but in dollars we are under the budget's request. They asked us to appropriate \$19,834 billion and we appropriated \$19,747 billion in these important areas.

Thus, I do not know why anyone confuses that.

We are under the budget, and we have adjusted priorities, reordered priorities, and the Congress has expressed its preferences and exercise its will. That is what we do up here all the time.

Now, my last statement, we are under the total budget still. No matter what is said, or what kind of bookkeeping is used, the appropriations are some \$6 billion below requests. This is an argument over priorities. But I do not know why everyone gets up and says "We are over the budget x billion dollars." We are not. The budget request—I will tell the Senate chapter and verse, and cite letters on the budget—was \$19,834,125,700.

Mr. President, I yield 4 minutes to the Senator from Utah (Mr. Moss).

The PRESIDING OFFICER. The Senator from Utah is recognized for 4 minutes.

Mr. MOSS. Mr. President, it is difficult for me to understand how anyone could consider expenditures for education and health as inflationary—any more than one could consider expenditures for ham and eggs inflationary.

There is no question that combating current inflationary trends is the greatest challenge facing us at home here in America. There is a good deal of argument as to what items contribute most directly to spurts in the cost of living. If economists can give us some guidance, I am most certainly willing to listen.

Certainly we should curb unnecessary spending, whether public or private. We recognize that if the Federal Government can cut non-essential expenditures, or put off until some time in the future programs and projects which can wait, it will help cool the fires of inflation.

We recognize also that if business and labor will follow the same course, and that if the consumer will buy only what he absolutely needs, this will also help put a brake on the cost of living.

But surely, no one seriously considers that providing a first-class education for all of our children is unnecessary. It is completely essential to the nourishment of the economy and spirit of the Nation, as completely essential to its future health as is an adequate diet for each of its citizens.

American democracy has been a success not just because it is based upon equality and freedom, but because the system of public schools which our forefathers had the foresight to establish has developed the enlightened and educated citizenry necessary to make democracy work.

Each generation in America has exceeded the former one in the quality of the education received, and in the number of young men, and later young women, who received it. Each generation has therefore been able to help the Nation work toward our national purposes and goals as they clarified themselves with changing times.

But, today, we face a time of truly cataclysmic change. We need more than ever to educate widely and well. In our modern technological society no person can contribute very extensively without a quality education. If we are to have a thriving economy, top productivity and social stability, we need an educated and highly skilled citizenry as we have never needed them before.

Spending for education is first-priority spending for the America of the 1970's.

Congress has been most responsive to the dangers of feeding the inflationary fires by authorizing overspending by the Federal Government. Congress cut nine of the fourteen regular departmental appropriation requests—cut them by some \$7.5 billion. About \$5.5 billion of this amount was cut from the Department of Defense—cut after long and extensive hearings and debate in which it was documented that millions of dollars had been misspent by the Pentagon, through bad judgment, through all too frequent cost overruns, and unbelievable waste.

What I find hard to understand is why that \$7.5 billion which the President requested and which the Congress cut would not have been inflationary spending, while the \$1.3 billion which the Congress has added to the HEW appropria-

tion bill is inflationary spending. Or, to quote the President further, is either excessive, ill-timed, or wrongly directed.

If the Presidential veto prevails, Utah schools will lose more than \$11 million in fiscal 1970. I ask unanimous consent that

a table which shows the extent of the loss in all programs be printed in the RECORD.

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

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE—OBLIGATIONS IN THE STATE OF UTAH

Program	1969 actual	1970 budget requests	1970 conference agreement	Program	1969 actual	1970 budget requests	1970 conference agreement
OFFICE OF EDUCATION				OFFICE OF EDUCATION—Continued			
Elementary and Secondary Education:				Higher Education—Continued			
Assistance for educationally deprived children (ESEA I):				Personnel development:			
Basic grants	\$3,013,832	\$3,467,494	\$3,894,438	College teacher fellowships (NDEA IV)	\$958,800	0	0
State administrative expenses	150,000	150,000	150,000	Training programs (EPDA Part E)	27,975	0	0
Grants to States for school library materials (ESEA I)	296,752	0	294,968	Subtotal, Higher Education	6,976,665	\$4,355,384	\$5,196,762
Supplementary educational centers and services (ESEA II)	1,088,519	866,965	1,117,701	Vocational Education:			
Strengthening State departments of education (ESEA V):				Basic grants	1,439,960	1,445,921	2,191,721
Grants to States	329,967	329,967	329,967	Innovation	0	213,577	213,577
Grants for special projects	0	0	0	Work-study	0	0	54,833
Acquisition of equipment and minor remodeling (NDEA III):				Cooperative education	0	219,041	219,041
Grants to States	562,511	0	581,548	Consumer and homemaking education	0	91,238	121,709
Loans to non-profit private schools	0	0	0	Programs for students with special needs	0	0	243,513
State administration	13,333	0	13,333	Research	0	0	198,630
Guidance, counseling, and testing (NDEA V)	100,396	0	100,882	Subtotal, Vocational Education	\$1,439,960	1,969,777	3,243,024
Subtotal, Elementary and Secondary Education	5,555,310	4,814,426	6,482,837	Libraries and Community Services:			
Instructional Equipment:				Grants for public library services (LSCA I)			
Equipment and minor remodeling (NDEA III):				Construction of public libraries (LSCA II)	245,448	159,746	245,448
Grants to States	0	0	581,548	Interlibrary cooperation (LSCA III)	243,914	0	104,217
Loans to non-profit private schools	0	0	0	State institutional library services (LSCA IV-A)	40,788	40,788	40,788
State administration	0	0	13,333	Library services for physically handicapped (LSCA IV-B)	39,509	39,509	39,509
Subtotal, Instructional Resources	0	0	594,881	College library resources (HEA II-A)	25,069	25,069	25,069
School Assistance in Federally Affected Areas:				Librarian training (HEA II-B)			
Maintenance and operations (P.L. 81-874)	7,069,317	1,055,000	8,067,000	University community service programs (HEA I)	227,431	0	0
Construction (P.L. 81-815)	1,235,518	773,000	773,000	Adult basic education (Adult Education Act):	16,303	0	0
Subtotal, SAFA	8,304,835	1,828,000	8,840,000	Grants to States	146,169	152,742	152,742
Education Professions Development:				Special projects and teacher education			
Preschool, elementary, and secondary:				Educational broadcasting facilities	59,310	0	0
Grants to States (EPDA B-2)	178,237	157,489	176,206	Subtotal, Libraries and Community Services	1,165,727	539,640	729,559
Training programs (EPDA Parts C and D)	513,069	0	0	Education for the Handicapped:			
Subtotal, Education Professions Development	691,306	157,489	176,206	Preschool and school programs for the handicapped (ESEA VI)	165,614	165,614	165,614
Teacher Corps				Teacher education and recruitment			
	0	0	0	Research and innovation	443,578	0	0
Higher Education:				Media services and captioned films for the deaf			
Program assistance:				Subtotal, Education for the Handicapped	612,729	165,614	165,614
Strengthening developing institutions (HEA III)	117,600	0	0	Research and Training:			
Colleges of agriculture and the mechanic arts (Bankhead-Jones)	168,195	171,178	171,178	Research and development:			
Undergraduate instructional equipment and other resources (HEA VI-A)	189,561	0	0	Educational laboratories	0	0	0
Construction:				Research and development centers	0	0	0
Public community colleges and technical institutes (HEFA I—Section 103)	0	313,134	313,134	Vocational education	0	15,000	15,000
Other undergraduate facilities (HEFA I—Section 104)	1,830,753	0	264,246	Subtotal, Research and Training	0	15,000	15,000
Graduate facilities (HEFA II)	0	0	0	Colleges for Agriculture and the Mechanic Arts (Second Morrill Act)			
State administration and planning (HEFA I—Section 105)	54,045	67,778	67,778		50,000	50,000	50,000
Student aid:				Promotion of Vocational Education (Smith-Hughes Act)			
Education opportunity grants (HEA IV-A)	1,253,811	859,058	629,481		38,478	0	0
Direct loans (NDEA II)	1,047,412	1,862,525	2,669,234	Education in Foreign Languages and World Affairs			
Insured loans:					94,501	0	0
Advances for reserve funds	0	0	0	Civil Rights Education			
Interest payments	178,722	0	0				
Work-study programs (HEA IV-C)	1,102,791	1,081,711	1,081,711	Total, Office of Education	24,929,511	13,895,330	25,493,883
Special programs for disadvantaged students:				Total, Office of Education comparable basis	22,052,124	13,895,330	25,493,883
Talent	50,000	0	0				

¹ This program is funded from both the Elementary and Secondary appropriation and the new Instructional Equipment appropriation in 1970.

² Included under Basic Grants—Vocational Education.

³ The 1969 actual column shows obligations for project type programs where the State-by-State distribution cannot be predicted in advance, and therefore, is not shown in the 1970 column. For this reason the 1969 comparable figure excludes obligations for project type programs.

Mr. MOSS. Mr. President, it indicates that almost every facet of education in Utah will suffer—elementary and secondary education, schools which receive impacted area aid, higher education—including college construction projects and student aid—vocational education, libraries and community services, education for the handicapped, research and training; almost every activity devoted to giving Utah students the best education possible.

I also ask unanimous consent that a copy of the letter directed to the Presi-

dent by Dr. Daryl J. McCarty, executive secretary of the Utah Education Association, be printed in the RECORD.

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

JANUARY 12, 1970.

The President,
The White House,
Washington, D.C.

MY DEAR MR. PRESIDENT: The Utah Education Association, representing 12,500 educators within Utah, is deeply concerned and disappointed with your reported stand in relationship to federal support for education.

According to the latest estimates from the National Education Association the percent of revenue receipts for Utah's schools derived from the federal government dropped from 8.6% in 1968-69 to 5.5% in 1969-70. Further, every indication we have concerning your position leads us to believe that this percentage will be drastically reduced during the next year.

We realize that you are faced with the problem of an inflationary economy. However, with the federal government providing an estimated 6.6%, only, of all revenue receipts to education during 1969-70, we do not believe there is any justification to reduce it further. In fact, we are committed

to the philosophy that the federal government should substantially increase its participation in financing education and that such financing should be put on a fiscally-responsible basis which will permit effective budgeting procedures for local school districts.

Many fine programs have been implemented and are currently in operation because federal funds were available for them. Several of our school districts rely heavily upon general federal funds for providing quality education. Under the program which you outline, most of these will be eliminated or greatly curtailed.

The citizens of Utah devote a high percentage of their personal income for education and have always been among the leaders of the states in this dedication to education. We do not feel there is justification for the federal government lessening its support of education at this time.

We earnestly ask you not to oppose or veto the current proposal for federal support to education which is now under consideration by the Congress. Further, we implore you to give your complete support to increasing the federal government's role in providing general federal aid to education. There is no other area of government which is more important to the populace as a whole and the welfare of our individual citizens than is education.

We sincerely hope you will reconsider your current position on educational finance and will encourage the federal government to shoulder its responsibility in this area.

Respectfully,

DARYL J. McCARTY,
Executive Secretary

Mr. MOSS. Mr. President, Dr. McCarty emphasizes something of which we are very proud in Utah—that the State has always devoted a high percentage of its personal income to education, and has been among the leaders of the States in its dedication to education. But, even with this mammoth effort, we cannot afford to lose the Federal funds involved in this bill.

I ask unanimous consent to have printed in the RECORD some of the various other letters and telegrams which I have been receiving from Utah which explain how Utah citizens feel about the prospects of losing the extra funds which the Congress has provided for education.

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

OGDEN HIGH SCHOOL,
Ogden, Utah, January 15, 1970.

HON. FRANK E. MOSS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MOSS: Over the years, we have appreciated very much the fine work you have done in representing the State of Utah in the Senate.

Educators here in Utah are watching with keen interest and considerable apprehension the outcome of the Public Law 874 Bill. Reports which we receive seem to indicate that there is a strong possibility that this bill, if passed, will be vetoed. Failure to receive the funds from Public Law 874 for this current school year would be disastrous to our local district and to other districts who depend on these funds for program support.

If it seems advisable to eliminate this law, it is strongly recommended that it be phased out at a date in the future, at a time which would not affect the current school budget.

I sincerely hope that you will vote for this bill when it comes up.

Yours truly,

ALVIN R. CARTER.

MURRAY CITY SCHOOLS.

Murray City, Utah, January 16, 1970.

Mr. FRANK E. MOSS,
U.S. Senator,
U.S. Senate Office Building,
Washington, D.C.

DEAR SENATOR MOSS: The Murray City Board of Education wishes to express their concern regarding continuation of the P.L. 874 impact funds. While we haven't received as much as some other districts these funds have been an important source of revenue for our school budget and of considerable significance in the operation of our school program.

As we analyze our financial outlook and prepare to meet our basic needs, we feel the continuation of the P.L. 874 funds and other federal funds is urgently needed.

We would appreciate your consideration in overriding a presidential veto of these funds, if necessary, in order that we may maintain quality educational services to the students of our district.

May we commend you for your service and representation of our State.

Sincerely,

Dr. ARTHUR L. BISHOP,
Director of Business Administration.

LOGAN CITY SCHOOLS,
Logan, Utah, January 16, 1970.

HON. FRANK E. MOSS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MOSS: The Logan City Board of Education in its meeting of January 13 discussed at length the probable loss of federal funds for the school district as a result of the predicted presidential veto of the appropriation for the Department of Health, Education and Welfare.

As you may know, Logan District has received federal funds from Public Law 874, Titles I, II, and III of the Elementary and Secondary Education Act of 1965 and from Titles III and V of the National Defense Education Act. Receipts from these sources have for several years strengthened the school programs of the district, particularly the library and instructional media services. In addition, from NDEA III funds the district has made substantial additions to the instructional equipment for use of both students and teachers.

When the budget for the district was adopted last summer, estimated receipts from these sources were set up in the income accounts of the budget with corresponding appropriations in the expenditure section. Anticipating that the federal allocations would continue, the district has proceeded with the employment of staff and with the purchase of materials and supplies in these programs. Consequently, if the federal allocations are substantially reduced or eliminated we will face some serious financial readjustments.

The proportion of the maintenance and operation receipts from federal sources has been decreasing for the past two or three years. It is the opinion of the board that this trend needs to be revised. There appear to be good arguments supporting the proposition now advanced by some experts in the area of educational and public finance that the costs of public schools need to be underwritten in approximately equal portions by the three levels of government—federal, state, and local.

The board recognizes that the nation faces serious problems as a result of inflation of the economy, but believes that the Congress has made adequate budgetary correction for this in its reduction of other budget requests, particularly those for the defense establishments.

For these reasons, the board urges that you support federal appropriations for the public schools at a level at least equal to last year's allocations. These should be in-

creased if at all possible to the amounts included in the Health, Education and Welfare appropriations bill now before the Senate.

The board appreciates the concern you have shown for the public schools and the actions you have taken in the Congress in support of more adequate funding for them.

Sincerely yours,

LOGAN CITY BOARD OF
EDUCATION,
KENNETH CUTHBERT,
President.
SHERMAN G. EYRE,
Superintendent.

SOUTH SANPETE SCHOOL DISTRICT,
Manti, Utah, January 14, 1970.

Senator FRANK E. MOSS,
U.S. Senate Chambers,
Washington, D.C.

DEAR SENATOR MOSS: I am writing this letter to inform you that Federal Aid to Education in rural Utah is helping to provide a better educational experience for the young boys and girls of the rural areas of Utah.

It is the feeling of the majority of the people in the South Sanpete area that federal aid should be increased and not decreased at this writing.

The present NDEA Title III, Public Law 874, Title I (which I understand has been funded) as well as others provide rich and wonderful experiences that could not, without federal funding, be provided for our young students.

The people of Utah devote a large percentage of their personal income to education, as you well know, and it can't be denied that a cut in federal aid to education would appear to be disapproved by the majority of the people in this state.

The President has made his decision to cut federal aid and the purpose of this letter is to inform you, as our representative, that the President, in our opinion, is wrong in cutting educational programs at such a demanding time.

You are aware of the knowledge explosion and how important knowledge and training are in the life of a young person in order to function and to compete academically in such a dynamic and complex society as the one our young people are going to face in the future.

Your support to override the President's veto will be doing a great service to the young rural students of the state.

We know that inflation must be stopped, but we think better ways can and should be found to halt this spiral. To cut our most precious asset, the education of our youth, which does guarantee the future of America, is a grave mistake.

Sincere best wishes in the New Year.

WINSTON T. GLEAVE,
Superintendent.

NORTH SUMMIT SCHOOL DISTRICT,
Coalville, Utah, January 15, 1970.

President RICHARD M. NIXON,
The White House,
Washington, D.C.

DEAR Mr. PRESIDENT: The North Summit Board of Education is concerned about the Federal Aid to Education Bill and your reported stand in relation to federal support to education.

We have programs that we feel greatly benefit our students that have been implemented and are in operation because federal funds are available. Under the program which you outline, a lot of these funds will be eliminated or greatly reduced, which in turn would curtail many projects which we feel help students. We are sure this will be true even to a greater extent across the state inasmuch as we are a small district.

In Utah, the citizens devote a very high percentage of their income to education and are among the leaders in this sense in their dedication to education. We do not feel that

there is justification for the federal government lessening their support of education at the present.

We sincerely ask you at this time to not oppose or veto the current proposal in congress for federal support to education. We also ask that you support the federal government's role in providing general federal aid to education. We feel that education is important to the populace of this country and the welfare of our students is important to the future of this country.

We sincerely hope you will reconsider and change your current position on federal educational finance and encourage the federal government to continue to support its responsibility in education.

Sincerely,

GEORGE BEHUNIN, Jr.,
Superintendent.

OGDEN, UTAH.

DEAR SENATOR MOSS: It is my desire that you please override the President's veto of public law 874.

Sincerely,

CINDY HAZELGREN.

PARADISE, UTAH,
January 15, 1970.

HON. FRANK E. MOSS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MOSS: I wish to applaud your stand to override the potential veto of Health, Education and Welfare spending by President Nixon.

The Utah schools are in need of federal aid to education. Federal aid to enrich our school programs, and permit our local districts to budget for federal funds without uncertainty surrounding possible cutbacks.

Utah, has many school districts, as you know, that rely heavily upon federal funds for providing quality education, because their areas do not have taxable industry to provide the means. Other districts have started fine programs such as "Upward Bound", with federal aid and we do not wish to see cutbacks in this and other federally supported education programs.

It has taken a long time and a lot of work to start the momentum of federal finances to education to help and supplant the private and parochial educational institutions. The results of so doing are gratifying; a dream coming true of an education for the masses and the exceptional child also.

Our Utah State University, at Logan, Utah, is relinquishing, Dr. Francis Halstrom, a highly trained and successful professor in the field of special education, to join the government at Washington, D.C. in the further development of "Upward Bound" program, a federally supported educational program.

Surely as reduction in expenses of the Viet Nam war, is coming about these monies can be allocated to education, health and welfare, which are so badly needed among our own people.

With best regards and thanks for your continued support of federally supported education for our nation.

Sincerely yours,

MARVA H. HANSEN,
Mrs. Ellis S. Hansen.

BOX ELDER COUNTY SCHOOL DISTRICT,
Brigham City, Utah, January 14, 1970.

HON. FRANK E. MOSS,
U.S. Senator,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MOSS: We, as duly elected School Board Members of the Box Elder County School District, are deeply disturbed over the cloud of uncertainty that is continuing to hang over federal aid to education. We are particularly disturbed over the threat of President Nixon to veto the Federal Education Appropriation Bill.

In this school district we have had to rely heavily upon the "Impact Aid" in order to operate our schools. For the 1969-70 school year we have budgeted approximately \$200,000 and without these funds we are going to be in a real financial dilemma.

For a President of the United States to veto the "life-blood" of many of the public schools in this nation by curtailing federal funds is unbelievable.

Please know that we cannot urge you too strongly to support a continuation of federal moneys for education, particularly the impact aid, even if it means to override a presidential veto.

We sincerely feel that our school district will suffer severe consequences if these funds do not materialize.

We desperately need your help.

Sincerely yours,

WARREN E. HANSEN,
President, Board of Education.
DELORIS STOKES,
Vice President.

EBERHART ZUNDEL,
ARNOLD B. GILBERT,
E. WAYNE LOVELAND,
Board Members.

MOUNTAIN VIEW SCHOOL,
Ogden, Utah, January 16, 1970.

HON. FRANK MOSS,
Utah State Senator,
Washington, D.C.

DEAR SENATOR: Our schools are going to be in a sad situation if the benefits of Public Law 874 are denied them. Please give it your support.

Sincerely,

LORIN M. PETERSON,
Principal.

OGDEN, UTAH, January 14, 1970.

DEAR MR. MOSS: I was upset to hear that maybe the 874 Bill won't be passed this year. This is very important to me as a mother of six and whole support of my family. And if this Bill is not passed I stand a very good chance of losing my job.

Please do not support this veto.

Thank you,

Mrs. ANN H. CROGUN.

OGDEN, UTAH, January 14, 1970.

DEAR SENATOR MOSS: We wish to add our acceptance and full approval of your decision to vote against the veto of Bill 874.

Sincerely,

WILLIAM and DOROTHY BURBIDGE.

OGDEN, UTAH,
January 14, 1970.

DEAR SENATOR MOSS: I have always pointed with pride to Utah's fine educational program and the example set by our schools and graduates. I'm now feeling much concern over the possible "cutting off" of funds available to Utah through Public Law 874. The cut back would precipitate a tremendous jolt not only to those of us involved in education but a much more vital issue with our children and their educational future.

Should President Nixon veto this bill I would like to urge you to vote against the veto.

Thank you for all you do for us in Utah.

MARILYN WARD.

OGDEN CITY SCHOOLS,
Ogden, Utah, January 13, 1970.

DEAR MR. MOSS: It has been brought to my attention that there needs to be 30 more votes in the House to approve bill #874.

Since this bill is so vital to the needs of many people in our state, I am sending my plea to you to vote for this bill, and vote against the veto. In the event this bill is vetoed, we would hope to override the veto.

With the cut-back in loss of jobs that would arise with this veto, I am personally involved, as I represent the health needs of our school children. But more important than

my needs, are the needs of the children who will be affected. What is more crucial to our children than art, music, health, and guidance, which will be denied if such a bill is vetoed.

Also, our local property taxes will be increased, and can we afford any further taxes? I myself, cannot.

I appreciate your concern in this matter.

Sincerely,

Mrs. SHIRLEY SMITH, R.N.

OGDEN, UTAH,
January 15, 1970.

HON. FRANK E. MOSS,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MOSS: This communication is to thank you for effectively representing your constituency on the issues of tobacco advertising and with regard to the threatened withdrawal of funds from P.L. 874. I am sure that you realize what impact the loss of such funds would have on the public schools of Utah. I am informed that this action would, in Ogden city alone, necessitate the immediate dismissal of 60 persons. This cutback would force an increase in class load levels and almost a complete loss of such special services personnel as counselors, psychologists, social workers and school health personnel as well as class room teachers.

I would urge you, therefore, to continue your stand and if and when the time comes, vote to override President Nixon's veto of the HEW bill.

Thank you,

ROBERT E. HALL.

OGDEN, UTAH,
January 15, 1970.

Senator FRANK MOSS,
The Senate,
Washington, D.C.

DEAR SENATOR MOSS: I am grateful and relieved that you plan to vote against the President's veto of 874 funds. These funds are vital to maintain our school systems. Without them, here in Ogden, we will have to eliminate approximately 60 school personnel. This means enlarging classroom sizes and doing away with such "frills" as health programs, psychological services, art, music, and counseling programs. Of course, our taxes will have to go up. As a result no new business or industry will wish to locate here. Gradually, Ogden instead of being a thriving community will be a decaying ghost town. Please don't let that happen to us. Urge other senators and congressmen to vote against the President's veto. This bill effects the entire nation, not just Ogden.

Thank you.

Yours very truly,

CAROL ANNE WOOD,
Mrs. Jerry R. Wood.

OGDEN, UTAH,
January 13, 1970.

HON. FRANK MOSS,
U.S. Senate,

DEAR TED: I have been writing the delegation from Utah in Washington in an effort to get them to override any veto concerning the public law 874 school aid money. If you have any influence over those two congressmen and that Bald Eagle Senator please use it. I think I know how you stand on Nixon legislation so I am not worried on that score.

I want you to know that we in Weber County stand behind you 100%. Burton or whoever should aspire to your seat this veto of Nixon's would set our education back to Hoover days. We got your Xmas card and was glad of the family picture—it's very nice. Do what you can in this matter we are forever grateful for the Services you have given to our State and the Nation.

Very sincerely yours,

WARREN DRURY.

OGDEN, UTAH.
 Senator FRANK EDWARD MOSS,
*Senate Office Building,
 Washington, D.C.*

DEAR SENATOR MOSS: Congratulations on your stand on the Education Bill that is likely to be vetoed by President Nixon. The President must be more realistic in his approach. If Public Law 874 for impacted areas is unfair then surely the President and Congress can figure out a system of phasing it out rather than terminating it so abruptly.

Sincerely,

ROBERT D. EYESTONE.

BOUNTIFUL, UTAH,
 January 8, 1970.

DEAR SENATOR MOSS: It is with interest and some apprehension that we watch the national legislative scene from back here in Utah. I have a feeling of confidence in most of the men representing us from our state. In writing you I feel assured that you will use the ability and power you have to help the children of the state of Utah.

Much of the industry here in the state is controlled by the Federal Government, especially here in Davis County. Up to this point we have been able to point to the schools of Utah with pride, knowing that we have a wonderful society in general in this state for children to grow and develop in. I feel our schools have been a great contributing factor for the things we take pride in. My family, friends, and I are concerned that our schools may not be able to maintain the standards of leadership if they do not receive the financial support needed from the state and federal government.

We are living in a federal impacted area of Davis county, and we are greatly concerned when we note our schools might be cut back to about half the aid received in 1968, especially in the face of the tremendous growth in population we are experiencing. It is with relief that we see the HEW bill passed the house. We hope the senate will follow suit. Then we hope some influence by you can direct the President to be assured that it is a necessary bill.

Thanking you for your efforts.

Sincerely,

BRYCE W. MEMMOTT.

OGDEN, UTAH,
 January 14, 1970.

DEAR SENATOR MOSS: I understand that Bill 874, which has appropriated in the neighborhood of \$700,000 to the Weber County School District for special educational services and facilities may be vetoed when the vote comes up in the near future.

This could seriously affect many of the services now enjoyed and needed by our schools, such as counseling services, TV programming, Remedial reading services, library services, etc.

As President of the Bonneville Council of P.T.A., I strongly urge you to vote in favor of this bill, as I feel we need to support education and the many fine programs offered in our schools.

Sincerely,

Mrs. WM. A. TELLEMAN,
President, Bonneville Council PTA.

OGDEN, UTAH,
 January 14, 1970.

DEAR MR. MOSS: I am writing you concerning Public Law 874 and hope that you with your vote will override the President's veto of this law.

Many here in Utah will be seriously affected by the abolishment of this law.

I therefore hope that I can support you by asking you to consider my concern of the President vetoing the passing of Public Law 874.

Sincerely,

EDWARD L. BUNNELL,
*Speech and Hearing Pathologist, Ogden,
 City Schools.*

BOX ELDER EDUCATION ASSOCIATIONS.
 Hon. FRANK E. MOSS,
*Senate Office Building,
 Washington, D.C.:*

Your efforts have done much to further the cause of good education. We hope you will continue to work for full funding of P.L. 874. Loss of these funds would imperil a sound education program in Box Elder County School District. We urge you to use all possible means to secure full funding of P.L. 874 and related funds.

DON POTTER,
President.

BEAR RIVER HIGH SCHOOL FACULTY,
Tremont, Utah, January 16, 1970.

Hon. FRANK E. MOSS,
*Senate Office Building,
 Washington, D.C.:*

We plead your support Federal impact bill in its entirety.

DEE LEAK,
Chairman.

BRIGHAM CITY, UTAH,
 January 18, 1970.

Senator FRANK MOSS,
*U.S. Senate,
 Washington, D.C.:*

We wish to ask your support of bill 13111 Federal Impact Area Act. This money is essential to our school program.

LAKEVIEW SCHOOL.

OGDEN, UTAH,
 January 14, 1970.

DEAR MR. MOSS: Please vote no when the President vetoes the bill for 874 funds to remain.

Sincerely,

ALICE R. THORSTED.

THE CHURCH OF JESUS CHRIST OF
 LATTER-DAY SAINTS,
Ogden, Utah, January 14, 1970.

Senator "Ted" MOSS,
*U.S. Senate,
 Washington, D.C.*

DEAR SENATOR MOSS: We appreciate your efforts in behalf of the federal aid to education bill, especially to the P.L. 874 part that so deeply involves Utah. This letter is to urge you to continue your fight and to vote to override the probable presidential veto.

I also appreciate your work concerning the cigarette menace.

Very sincerely,

Bishop _____

UTAH TECHNICAL COLLEGE,
Provo, Utah, January 16, 1970.

FRANK E. MOSS,
*U.S. Senator,
 U.S. Senate,
 Washington, D.C.*

DEAR SENATOR MOSS: Thank you very kindly for your support and help on the appropriations for vocational education by amending the H.B. 13111 to increase this amount of funding. We do hope that, as the Senate meets again to vote on these amendments, something can be done to either prevent the President from vetoing this bill or pass the bill over his veto.

There are many here who are applauding the vigorous action that you and others are taking to see that proper funding goes to vocational education.

Yours very truly,

WILSON W. SORENSEN, *President.*

OGDEN, UTAH,
 January 14, 1970.

Senator FRANK E. MOSS,
*U.S. Senator,
 Washington, D.C.*

DEAR SENATOR MOSS: How you vote on House Bill 874 will determine the number of votes you receive from many, many, Utah people in the next election. Therefore would you please vote for House Bill 874.

If the bill is vetoed would you please override the veto?

Sincerely,

ZINA GARBETT,
Ogden City Schoolteacher.

KAYSVILLE, UTAH,
 January 14, 1970.

Senator FRANK E. MOSS,
*Senate Office Building,
 Washington, D.C.*

DEAR MR. MOSS: * * * I would especially like to ask your support in overriding President Nixon's plan to veto the Federally Impacted Monies to Education. The loss of this money would be disastrous to Educational Special Services such as Psychology, Social Work, Counseling, Art and Music. There would also be an added burden placed on many Utah taxpayers. If the President vetoes the Bill please do your part to override it.

Respectfully,

RICHARD E. SMITH.

WASATCH FRONT EDUCATIONAL COUNCIL,
Murray, Utah, January 16, 1970.

Hon. FRANK E. MOSS,
*U.S. Senate,
 Washington, D.C.:*

Thank you for your continuing support for Federal aid to education.

WALTER H. PROTHERO,
Chairman.

MCKINLEY SCHOOL FACULTY,
Tremont, Utah, January 16, 1970.

Hon. FRANK E. MOSS,
*U.S. Senate Building,
 Washington, D.C.:*

Voters of Box Elder County urgently request H.R. 13111 impact 8, category B, be left in appropriations bill now before the President. If deleted much damage to our school would result.

JAY M. STOKES,
Principal.

BRIGHAM CITY, UTAH,
 January 16, 1970.

Senator FRANK E. MOSS,
*Senate Office Building,
 Washington, D.C.:*

Central School Faculty, Brigham City, Utah, urges your support of impact aid bill, even to overriding the President's veto if necessary.

CENTRAL SCHOOL.

BRIGHAM CITY, UTAH,
 January 16, 1970.

Senator FRANK E. MOSS,
*U.S. Senate Building,
 Washington, D.C.:*

We support H.R. 13111.

FOOTHILL SCHOOL.

TREMONTON, UTAH, January 16, 1970.

Hon. FRANK E. MOSS,
*Senate Office Building,
 Washington, D.C.:*

Voters of Box Elder County strongly urge H.R. 13111, impact 8, category B be left in appropriations bill now before you. If deleted much damage to our schools could result.

NORTH PARK SCHOOL FACULTY.

OGDEN CITY SCHOOL DISTRICT,
Ogden City, Utah, January 14, 1970.
 Representative MOSS.

DEAR MR. MOSS: I am sure that you are aware of the need which many School Districts in Utah have for the 874 Moneys for impacted areas.

In Ogden City School District these moneys mean about \$700,000. If they were withheld there would have to be an immediate reduction in the services offered by Ogden City. The services which would be dropped would be in the area of Health, Art, Music, and Jr. High School Guidance. These jobs would be lost at a time when we need so much to improve our educational services.

It is also very likely that the 874 Moneys

are withheld there would have to be a large increase in the local Property taxes.

May I encourage you to continue to work for Utah and for the 874 moneys which Utah needs.

Yours truly,

STEPHEN A. SLATER,
Teacher.

LOGAN, UTAH, January 19, 1970.

HON. FRANK E. MOSS,
Senator, U.S. Senate,
Washington, D.C.

DEAR SENATOR MOSS: We applaud your strong stand on Labor-HEW appropriation bill of 1970 and fully support override of threatened veto. Messages are also being sent to other Utah Congressmen.

Mr. and Mrs. Akeley Miller, Mr. and Mrs. Eastman Hatch, Mr. and Mrs. Fred H. Wagner, Mr. and Mrs. John K. Wood, Mr. and Mrs. Winfred O. Carter, Mr. and Mrs. Ralph Matesky.

DAVIS COUNTY PTA,

Salt Lake City, Utah, January 19, 1970.

SENATOR FRANK E. MOSS,

Senate Office Building, Washington, D.C.:

The Davis County PTA Council commends you for your support of the Labor-HEW appropriations bill and your intention to override the President's threatened veto. The withdrawal of these funds could be disastrous to the Davis County School District. Forty percent of our students are federally connected.

MRS. COLEEN T. BUSENBARKEN,
President.

Mr. MOSS. Mr. President, this is not time to shortchange our schools and our students. We must spend whatever it takes to assure a quality education to all of our young people. We can put off new programs such as MIRV or space exploration to Mars, but we cannot postpone improvements in our educational process.

I shall vote for the conference report as well as to override the President's veto if he exercises his veto power on this bill.

Mr. GRIFFIN. Mr. President, I yield 10 minutes to the Senator from California (Mr. MURPHY).

The PRESIDING OFFICER. The Senator from California is recognized for 10 minutes.

Mr. MURPHY. Mr. President, I support the conference report, although I am greatly disappointed in particular with two actions taken by the conferees; namely, their action with respect to the dropout prevention program and the supplementary State program.

The dropout prevention program was authored by me in 1967 and has so much promise and potential in bringing about needed education reform in this country. As a result of my testimony, the Appropriations Committee increased the appropriations for this program to \$20 million as contrasted with only \$5 million provided in the House-passed measure. Unfortunately, in conference, the House figure of only \$5 million prevailed.

Incidentally, I have just received an early report from the Texarkana project. This has been the project that has been the subject of so much national attention. In this project, the local school system has subcontracted on a performance contract basis with private industry to raise basic reading and math scores of emotionally disadvantaged students. In this form of contract, one must produce in order to get paid. Preliminary results are encouraging. Thirty youngsters in the program have been tested and the results

show a one-grade level increase in math and approximately a two-grade increase in reading in 50 hours of instruction. The performance contract had stipulated a one-grade level increase for 80 hours of instruction. Similarly, there are other exciting dropout prevention projects in this country, all of which are closely monitored and evaluated. Yet, the conferees for some reason did not look with favor on this program.

This is a good example of "a high priority program" lacking political muscle, and, as a result, it was apparently forgotten in conference.

The second program, which I authored, the supplementary State program, which was added to the MDTA Amendments of 1968, also had great promise. I offered a floor amendment adding \$20 million for this title V program, which was supported by the administration, is consistent with the administration's efforts to improve manpower programs, and to strengthen State and local government roles in them. This amendment would have provided flexible funds to enable the States to be creative in the manpower field. Regrettably, the \$20 million added by the Senate was deleted in conference with the result that no funds are available for this program.

We all know that inflation poses a clear and present danger to the health of our economy. So I share with the administration their deep concern over inflation and the necessity of bringing it under control. If the President decides to veto the bill, and he has indicated he might do so, I beg of him to find a way to see that adequate funds are channeled into some vital educational programs.

One such program is the impacted aid program. While this program has been criticized frequently, and undoubtedly there are abuses in the program, nevertheless the facts are that for many school districts in my State, the impacted aid program is a matter of survival. For one district in my State, the Travis Unified District in Solano County, impacted aid assistance represents 49.14 percent of the total current expenses. In many other districts, impacted aid funds are also critical. As the China Lake School District indicated in a letter to me last year—

The school district at this Naval Station is a slave of federal and state legislation because it has no way to make up losses through local taxation. Funds must be made available through Public Law 874 if China Lake School District is to survive.

The Battelle Institute, which just completed a study of the impacted aid program with the approval of the previous administration and the Congress, although finding abuse and recommending significant changes, concluded:

The federal government should continue to provide a program of school assistance in federally affected areas . . . in many of these cases if the federal program were terminated, the child would receive no education at all; in other cases, the quality of education available would be severely reduced with serious consequences for the federal government's attempts to recruit employees to such areas and for the quality of education generally.

So if there are abuses in the impacted aid program, they should be corrected by

legislation in an orderly fashion. What I am saying is that it would be very foolish to "throw the baby out with the bath water."

This problem has been known, and it has been kicked under the rug during the regimes of at least four Presidents that I know of. I say that the time has come to face up to this. Let us put the money where it is needed. Let us eliminate the abuses where they occur and do it distinctly and clearly.

Another program which is so vital is the bilingual program. I cosponsored this program in 1967 and have played a leading role in securing necessary and increased funding for it. This year in testimony to the Appropriations Committee I recommended full funding and I was delighted that the committee recommended \$25 million for the program. Senators and citizens not residing in the Southwestern States are not familiar by and large with the problem that confronts the Spanish-speaking youngster. To appreciate the program's importance, one need only imagine what it would be like if he or his youngster were to enter the first year of school where the language of instruction was different from the one used and spoken at home. It would come as no surprise if one were to become frustrated and fall behind, discouraged, and drop out. This all too often has been the story of the Mexican American in my State where as many as 50 percent drop out by the eighth grade. I have been keeping as close a watch on this program as possible and had a survey made of many of the programs in my State. While admittedly at this early point in the program we have only subjective evaluations, these evaluations are positive, heartwarming and encouraging.

The program is accomplishing what it was designed to do. There is no waste in these funds and there is nothing in these programs of an inflationary nature.

We search for ways to improve the educational performance of our minority students, for the Mexican American—the Nation's second largest minority group—we seem to have found a solution. It is therefore imperative that this program receive sufficient funds.

Another area of deep interest to me is the area of vocational education. I offered on the Senate side the cooperative education, or work-study concept. This and other programs in the Vocational Education Amendments of 1968 made this act a historic and landmark bill. Vocational education must receive greater priority in our society and we must stop treating it as an education stepchild. I therefore hope that programs will be funded in this area.

Also in connection with vocational education, I offered an amendment to this bill increasing funds for much needed teacher training in this area.

I have also been a supporter of the cooperative education concept at the higher education level.

I can remember when I was a child in Philadelphia the Drexel Institute where a child went to school and he worked. And when he got through he had a diploma, an education, and a skill. He knew where he could get a job. He did not have to say, "What should I do now that I am educated?" This bill earmarks

1 percent of higher education work-study funds for this concept.

I also believe it is necessary that we provide needed resources for school districts having a large number of educationally disadvantaged youngsters. In this connection, I authored the Urban and Rural Education Act which has been incorporated in the Elementary and Secondary Education Act extension, which will be on the Senate floor very soon. I intend to support the conference report. I do not believe expenditures for these programs are inflationary. I want to take this opportunity to make my feelings known to the administration.

I understand their concern. I know what the problems are. However, I have evaluated, I think, these matters very carefully which I have brought to the attention of my colleagues today. I hope that they will receive proper consideration. They are needed. They are not inflationary. And I think that the time has come when these things should be faced up to and cured. I want to take this opportunity to make my feelings known to the administration. I support the conference report.

Mr. MANSFIELD. Mr. President, I yield myself 7 minutes and will then yield 2 minutes to the distinguished Senator from Louisiana.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. MANSFIELD. Mr. President, it is most fitting that the first action of this session is the pending conference report dealing with the health and education needs of our country. As a Senator from Montana and as the leader of the Democratic Party of the Senate, I enthusiastically endorse the proposals for appropriations contained in this bill. As a whole, the bill reflects, in my opinion, a proper attitude; one that emphasizes the welfare of our citizens at home—the health facilities and services that are to be available to them—and one that recognizes as well the strong emphasis that this country should place upon the education of our youth.

At the end of last session, the senior Senator from Louisiana (Mr. ELLENDER), as acting chairman of the Appropriations Committee submitted, on behalf of the Appropriations Committee, a full summary of the action of the Appropriations Committee. I ask unanimous consent that an abbreviated form of that outline be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.
(See exhibit 1.)

Mr. MANSFIELD. In comparing congressional action with the President's overall requests, it is clear that Congress judged that the President's spending recommendations were excessive; Congress not only cut the Nixon budget sharply in line with its concern for inflationary pressures, but at the same time has reordered national priorities away from nonessential spending and closer to the health, welfare, educational, social, and environmental needs that face this Nation at home.

The issue that faces each of us is not whether Federal spending should be cut to check the spiraling inflation and ram-

ping interest rates that this past year has brought; the Congress has already adjudged that the President's spending recommendations must be cut. The President now agrees with the Congress that Federal spending must be cut. The issue that has been presented is where the cuts must be made. The Congress has cut \$6.7 billion from the President's recommendations for spending—prior to the consideration of this bill. This includes the foreign aid appropriations where the money figure is not the real issue remaining. The Congress has added more than \$1.1 billion to health, education, and environment control over the President's recommendation. The President says that these moneys for these programs are inflationary.

There were those in the Senate who felt that the \$95.9 million the administration requested for the supersonic transport was inflationary, but the Congress resolved its double in favor of the President's request by appropriating \$85 million.

There were those in the Congress that felt that the \$793.5 million for the antiballistic-missile system was unwise for many reasons—one of which was that it was inflationary.

There are those in the Congress who considered the \$1.8 billion increase over last year's appropriation requested by President Nixon for naval shipbuilding for this current year of 1970 to be highly inflationary. It is interesting that this administration's increase in naval shipbuilding exceeds what this Congress believes the increase should be in the education and health areas by over \$600 million. But only the education and health additions are threatened with a veto.

It is unfortunate that the efforts made by the Congress to give further emphasis to the health, education, and environmental needs of this Nation—to start the shift of Government resources to these vital areas—are met with the threat of a veto.

The Congress is interested in cutting Government spending and to further its objectives, Congress will have to cut overall appropriations after the passage of these additions to education and health by over \$7.5 billion, from what the President requested. This includes funds requested by President Nixon for future fiscal years but cut by the Congress. For fiscal year 1970 alone, the Congress has cut the Nixon budget requests in excess of \$5.6 billion. The President's requests for military appropriations alone were cut by an amount equal to that amount—\$5.6 billion. A small part of these savings was rechanneled by the Congress into more funds for health, poverty, education, welfare, and the environment. For improving environment alone, the Congress increased the President's request by 200 percent—by over \$400 million. So much more needs to be done before this Nation falls hopelessly behind in this problem and beyond a point of no remedy. Congressional emphasis in this area is well justified. The additions to antipollution made by the Congress to those requested by President Nixon about equaled those cuts made by the Congress to President Nixon's money request for military construction. I am willing to stand on the wisdom of that judgment by Congress.

In the light of his announced veto, the President apparently objects to these actions by the Congress; but it should be remembered that the amounts added by the Congress to these vital domestic programs come to just 20 percent of the savings made by the Congress in the President's military budget requests alone; or in an equally compelling comparison, the amounts added by the Congress to these vital domestic needs about equal the cuts made by the Congress this year from President Nixon's requests for the foreign aid program.

As the Democratic leader, I am proud to stand on this record.

COMPARISON OF NIXON ADMINISTRATION BUDGET REQUESTS AND ACTION BY THE 91ST CONGRESS, 1ST SESSION—FISCAL YEAR 1970¹

[Does not include any "back-door" type budget authority; or any permanent (Federal or trust) authority, under earlier or "permanent" law,¹ without further or annual action by the Congress]

Bill and fiscal year	Total Nixon administration budget requests submitted to Congress	Amounts appropriated by Congress	(+) or (-) Congress amounts compared with Nixon budget requests
Bills for fiscal 1970:			
1. Treasury-Post Office (H.R. 11582) (net of estimated postal revenues appropriated)	\$2,314,714,000	\$2,276,232,000	-\$38,482,000
(Memorandums: Total, including authorizations out of postal funds)	(8,821,727,000)	(8,783,245,000)	(-38,482,000)
2. Agriculture (H.R. 11612)	7,237,562,050	7,488,903,150	+251,341,100
3. Independent offices-HUD (H.R. 12307) (including 1971 advance)	15,512,969,600	15,111,870,500	-401,099,100
(Fiscal year 1970 amounts only)	(15,337,969,600)	(15,111,870,500)	(-226,099,100)
4. Interior (H.R. 12781)	1,390,856,500	1,380,375,300	-10,481,200
5. State, Justice, Commerce, and Judiciary (H.R. 12964)	2,475,704,600	2,354,432,700	-121,271,900
6. Labor-HEW (H.R. 13111)	19,834,125,700	19,747,153,200	-86,972,500
(Fiscal year 1970 amounts only)	(18,608,125,700)	(19,747,153,200)	(+1,139,027,500)
7. Legislative (H.R. 13763)	372,152,949	344,326,817	-27,826,132
8. Public works (and AEC) (H.R. 14159)	4,203,987,000	4,756,007,500	+552,020,500
9. Military construction (H.R. 14751)	1,917,300,000	1,560,456,000	-356,844,000
10. Transportation (H.R. 14794) (including 1971 advances)	2,090,473,630	2,143,738,630	+53,265,000
(Fiscal year 1970 amounts only)	(1,840,473,630)	(1,929,738,630)	(+89,265,000)
11. District of Columbia (H.R. 14916) (Federal funds)	228,842,000	168,510,000	-60,332,000
(District of Columbia funds)	(752,944,300)	(650,249,600)	(-102,694,700)
12. Defense (H.R. 15090)	75,278,200,000	69,640,568,000	-5,637,632,000
13. Foreign assistance (H.R. 15149)	3,679,564,000	2,558,910,000	-1,120,654,000
14. Supplemental (H.R. 15209)	314,597,852	278,281,318	-36,316,534
Total, these bills—			
As to fiscal 1970	135,200,040,881	129,595,765,115	-5,604,275,766
As to fiscal 1971	1,651,000,000	214,000,000	-1,437,000,000
Total, 1970 bills including 1971 amounts	136,851,040,881	129,809,765,115	-7,041,275,766

See footnotes at end of table.

COMPARISON OF NIXON ADMINISTRATION BUDGET REQUESTS AND ACTION BY THE 91ST CONGRESS, 1st SESSION—
FISCAL YEAR 1970—Continued

[Does not include any "back-door" type budget authority; or any permanent (Federal or trust) authority, under earlier or "permanent" law, without further or annual action by the Congress]

Bill and fiscal year	Total Nixon Administration budget requests submitted to Congress	Amounts appropriated by Congress	(+) or (-) Congress amounts compared with Nixon budget requests
Bills for fiscal 1969:			
1. Unemployment compensation (H. J. Res. 414).....	\$36,000,000	\$36,000,000	
2. Commodity Credit Corporation (H. J. Res. 584).....	¹ 1,000,000,000	¹ 1,000,000,000	
3. 2d supplemental (H.R. 11400).....	4,814,305,334	4,352,357,644	-\$461,947,690
Release of reserves (under Public Law 90-364).....	(79,999,000)	(80,230,000)	+\$231,000
Total, 1969 bills.....	5,850,305,334	5,388,357,644	-\$461,947,690
Cumulative totals for the session.....	142,701,346,215	135,198,122,759	-\$7,503,223,456

¹ Presupposes passage Labor HEW conference report in form submitted as well as amounts in Foreign Aid appropriations conference as submitted.² Although a reduction in the budget estimate of \$86,972,500 is reflected in the total column of the bill, it must be made clear that the budget estimate column to the Senate includes \$1,226,000,000 advance funding for ESEA for 1971 whereas none of these funds were included in the conference agreement. Deducting the \$1,226,000,000 from the budget estimate column gives a comparison for fiscal year 1970 only and reflects the conference agreement over the budget estimates in the amount of \$1,139,027,500.³ Shifted from fiscal 1970 budget, a portion of which is technically classified in the budget as "liquidation of contract authorization" rather than as new budget (obligational) authority.

Mr. ELLENDER. Mr. President, I have before me a tabulation supplied to me by the Office of Education at my request, showing congressional action of the HEW appropriations conference committee as it relates to the amount requested by the administration. More importantly, this tabulation indicates the reasoning of the administration's spokesmen concerning why the increases or actions approved by the Congress should not be enacted into law.

This is important, it seems to me, because it allows us to get to the assumptions underlying the administration's reasoning on each of these specific programs.

We are told, for instance, that under the category of aid to libraries, the purchase of books and other library resources can be put off without great damage to the program. Needless to say, neither would much good be done to the program by vetoing this bill.

We are told, regarding vocational education, that the increases will be inconsistent with future budgets. That may be true, but it seems to be forgotten that the

Congress also has a say in regard to future budgets. It is also stated that to make funds available without future administration commitment will be to put programs "into a state of limbo." This may be also true, but it is the responsibility of the Congress to take programs and needs out of limbo if the circumstances warrant after investigation.

One further point should be made in this connection. Much of the comments from the Office of Education speak of the lateness in the year for the appropriation and that, because of the time element involved, and because of inadequate planning, the funds would be largely wasted or misspent because of crash planning. I point out that this money is allocated by the Congress for expenditure at the local level where the local school boards and school administrators have plans of long standing which await only the funding to make them effective at the local level.

The PRESIDING OFFICER (Mr. GRAVEL in the chair). The time of the Senator has expired.

OFFICE OF EDUCATION

Program	Amount requested	Conference agreement	Increase	Comments
Elementary and secondary education: Educationally deprived children (title I, ESEA).....	\$1,266,000	\$1,396,975	+\$170,975	Experience in the first year of title I shows that when large amounts of funds are made available to school districts late in the school year, much of the funds are used for books, equipment, or school building renovations. Since that time, great effort has been made to encourage school districts to develop projects of continuing benefit and improvement through additional teachers and teacher aides, curriculum change or remedial academic programs. Because little planning time remains in fiscal year 1970, it is likely that most of the additional funds will be quickly used up in buying books or equipment or in mounting hastily drawn summer projects of limited usefulness.
Bilingual education.....	10,000	25,000	+15,000	These funds are used to support exemplary pilot and demonstration projects in bilingual education for children who have limited English-speaking ability. This program has strong administrative support as shown in the budget. In addition, bilingual education has been considered as a priority component of other educational assistance programs, including title I, teacher and educational personnel training, and educational research.
Supplementary educational centers.....	116,393	164,876	+48,483	In 1969, the first year of the bilingual education demonstration program, 78 projects were supported. The 1970 budget would continue these projects and would support 20 new projects, an increase of 25 percent. This will allow the program to grow at a reasonable and manageable rate. A \$15 million increase over the budget would fund an additional 50 projects. With less than 5 months of the year remaining to review, evaluate, and approve individual projects, these orderly processes will have to be rushed through in order to obligate the additional funds by June 30. Under these conditions the risk of funding poorly conceived projects is quite high. Under this program funds are allotted by formula to State educational agencies to support innovative exemplary projects in elementary and secondary schools. The budget provided for funding continuing projects started in prior years. No new projects are planned because this program is proposed for consolidation with other elementary and secondary categorical assistance for school libraries, equipment, and guidance-counseling. The proposed consolidation is reflected in legislation passed by the House. The Senate has not completed action.

The additional \$48.5 million allowed by the conferees would be used to begin new projects. Aside from the difficulty in mounting new projects so late in the fiscal year, expanding the program at this time seems to be totally inconsistent with the manner in which this program will operate next year. At best, new projects begun in 1970 will have no assurance of continued support in future budgets as this program is presently constituted.

Mr. MANSFIELD. Mr. President, is there any time remaining?

Mr. ELLENDER. Mr. President, I ask unanimous consent that I may proceed for 1 additional minute.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that there be provided 2 additional minutes, the time to be equally divided on each side.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ELLENDER. Mr. President, I do not mean to be unduly critical of the administration or of the Office of Education. I am as concerned with the inflation besetting our country as is the President. The question is in maintaining a sense of balance as to what we can do and what must be done in connection with these programs of education.

I point out that some of the reasoning included herein is based on what I consider to be fallacious assumptions concerning the role of the bureaucracy and concerning the role of the Congress working in tandem with the Executive under our Constitution. The important point, as I stated heretofore, is that the President does not exercise sole responsibility over our domestic affairs. Indeed, in the raising and disbursement of Federal revenues, the will of the Congress should be predominant, for it is the Members of Congress who are the closest to the needs of the people.

It seems to me that the national priorities as measured and established by the Congress necessarily should take precedence over the scales set up by the "faceless bureaucracy" here in Washington, who see nothing but their desks in the morning and the rich suburbs at night.

Mr. President, I ask unanimous consent that the tables which I presented be printed in the RECORD.

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

OFFICE OF EDUCATION—Continued

Program	Amount requested	Conference agreement	Increase	Comments
Elementary and secondary education—Continued				
Library resources (title II of the Elementary and Secondary Education Act).....		\$50,000	+\$50,000	All of these programs overlap the authorities of other, more flexible programs such as titles I or III, ESEA. They encourage the expenditure of funds on specific categories of expense, such as equipment or library books, regardless of actual need. Books and equipment can be purchased and counseling provided under title I, but the decision to do so rests with the school district and its assessment of priorities. The Department would prefer to eliminate the older, categorical programs.
Guidance, counseling, and testing (title V of the National Defense Education Act).....		17,000	+17,000	
Equipment and minor remodeling and "instructional equipment" (title III of the National Defense Act).....		78,740	+78,740	
School assistance in federally affected areas: Maintenance and operations (Public Law 874).....	\$187,000	585,000	+398,000	The increase would go to school districts least affected by Federal activities. The additional funds would help pay for the education of children—so-called B children—whose parents already contribute to local schools through property taxes. The administration request provides for full funding of the educational expenses of children whose parents both live and work on Federal property and therefore do not contribute any tax support to local schools. These so-called A children clearly represent the highest priority need for assistance under the program. The budget request provides no funds for support of the B children. The budget included appropriation language to suspend provisions in the authorizing legislation prohibiting the targeting of funds on A children.
Education professions development:				
Grants to States.....	15,000	18,250	+3,250	These programs provide support for training teachers and other educational personnel. The budget held these programs to the 1969 level because further review and evaluation was needed concerning the use of resources for education training programs. Subject areas, duration and kind of training programs, shortage categories, training priorities—all needed to be defined before additional funds are invested in training education personnel. The additional \$12.5 million over the budget could not be used effectively in the short time remaining in fiscal year 1970.
Training programs.....	80,000	88,750	+8,750	
Recruitment and information.....		500	+500	
Higher education:				
NDEA direct student loans.....	161,900	229,000	+67,100	These funds are allotted by formula to colleges and universities for making low-interest loans to students during the current academic year. The budget estimate was developed on the basis that direct Federal loans would be limited as much as possible to students from families with less than \$10,000 income. Students with higher family incomes would be eligible for insured loans from private sources. While there was some initial difficulty in getting banks to make insured loans, this was overcome by the emergency insured loan legislation passed by the last session of Congress. Although colleges and universities have some unfunded applications on hand to make additional loans during the remaining months of the fiscal year by the time the additional \$67,000,000 becomes available the students' financial arrangements will have been resolved without additional Federal funds.
Construction—undergraduate facilities.....		33,000	+33,000	The increase for higher education facilities grants is an especially inflationary addition by the Congress. Costs in the construction industry have been running well ahead of general price increases—high as these are. The addition also seems particularly unnecessary in view of the generous support for construction included in the budget. Continuing the shift in facilities financing begun last year, the administration request would phase out direct grants and loans in favor of subsidizing the interest costs of loans furnished by the private money market. In total, though, the budget would support a much higher level of construction activity in 1970 than in 1969—increasing construction funds from about \$240,000,000 to well over \$400,000,000.
Vocational education:				
Basic grants.....	234,216	354,716	+120,500	Much of the increase for vocational education is in the low priority, traditional State grant programs. They are among the oldest federally supported education activities and have been the object of attempted reforms in both 1963 and 1968. Once successful in preparing our school-age youths for the occupations of an agricultural America, they have responded slowly to the manpower requirements of an urban, industrialized society. Although some promising redirection is taking place, these programs still are not equal to the promise of other administration programs in meeting today's highest priority manpower needs. In addition, it is questionable whether the States will be able to utilize effectively—at this late date in the fiscal year—the large sums added by the Congress. Unless States can quickly develop plans for the 50-percent increase in Federal funds and actually utilize these sums before the end of the fiscal year, it is likely that these increases will simply replace State and local funds now budgeted for 1970 State programs.
Consumer and homemaking education.....	15,000	20,000	+5,000	
Work-study.....	0	10,000	+10,000	These increases for vocational education will be inconsistent with future budgets. Different methods and plans are now being developed by HEW to handle the problems to which these programs are directed. To appropriate funds for these activities in 1970 without future administration commitment to the approaches they represent will be to put them into a state of limbo. In each case, the lateness of the appropriation will also be an important factor. It is unlikely that programs can be mounted which will effectively utilize the additional funds. The programs for students with special needs in an entirely new activity never before funded; and the work-study addition comes after a year's lapse in funding of the program and at a time when cooperative education is emerging as the better method for matching work experience with vocational training.
Programs for students with special needs.....	0	40,000	+40,000	
Research.....	0	34,000	+34,000	
Libraries and community services:				
Library services.....	23,209	40,709	+17,500	The increases for library programs are low priority because most of these expenditures are clearly deferrable. The purchase of books and other library resources can be out off without doing great damage to the programs. In addition, the construction of public library facilities is especially inflationary since construction costs are rising even more rapidly than the general price level. In the case of librarian training, the Administration request retained funds for graduate level training of librarians—the greatest need in this field. The increase, however, would restore the less effective short-term, institute training which has received a lower priority throughout the education budget.
Construction of public libraries.....		9,185	+9,185	
College library resources.....	12,500	20,834	+8,334	
Acquisition and cataloging by Library of Congress.....	4,500	6,737	+2,237	
Librarian training.....	4,000	6,833	+2,833	
Educational broadcasting facilities.....	4,000	5,083	+1,083	This increase would be used for the purchase of additional educational broadcasting transmission equipment. It is low priority because like other construction and equipment items it is a deferrable expense. The Administration is simply requesting a more moderate expansion of these facilities in the current inflationary period.
Education for the handicapped.....	85,850	100,000	+14,150	Special aid to educating handicapped children is provided through State grants, teacher education, and research and innovation. The budget provided a 10 percent increase in funding primarily for research and demonstration projects to develop and test the best methods of educating handicapped children. Plans and programs have been developed for the use of the additional funds provided in the budget. An additional \$14.1 million coming so late in the fiscal year and without adequate planning would lead to funding crash projects inconsistent with the thoughtful development of future aid to education for handicapped children.

Mr. GRIFFIN. Mr. President, over and over again in this debate some of our friends on the Democratic side of the aisle have made the statement that the total appropriations of Congress have been below the President's budget request.

I wish to read the leading paragraph of an article which was published in the New York Times under date of December 26, 1969:

Congressional actions and inactions in the session just concluded add almost \$3 billion to Government spending in the current fiscal

year over President Nixon's revised budget, a final but unpublished analysis disclosed today.

In addition, I call attention to the fact that a report by the Joint Committee on the Reduction of Federal Expenditures, of which the distinguished Representa-

tive from Texas, Mr. MAHON, is the chairman, and which was released only a few days ago, reflects very clearly that Congress not only wiped out the surplus by its actions and inactions with respect to appropriation bills, but left a deficit.

Mr. President, I ask unanimous consent that the entire article to which I referred may be printed in the RECORD.

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

ALMOST \$3 BILLION ADDED BY CONGRESS TO PRESIDENT'S REVISED BUDGET

(By Edwin L. Dale, Jr.)

WASHINGTON, December 25.—Congressional actions and inactions in the session just concluded add almost \$3-billion to Government spending in the current fiscal year over President Nixon's revised budget, a final but unpublished analysis disclosed today.

In addition, "uncontrollable" items in the budget, such as interest on the national debt, have risen more than \$2-billion since August.

Thus, at present, if nothing is done, the outlook is for little or no budget surplus, though the official estimate of a \$5.9-billion budget surplus has not yet been formally changed. The rough current spending estimate is \$197-billion, far above the \$192.9-billion fixed by the President in April and reiterated in July.

The planning for the next fiscal year's budget, meanwhile, has become more intense, and the White House announced today that President Nixon would not leave for a holiday in California tomorrow as scheduled.

A White House spokesman said that Mr. Nixon worked on the budget last night and today and wanted to stay in the capital through the weekend to meet with Budget Director Robert P. Mayo and other economic advisers.

Sources throughout the Administration indicated that there was no further reason for postponing the vacation. Mr. Nixon now plans to fly to California early next week, probably Tuesday, and stay through the weekend of Jan. 10.

In many Congressional minds, the addition of \$3-billion to spending in the current fiscal year through a variety of actions and inactions is offset by a cut of the same amount in defense outlays.

But the \$3-billion defense cut had already been imposed by the President before Congress acted and was incorporated in his over-all spending ceiling of \$192.9-billion, which now seems certain to be substantially exceeded.

These were the main actions and inactions by Congress that will push up the spending total in the current fiscal year.

Failure to raise postal rates and the resulting increase in the postal deficit—\$600-million.

Enactment of a larger Social Security increase, effective at an earlier date, than the President requested—\$1.1-billion.

Failure to pass two bills affecting Veterans Administration and Farmers Home Administration credit programs—\$400-million.

Enactment of Agriculture and Public Works appropriation bills—\$500-million.

Failure to end duplication of burial benefits in the veterans and Social Security programs—\$100-million.

Added lending by the Small Business Administrations and reduced savings deposit insurance premiums—\$130-million.

Veterans benefits and Civil Service retirement—\$100-million.

These increases and other smaller ones were offset in a minor way by cuts in other appropriations bills, but the net effect is an increase in spending of at least \$2.9-billion.

This figure does not include about \$500-

million that would result from passage of the Health, Education, and Welfare appropriation bill, which Congress, under threat of a Presidential veto, decided to put over until next year.

It is still possible that Congress may act early next year to offset some of the \$3-billion increase. For example, postal rates may yet be increased. This would have an effect for part of the fiscal year.

Almost as serious from the Administration's point of view as the impact of Congressional actions and inactions is the huge increase in currently estimated spending in the "uncontrollable" items. A dramatic example is interest on the national debt.

Between April and August, the estimated spending on interest was increased by \$634-million. In an unpublicized notification to Congress last week, the President disclosed that the estimate was subsequently revised upward by \$932-million, making a total rise of \$1.6-billion in this single item, almost entirely caused by the steep climb of interest rates.

Almost equally dramatic is Medicare. Since April the estimated outlays have been increased by \$675-million. Of this, \$275-million is a re-estimate since August. The Budget Bureau explained to Congress that "the increase reflects higher costs for hospitalization and physicians' services, based on 1969 experience."

The uncontrollables as a group are now estimated at nearly \$4-billion higher than the April estimate and more than \$2-billion higher than the July-August estimate. Other items showing increases are Civil Service retirement, unemployment insurance, Social Security (apart from the new increase in benefits) and railroad retirement.

Mr. GRIFFIN. Mr. President, I yield to the Senator from Arizona.

Mr. FANNIN. Mr. President, I am very concerned about the possible effects of the cut in impacted area funds—particularly if they are made across the board.

It would be disastrous in some Arizona school districts if the funds for impacted areas were cut substantially from the present appropriation. Of the 296 active school districts in the State of Arizona during the last fiscal year, 1968-69, 120 districts participated in Public Law 874 with that law providing impact funds in the amount of \$7,039,365. Eighteen of these schools participated in Public Law 815 with an amount of \$1,977,000. More than 40 percent of our school districts depend heavily upon the funds for impacted areas.

Because of the favorable flying conditions—including sky space and favorable weather—Arizona has some of the most extensive military facilities in the Nation. The vast open spaces utilized is illustrated by one testing and proving ground of almost 1 million acres. These facilities are on federally owned, tax free lands, although a vast number of families of employees live in the areas with their youngsters attending public schools, placing an extra load on the school districts within the area.

Arizona is also unique in having large Indian reservations within its boundaries which are exempt from State property taxes. The Indian children living on these reservations are entitled to the same quality education as all other children living in Arizona. But, it is unfair to ask those Arizonans who pay real property taxes to assume the burden for these children at a time when the Federal

Government is shirking its duty and obligation to provide education for them.

This is especially true in several of our northern counties, where a majority of the school-age population is Indian.

Apache County has an estimated 1968 population of 46,500, and 75 percent of these persons are Indians living on reservations. Navajo County has an estimated population of 49,200. About one-half of these persons are Indians.

It is undoubtedly true that, should the Public Law 874 moneys for Indian children be substantially reduced, Johnson-O'Malley funds would have to be increased by a like amount. So where, really, are the savings? All that would be accomplished would be to shift the financial burden from the budget of HEW to the Department of the Interior. It would therefore be false economy—as well as disruptive to the orderly program already being carried out in many of the State's schools. The only other alternative would be for Johnson-O'Malley funds not to be increased—a totally unacceptable occurrence since it would have a disastrous and perhaps irreparable effect on the education and lives of the many of our Indian children. We must not eviscerate their education program.

Mr. President, when we review Arizona's position as the State with more Indians on reservations than any other, a growing number of whom are seeking education in the public schools, and as a State which has only 16 percent of its land on the real property tax rolls, any proposal to reduce the appropriation for Public Law 874 is untenable and unthinkable.

I do not deny for a minute that impacted area funds doubtless are going to some affluent school districts. We need only to look at some of the areas surrounding Washington, D.C. I am, naturally, in favor of making changes in the law to correct the obvious and admitted inequities. But an across the board cut in impact areas funds is certainly not the answer. Such a move it seems obvious to me, as well as to many educators with whom I have spoken, would particularly penalize many of the most needy and most deserving districts.

With all the emphasis the Nixon administration has given and intends to give to education, this seems to me not to be the area where we should strive for economies, particularly when they doubtlessly will have an adverse effect on many educational programs and therefore on the lives and welfare of many children. Surely, the cuts can be made elsewhere.

Mr. COTTON. Mr. President, I ask unanimous consent to have 2 minutes.

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

Mr. COTTON. Mr. President, so much has been said in the last few minutes about impacted areas that I think we should make perfectly clear what has happened. The authorization for impacted area funds, of course, was based on estimates. For fiscal year 1969 we appropriated 90 percent of the total estimate.

For fiscal 1970 we appropriated 90 percent of the total estimate. We did not

appropriate 100 percent of the authorization. For 1970, it comes to \$79,100,000 more than 90 percent of the fiscal 1969 estimate.

I am as keenly interested in these funds as is anybody in the Senate, but let us not reach so far that we lose. I think conference action in this regard was entirely reasonable and justified.

Mr. MONDALE. Mr. President, I rise today in support of the conference bill on HEW appropriations. I am proud that we in the Congress are acting to add over \$1¼ billion to the administration's request for education and health funds.

Appropriations for the education of our children, and for the health of our citizens, are investments in the future well-being of this country.

The conference committee bill includes desperately needed increased appropriations for medical research, health manpower, libraries, bilingual education, vocational education, student assistance, and college construction. These investments will pay for themselves several times over.

But we are told that this bill will be vetoed. We are told that these investments are unnecessary and undesirable. I disagree.

The impact of such a veto on the quality of life in America would be severe. For example, the vice president of the National School Board Association, Mr. George Evans, has warned that "some schools will have to close their doors early or drop programs" if this bill is vetoed. And Dr. Campbell Moses has stated that if we fail to provide \$40 million for workers with heart disease "50,000 people will die in the next 12 months who do not need to die."

In Minnesota alone, a veto of this bill would cost schools and schoolchildren at least \$16 million in lost Federal funds. This is the difference between the \$55.5 million which would go to the State in the conference committee bill and the \$39.7 million which Minnesota would receive under the President's budget request.

I am told that to replace the estimated loss of Federal funds for education programs in Minneapolis alone, the property tax would have to be increased by 4 or 5 mills. I do not think the Federal Government can adopt a policy of passing more and more of the responsibility for financing education to local residents who are already faced with intolerable property taxes.

But that is just what is happening. Two years ago the Federal Government paid 8 percent of the total cost for elementary and secondary education in this country. Last year the Federal Government's share of the responsibility dropped to 7.4 percent. And this year, it is estimated that the Federal Government will be paying 6.6 percent, or less, of the total cost of education if this bill is vetoed.

A veto of the HEW appropriations bill would also have a serious impact upon federally supported health activities in my State. Such activities include health services, mental health programs, health research, food and drug control, and programs for environmental health and consumer protection. A reduction of

Federal support in these areas would cost the State of Minnesota approximately \$4 million—again, the difference between the nearly \$50 million allotted to Minnesota in the Senate-passed bill and the lower budget requests of the administration.

I think it is terribly important that the charge of inflationary spending with regard to this bill be examined in the proper context.

The Congress reduced the administration's appropriations requests by a total of \$7.6 billion last year by cutting 10 appropriations bills. Most of these savings came from cutting waste in the Pentagon's \$80 billion budget. We increased appropriations requests by only \$2 billion, including the \$1.1 billion addition for education and additional funds for health research, water and air pollution programs, and food stamps. In short, the Congress made a net reduction of \$5.6 billion in the administration's budget requests.

Thus, the decision we face is not one of inflation, it is one of national priorities. I deeply believe we must continue to shift resources to programs responsive to human needs. I fought hard to obtain these increases in education and health funds, and I will do all I can to override any veto of them.

Mr. MATHIAS. Mr. President, in considering the conference report on Labor-HEW appropriations for fiscal 1970, we are weighing the importance of Federal programs which directly influence the education and health of the American people and the future of the Nation as a whole. We are also facing, belatedly and reluctantly, the problem of the overall economic condition of the country and the challenge of congressional self-discipline.

Because of the great impact of this legislation and the vast public interest in it, I want to outline clearly the factors which compel me, after reviewing the entire situation, to cast my vote against adoption of the conference report.

I cast this vote with the greatest reluctance and unhappiness. In the past I have consistently supported the types of increases in HEW programs which are represented in this bill. I have welcomed and encouraged a major shift in national priorities away from excessive military spending and toward meeting our urgent domestic needs.

In this instance, however, two basic commitments—the commitment to expand domestic programs, and the commitment to combat inflation—have come into direct conflict and collision.

The conference report before us today contains appropriations totaling over \$19.7 billion for fiscal 1970, about \$1.3 billion above the budget submitted by the President. After reviewing the inflationary impact of such a major increase in Federal spending, the President has announced that, if this conference report reaches his desk, he will be compelled to veto it. Secretary Robert Finch of Health, Education, and Welfare supports this position. I am sure with the greatest reluctance and regret.

I do not accept all of the subsidiary arguments offered by the administra-

tion against this conference report. For example, it is argued that the funds will come too late to be fully effective. Certainly this bill, delayed until the seventh month of the fiscal year, is so tardy that its lateness has already snarled planning and budgeting both by Federal agencies and by the countless school districts and other local agencies who are anxiously awaiting a congressional decision. But programs have gone forward productively in the past when appropriations have been too long delayed. I am confident they will do so again, and again, and again, until the Congress finally reforms its method of handling appropriations bills and gets its work done earlier.

Nor do I accept the argument that the programs which receive the greatest increases in this bill are somehow of lower priority than other HEW efforts. For instance, Public Law 874, the program of aid to federally impacted school districts, has been extremely important to many Maryland school systems for years. I have joined a majority of the Congress in resisting the repeated efforts of two administrations to decimate this program.

The problem before the Senate today, however, is not that of the value of any individual educational or health program by itself. Rather, it is the fiscal impact of this bill as a whole. That impact must be weighed in the light of two facts: First, the commitment of the President to hold down total Federal spending to combat inflation; and second, the executive branch's legal opinion that certain types of appropriations must be spent.

The question of mandatory spending is a rather technical one. It may surprise or confuse the general public, since the popular impression is that once Congress has appropriated a given amount of money for any Federal program, the executive branch is required to spend that money. In fact, however, in many cases in the past various administrations have exercised some discretion in withholding or impounding all or part of funds appropriated for given projects or programs. At an early stage in the deliberations over the bill, it had been suggested by some that, if Congress did approve a Labor-HEW bill which exceeded the budget, the President might sign the bill and then apply that executive discretion to make reductions in actual cash outlays.

The President's counsel have determined, however, that his discretion in this instance is severely limited. For the first time in my knowledge, executive-branch officials have accepted the formal legal opinion that appropriations under certain types of Federal-aid programs, the so-called formula-grant programs, have to be spent. The opinion concludes that, by establishing a mathematical formula for the distribution of funds under some programs to the States or local governments, Congress has mandated that those funds must be distributed up to the limits of actual appropriations.

The pending conference report includes increases in such mandatory spending which total \$1,219,904,000 more than the President's budget requests.

Major items within this group include an increase of almost \$171 million for title I of ESEA; an increase of \$398 million for aid to impacted areas; \$122.5 million more for grants to the States for vocational education; and \$104.4 million more for hospital construction under the Hill-Burton Act.

The fact which must be considered at this point is the firm determination of the President to keep overall Federal spending within the strict limits he feels are necessary to curb inflation and avoid further strains in our national economy. Reasonable men may and do differ about precisely where those limits should be set. The fact is that President Nixon, in a series of public statements, has made perfectly clear his commitment to curbing inflation and his conclusion that this Labor-HEW bill is too inflationary to be acceptable.

If the bill should become law, the President would therefore have to spend the increased amounts, totaling over \$1.2 billion, in HEW programs such as aid to impacted areas, ESEA, vocational education, and Hill-Burton under which full cash outlays are mandatory. However, to maintain the overall budget restraint to which he is committed, the President would also have to make corresponding cuts in other programs.

What programs could be cut to save \$1.2 billion? Mr. Creed Black, Assistant Secretary of Health, Education, and Welfare for Legislation, has informed the Senate:

If the President asked us to offset the expenditure impact, we could not make a single discretionary grant or loan for the rest of the year—and even with that extreme action we could offset only half the increases proposed by Congress. The consequences to medical research, health services, air pollution programs, rehabilitation, education research and a myriad of other project-supported activities are obvious.

Such drastic cuts could even reach beyond HEW to cripple such important programs as urban renewal, housing, mass transit and a host of creative anti-poverty efforts.

Mr. President, in essence the executive branch is saying that, if Congress insists on this HEW bill, the Nation will get the increased spending for a few programs which is mandated by this bill. But the Nation will also have to endure deep cuts in almost every other domestic program, regardless of its merit, in which reductions are legally possible.

Further, and most significantly, we have witnessed in 1969 the curtailment of the programs of some Federal agencies, not by reason of any penurious act of the Congress or the President, but because the full measure of money requested and appropriated simply did not buy all that it was supposed to. This experience is being shared in households all across the country. If inflation is not arrested, its hit and run larceny will cripple all our national programs.

To me this would go far beyond any rational reordering of priorities. It would add up to a massive dislocation of Federal efforts and projects now under way. It would mean the sacrifice of many meritorious Federal assistance programs

for the sake of otherwise desirable increases in a few.

The Senate this afternoon is acting with full awareness of the consequences of our choice. It is not an easy decision to reach. It is complicated by our tardiness in considering this bill, a delay which has greatly restricted the fiscal options available, since almost all other appropriations bills have already been passed. But our essential choice today is not whether to vote for or against education and health, but rather whether this body is going to exert some belated self-discipline, or accept the harsher discipline which the economic realities will, if necessary, impose on us.

Mr. BAYH. Mr. President, it is frankly depressing to speak in support of legislation that is so vital to the American people yet at this moment trembles under the threat of Presidential veto.

The Senate-House conference has reported a bill which recommends HEW-Labor expenditures of approximately \$19.8 billion. It has been pointed out clearly that this figure is almost \$87 million under the President's own budget request. The \$19.8 billion does not include \$1.2 billion in title I, Elementary and Secondary Education Act advance funding originally requested by the President and contained in the Senate bill. Since this advance funding was knocked out in conference, the critical issue at the moment is the displeasure of President Nixon with the approximately \$1.3 billion in new obligatory authority considered by the House and Senate to be vital for the welfare of our Nation.

Is this the same Nixon who as Candidate Nixon in 1968 promised that if elected his "administration would be second to none in its concern for education?" And is this the same Nixon who pronounced solemnly in 1968:

When I look at American education I do not see schools, but children, and young men and women—young Americans who deserve the chance to make a life for themselves and ensure the progress of their country. If we fail in this, no success we have is worth the keeping.

I submit, Mr. President, that Congress has not failed in its determination to provide adequate education and health care for the American people and we will not be deterred from achieving that goal.

Mr. Nixon has taken the position that the \$1.3 billion increase in HEW-Labor appropriations is inflationary. Most of this amount was added on the floor of the House to provide funds for items not considered in the President's budget request and to increase funds for items contained in the budget but inadequately represented. In my opinion the increases reflect the desire of Congress to give more than lip service to much needed reordering of priorities. The additional funds committed to vocational education, educational professional development, impacted aid, bilingual education, public libraries, environmental improvement, hospital construction, health manpower, health education, research and library facilities construction, cancer and arthritis research, and vaccination against German measles

were viewed as essential by both Houses of Congress.

You may recall that on October 22, 1968, Candidate Nixon stated:

America's school, university, research and public libraries are the repositories of American culture. . . . In a world where knowledge is the key to leadership, a modern progressive library system is a vital asset.

It may be recalled that when elected, Mr. Nixon proceeded symbolically to cut library funds to an alltime low during, of all things, National Library Week. The American Library Association estimated that 2 million people in low income and disadvantaged areas would lose a library services—that many bookmobiles would disappear in regions of the Southwest heavily populated by Indians and Mexican Americans and that thousands of children would suffer since inability to read is a key cause of failure in school. It is the height of hypocrisy for such action to be taken by a President who pledged his administration would be second to none in its concern for education.

What do we say to the millions of Americans who will benefit from these increases? What do we say to persons suffering from cancer and arthritis and praying for a cure? What do we say to communities without adequate hospital facilities and manpower for patient care? What do we say to parents desirous of well-trained instructors and skills education for their children? What do we say to dedicated administrators of schools in areas affected by the presence of Federal installations? And what do we say to pregnant mothers in need of vaccination against German measles?

I say in no uncertain terms that a \$1.3 billion increase in HEW-Labor appropriations when measured against our commitment to spend approximately \$70 billion for defense cannot be viewed as inflationary. And certainly the recent revelations concerning billions of dollars in cost overruns, waste, and overall inefficiency in defense spending; coupled with the rumored expenditure of additional billions to expand the ABM, should give us good cause to question the HEW-Labor veto on these grounds alone. Are we to believe that such spending is non-inflationary but health and education spending is? It should be remembered that the additions to these vital domestic programs come to just 20 percent of the savings made by the Congress in the President's military budget alone; the additions—made by the Congress—to domestic needs are about equal to the savings made by Congress in cuts from the President's requests for the foreign aid program. The \$70 billion we have committed to defense is approximately 3½ times as much as Congress has appropriated for HEW-Labor expenditures.

No one denies the need for curbing Federal spending as long as it does not sacrifice areas of critical human development. We still spend approximately \$20,000 for each enemy soldier killed in Vietnam. We spend only 44 Federal dollars for each American primary and secondary pupil we educate here at home. We have been asked to spend \$4 to \$10 billion, or maybe much more, for the

ABM system, a system which, at this particular point cannot even guarantee defense. But we are asked not to spend an additional \$1.3 billion as an investment in the education and health of our people. This view of America's priorities is not only wrong, but it is dangerous to the very foundation of America.

Additionally, it is estimated that our economy will expand from an overall 1969 GNP of \$932 billion to a projected overall 1970 GNP of \$993 billion, and it is interesting to note that the \$19.8 billion recommended by Congress is approximately the same percentage of the projected overall 1970 GNP as last year's appropriations of \$18.6 billion were of the 1969 GNP.

Furthermore, the net change in inflationary impact will be almost as great if State and local governments are forced to meet the needs abandoned by President Nixon. The President must know that responsible local government is not going to allow a deterioration in the education of its children or a reduction in its capability to administer to the health needs of its citizens. Schools will not close in April and pregnant mothers will be assured that serum for German measles is available.

Finally, it has been revealed that a presidential task force organized in March 1969, by Health, Education, and Welfare Secretary Finch has recommended greatly increased appropriations for education. The task force chaired by Wilson Riles, Deputy Director of California schools, was charged with studying the problems of urban education, which the threatened veto would affect seriously.

A specific conclusion of the Riles report is that "without adequate funding there is no hope for effective education in the cities." The task force recommended further that Federal appropriations of up to \$14.5 billion more a year be expended by 1975. Moreover, this does not deal at all with the needs of non-urban schools that in many respects are comparable.

A veto of this modest increase in the HEW-Labor appropriations would represent a gross miscalculation by the President of this Nation's requirements. And I submit that Thomas Jefferson was right in 1816 and is right today, when he stated:

If a nation expects to be ignorant and free, in a state of civilization, it expects what never was and never will be.

Mr. MCINTYRE. Mr. President, I support the HEW appropriation bill because it helps us in reordering some of our priorities, an action which I feel is so important at this point in our history.

I do not believe this legislation is inflationary as the President has declared. He has announced that the \$1.1 billion increase in funds for our elementary and secondary schools, our college students, our hospitals, our libraries, our vocational education program, and our health library facilities would contribute to inflationary pressures.

I do not believe a case can be made to support this position of the President. Congress has reduced the Presidents' spending requests by \$7.5 billion even

when you include the proposed \$1.1 billion the Congress would add in the HEW bill.

Of this reduction, \$5.6 billion was in military spending. Another \$1.2 billion was a reduction in foreign aid spending. This latter amount is nearly exactly the same as the increase we are asking for in the HEW appropriations bill. I am not opposed to spending money we have saved on foreign aid to assist our schools, our college students, our hospitals and our libraries.

New Hampshire alone would suffer nearly a \$4 million loss if the bill does not pass or is successfully vetoed.

Losses in New Hampshire would include: \$1,550,000 of aid for impacted elementary and secondary schools; \$187,336 for construction of hospitals under the Hill-Burton program; \$730,000 for vocational education; \$302,285 for libraries; \$279,290 for NDEA for college students; and \$773,552 for equipment and supplies for secondary education.

These would be significant losses to New Hampshire. If the schools, colleges, hospitals, and libraries of New Hampshire are to have these funds, the local taxpayers would have to provide these additional moneys out of increased local taxes.

I consider among the highest priorities in our Nation to be assistance to our schools, our colleges, our hospitals and our libraries. We must meet these priorities.

Mr. President, I propose to vote for the conference report.

Mr. WILLIAMS of New Jersey. Mr. President, President Nixon has reaffirmed his earlier announcement that he will veto the pending Labor-HEW Appropriations Act. He has stated that he cannot approve the funds which both the House and Senate would allocate to HEW and which exceed by \$1,262 billion the amount recommended by the President and contained in his budget for the Department of Health, Education, and Welfare. Interestingly enough, the total Labor-HEW appropriations bill amounts to \$86.9 million less than the President requested. The bulk of the additional appropriations—almost \$1.1 billion—has been earmarked as the Federal contribution to the support of the country's education system.

The issue is now clearly joined between the President and Congress. While he has expressed his sincere desire to fight inflation, he has chosen to do so at the expense of the Nation's schools and her students—the most germinative influence in American life. On the other hand, Congress has found it necessary to cut Defense expenditures requested by the President by over \$7 billion in an attempt to fight inflationary trends in the Nation's economy.

The program-by-program breakdown of the proposed increases in appropriations to the Office of Education shows clearly the effect that a Nixon veto will have. Nationally, the increases in the pending bill over the Nixon budget request provide \$356 million more for elementary and secondary education programs, \$398 million more for school assistance in federally affected areas, \$79

million more for higher education programs, \$219 million more for vocational education programs, \$28 million more for library and community services programs, and \$14 million more for education of the handicapped programs. In my own State of New Jersey, the bill will provide \$10 million more for elementary and secondary education programs, \$9.5 million more for school assistance in federally affected areas, \$1.6 million more for higher education programs, \$3.8 million more for vocational education programs, and \$.83 million more for library and community services programs. The total increase in education funds to New Jersey equals almost \$26 million.

We are now facing the crucial question of priorities. The President's own Commissioner of Education, Dr. James E. Allen, Jr., stated recently:

Unless we take action now to accelerate the pace of reform, to improve rapidly the capability of our educational system to correct the deficiencies, we can only expect the gap between need and performance to continue to widen.

Mr. President, there can be no question that the need is now. The blunt truth is that the education system in the United States is on the brink of a dangerous decline. Although the President has recently determined to give precedence to welfare and environment, he cannot allow education to be shunted aside and ignored.

Examples of the crisis we face in education are all too easy to find. In my State, the mayor of Jersey City has just announced that he will have to close that city's public school system for lack of adequate funds and because property owners can no longer shoulder the burden of increased taxes to support those schools. And this same problem resulted in school closings in Cincinnati and Youngstown, Ohio, just 2 years ago. Also, testimony before my Special Committee on the Aging points out the fact that senior citizens—who in New Jersey are predominantly a homeowners group—must pay a heavy property tax much of which goes to support local school systems. While the increase in education appropriations will not eliminate property taxes for the fixed income senior citizen it will certainly help to put off continuing tax increases to fund community schools.

For these and innumerable other reasons, we must not allow ourselves to bend to the threat of a Presidential veto of the Labor-HEW appropriations bill. Should President Nixon choose to veto this measure we must expend all of our energies to override such a veto. Certainly the increase in funds will not solve all of the problems which beset our educational system but it is a vital expression of the determination of Congress that the gap between need and performance must not continue to widen.

Mr. HARRIS. I urge the Senate to adopt the prior conference report on the Health, Education, and Welfare appropriation bill.

The appropriations bill is particularly important since it represents a significant step in reorienting the priorities of this country. I was pleased that during

the last session of Congress we were able to cut out certain nonessential expenditures, such as the \$5.9 billion we cut from military appropriations, and at the same time increased appropriations in other areas which needed more attention such as the approximate \$1.2 billion increase in the HEW appropriations bill. As pointed out in the earlier debate on this bill, out of 14 appropriations bills requested, Congress lowered the requested amount in 10 bills and raised it in four bills, and in the process managed to appropriate overall approximately \$5.6 billion less than President Nixon asked us to spend in fiscal year 1970.

The President has indicated that he will veto the HEW appropriations bill for economy reasons. This is difficult to believe, since Congress spent less than the amount requested by the President, and since the President did request and approved certain questionable military expenditures. However, statements made by Health, Education, and Welfare Secretary Robert Finch confirm the President's intention to veto the bill. I would urge that this decision be reconsidered.

I think the decision should be reconsidered because of the critical need to improve the health of all people in this Nation and the quality of education for the youth of the Nation.

The bill includes additional funds for research, air pollution, mental health, mental retardation, cancer research, heart research, and numerous other health needs.

Funds are provided in the bill which would permit NIH to continue to operate all 93 general clinical research centers in the United States. These centers have improved greatly the health care capabilities in our Nation and without the additional funds for NIH, 19 of these centers would have to be closed. The thousands of deaths each year attributed to heart, stroke, and cancer disease could be cut significantly with an increased emphasis on research and improved health care facilities.

Equally important to the increased funds for health are the funds for education. I have maintained that education of our people should receive top priority. It is the lifeblood of this country and the future of this country. It can make the difference between living with or rising above the problems of poverty and of despair which now trouble so many people in this Nation. In the final analysis an appropriation for education should be considered an investment in the future—an investment that will return to the Federal Government more money in taxes by reason of a more productive nation and one that will save untold sums lost in crime and welfare.

The bill provides much needed funds for elementary and secondary education. The need for increased funds for educationally deprived children, for bilingual education, library resources, and an improved dropout prevention program cannot be doubted.

Likewise, the need for the impact aid funds is imperative. Many of the school districts receiving impact aid have already voted the limit of their legal capacity for building and operational pur-

poses in support of their educational program. Without the support of the Federal Government through impact aid, many of these schools will be facing disaster. One school superintendent when speaking of the need for the impact funds stated:

It is the opinion of our citizens that this community is expected to offer a quality and comparable education to the students of military personnel and the students of non-military personnel who live in a community which is heavily impacted. This would appear to be a poor time to tell those who are doing so much for their country that in appreciation we will offer their children a diluted and inferior education.

This brief review of the appropriations contained in the bill clearly establishes that the funds appropriated are directed at critical needs of all the people of this Nation.

During the seventies it is absolutely imperative that we devote more of our resources to human needs. If the President persists in his threatened veto and Congress is unable to override his veto, we will begin the seventies by taking a step backward in solving man's health, environmental, and educational needs.

I hope that the President, after additional consideration of the fact that Congress is spending considerably less than he asked us to spend, will decide to sign the bill and join with Congress in a commitment to meet the health and educational needs of the people.

Mr. MUSKIE. Mr. President, the threat of a Presidential veto hangs over the present version of the Labor-Health, Education, and Welfare appropriations bill for fiscal year 1970. The threat is based on a claim that the aid we propose for education and health care programs and facilities will be inflationary.

We have been told by the administration that we are appropriating \$1.3 billion too much for education and health. We have not been told by the administration why \$1.3 billion is more inflationary than \$7.5 billion, which is the amount the Senate cut from the President's budget requests.

The issue comes down to a question of priorities.

Mr. President, last year Congress took several important steps toward reordering our national priorities at the same time that it demonstrated a continuing concern with the inflationary aspects of the Federal budget. To accomplish these twin goals Congress cut overall appropriations by \$7.5 billion from what the President had originally requested. The \$5.6 billion of this amount represented cuts in the administration's military appropriations requests.

The \$1.3 billion in additional funds that Congress has proposed for education and health amount to just 20 percent of the savings which the Congress made in the President's military budget alone. In addition, these savings just about equal congressional cuts from the President's foreign aid request.

The conference report before us reflects a reordering of our national priorities in favor of vitally needed health and education programs. The \$1.3 billion of increased funding in this bill, to which the President apparently objects, would

support hospital construction, health library facilities, elementary and secondary school aid, vocational education, educational instruction equipment, and aid to higher education.

These are not luxury items in the Federal budget. They are expenditures designed to meet some of the most essential needs in our society today.

We may defer the purchase of a new car, a television set, or a boat. If we care about our children, we do not put off health care or necessary supplies for school. Deferred health facilities are lost opportunities for better care for those who need it most. Deferred expenditures for education are lost opportunities for young people, who cannot afford to be shortchanged.

Mr. President, the fight against inflation should not be paid by those who can least afford to pay—the poor, the ill, and the young. The fight against inflation should be waged to strengthen the Nation's economy, not to weaken essential public services.

I am particularly encouraged to learn how the additional \$1.3 billion proposed by this conference report will affect small States like Maine.

Total appropriations proposed by this conference report for education in Maine are set at \$16.8 million, as compared with only \$12 million in the administration's request.

Congress has proposed \$5.9 million for elementary education in Maine. The administration requested only \$4.9 million, a decrease of about \$600,000 from 1969 spending.

Congress has proposed \$3.9 million in Federal assistance to impacted areas in Maine. The administration requested \$2.2 million. I can assure the President and the Secretary of Health, Education, and Welfare that there are no wealthy communities in Maine.

Congress has proposed \$3.25 million for vocational education in Maine. The administration requested only \$1.9 million. This figure represents a significant increase in an area of education which has too often been neglected in the past.

Such is the bill which the President has threatened to veto. The final test of this question will come with the 1971 budget, as the President reveals the degree to which he is willing to trim back on military expenditures and other items such as space and the SST, in order to direct funds to programs designed to re-order our national priorities.

I urge my colleagues, and the President of the United States, to reaffirm our national commitment to improving the quality of life for all our citizens by accepting the conference report before us.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

Mr. MANSFIELD. 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.

The question is on agreeing to the conference report.

Mr. MANSFIELD. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. There will be order in the Senate Chamber. Attachés will take seats. There will be no call of the roll until there is order in the Chamber. Senators will please take their seats. Attachés will please take their seats.

The Sergeant at Arms will clear the Chamber of all attachés who are not seated.

The rollecall was resumed and completed.

Mr. KENNEDY. I announce that the Senator from Idaho (Mr. CHURCH), the Senator from South Carolina (Mr. HOLLINGS), and the Senator from Minnesota (Mr. McCARTHY), are necessarily absent.

I further announce that the Senator from Ohio (Mr. YOUNG), is absent on official business.

I further announce that, if present and voting, the Senator from Idaho (Mr. CHURCH), the Senator from South Carolina (Mr. HOLLINGS), and the Senator from Ohio (Mr. YOUNG) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Hawaii (Mr. FONG) and the Senator from New York (Mr. JAVITS) are absent on official business.

The Senator from South Dakota (Mr. MURDT) is absent because of illness.

The Senator from Colorado (Mr. DOMINICK) and the Senator from Texas (Mr. TOWER) are necessarily absent.

If present and voting, the Senator from New York (Mr. JAVITS) would vote "yea."

On this vote, the Senator from Hawaii (Mr. FONG) is paired with the Senator from Texas (Mr. TOWER). If present and voting, the Senator from Hawaii would vote "yea" and the Senator from Texas would vote "nay."

The result was announced—yeas 74, nays 17, as follows:

[No. 2 Leg.]

YEAS—74

Aiken	Gore	Murphy
Allen	Gravel	Muskie
Anderson	Gurney	Nelson
Bayh	Harris	Packwood
Bellmon	Hart	Pastore
Bennett	Hartke	Pearson
Bible	Hatfield	Pell
Boggs	Holland	Prouty
Brooke	Hughes	Proxmire
Burdick	Inouye	Randolph
Byrd, Va.	Jackson	Ribicoff
Byrd, W. Va.	Jordan, N.C.	Russell
Cannon	Jordan, Idaho	Schweiker
Case	Kennedy	Smith, Maine
Cotton	Long	Sparkman
Cranston	Magnuson	Spong
Dodd	Mansfield	Stennis
Dole	McClellan	Stevens
Eagleton	McGee	Symington
Eastland	McGovern	Talmadge
Ellender	McIntyre	Tydings
Ervin	Metcalf	Williams, N.J.
Fannin	Mondale	Yarborough
Fulbright	Montoya	Young, N. Dak.
Goodell	Moss	

NAYS—17

Allott	Griffin	Saxbe
Baker	Hansen	Scott
Cook	Hruska	Smith, Ill.
Cooper	Mathias	Thurmond
Curtis	Miller	Williams, Del.
Goldwater	Percy	

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NOT VOTING—9

Church	Hollings	Mundt
Dominick	Javits	Tower
Fong	McCarthy	Young, Ohio

So the conference report was agreed to. The PRESIDING OFFICER. The clerk will report the first amendment in disagreement.

The legislative clerk read as follows:

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 4 to the aforesaid bill, and concur therein with an amendment, as follows: In lieu of the sum proposed by said amendment, insert: "\$36,116,000."

Mr. BYRD of West Virginia. Mr. President, will the Senate be in order?

The PRESIDING OFFICER. The Senate will be in order. Attachés will please take their seats.

The question is on concurring in the House amendment to the amendment of the Senate numbered 4.

The amendment was agreed to.

The PRESIDING OFFICER. The clerk will report the second amendment in disagreement.

The legislative clerk read as follows:

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 50 to the aforesaid bill, and concur therein with an amendment, as follows: Strike out the matter inserted by said amendment, and insert the following:

"Instructional equipment

"For equipment and minor remodeling and State administrative services under title III-A of the National Defense Education Act of 1958, as amended, \$48,740,000: *Provided*, That allotments under sections 302(a) and 305 of the National Defense Education Act, for equipment and minor remodeling shall be made on the basis of \$75,740,000 for grants to States and on the basis of \$1,000,000 for loans to nonprofit private schools, and allotments under section 302(b) of said Act for administrative services shall be made on the basis of \$2,000,000."

The PRESIDING OFFICER. The question is on concurring in the House amendment to Senate amendment numbered 50.

The amendment was agreed to.

Mr. NELSON. Mr. President, I cannot hear back here; and I want to say, in case I missed it, that Senate amendment No. 83 is going to be debated extensively and probably will not be voted on today. I do not want it to slip by because of my not being able to hear.

The PRESIDING OFFICER. What is the number of the amendment?

Mr. NELSON. I want to be sure when Senate amendment No. 83 is called, because it is going to be debated extensively, and I assume it will not be voted on today. I cannot hear the numbers of the amendments as they are called.

The PRESIDING OFFICER. The clerk will report the next amendment in disagreement.

The legislative clerk read as follows:

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 51 to the aforesaid bill, and concur therein with an amendment, as follows: In lieu of the matter inserted by said amendment, insert the following:

"School assistance in Federally affected areas

"For grants and payments under the Act of September 30, 1950, as amended (20 U.S.C., ch. 13), and under the Act of September 23,

1950, as amended (20 U.S.C., ch. 19), \$600,167,000, of which \$585,000,000 shall be for payments to local educational agencies for the maintenance and operation of schools as authorized by the Act of September 30, 1950, as amended (20 U.S.C., ch. 13), and \$15,167,000 which shall remain available until expended, shall be for providing school facilities and for grants to local educational agencies in federally affected areas as authorized by said Act of September 23, 1950: *Provided*, That this appropriation shall also be available for carrying out the provisions of section 6 of the Act of September 30, 1950."

The PRESIDING OFFICER. The question is on concurring on the House amendment to the Senate amendment numbered 51.

The amendment was agreed to.

The PRESIDING OFFICER. The clerk will report the next amendment in disagreement.

The legislative clerk read as follows:

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 56 to the aforesaid bill, and concur therein with an amendment, as follows: In lieu of the matter inserted by said amendment, insert the following:

"Higher education

"For carrying out titles III and IV (except parts D and F), part E of title V, and section 1207 of the Higher Education Act of 1965, as amended, titles I and III of the Higher Education Facilities Act of 1963, as amended, titles II and IV of the National Defense Education Act of 1958, as amended (20 U.S.C. 421-429), and section 22 of the Act of June 29, 1935, as amended (7 U.S.C. 329), \$871,874,000, of which \$164,600,000 shall be for educational opportunity grants under part A of title IV of the Higher Education Act of 1965 and shall remain available through June 30, 1971, \$63,900,000 to remain available until expended shall be for loan insurance programs under part B of title IV of that Act, including not to exceed \$1,500,000 for computer services in connection with the insured loan program, \$154,000,000 shall be for grants for college work-study programs under part C of title IV of that Act (of which amounts reallocated shall remain available through June 30, 1971), including one per centum of such amount to be available, without regard to the provisions in section 442 of that Act, for cooperative education programs that alternate periods of full-time academic study with periods of full-time public or private employment, \$43,000,000 shall be for grants for construction of public community colleges and technical institutes and \$33,000,000 shall be for grants for construction of other academic facilities under title X of the Higher Education Facilities Act of 1963 which amounts shall remain available through June 30, 1971, \$11,750,000, to remain available until expended, shall be for annual interest grants under section 306 of that Act, \$222,100,000 shall be for Federal capital contributions to student loan funds established in accordance with agreements pursuant to section 204 of the National Defense Education Act of 1958, and \$12,120,000 shall be for the purposes of section 22 of the Act of June 29, 1935: *Provided*, That \$7,241,000 shall be for payments authorized by section 108(b) of the District of Columbia Public Education Act, as amended (D.C. Code, sec. 31-1608)."

The PRESIDING OFFICER. The question is on agreeing to the House amendment to the Senate amendment numbered 56.

The amendment was agreed to.

The PRESIDING OFFICER. The clerk will report the next amendment in disagreement.

The legislative clerk read as follows:

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 83 to the aforesaid bill, and concur therein with an amendment, as follows: In lieu of the sum proposed by said amendment, insert: "\$1,948,000,000."

At the end of said amendment, strike out the period, and insert the following: "*Provided further*, That those provisions of the Economic Opportunity Amendments of 1967 and 1969 that set mandatory funding levels shall not be effective during the fiscal year ending June 30, 1970."

The PRESIDING OFFICER. The Chair recognizes the Senator from Wisconsin (Mr. NELSON).

Mr. BYRD of West Virginia. Mr. President, may we have order?

The PRESIDING OFFICER. The Sergeant at Arms will remove from the Chamber all attachés who are not seated, and Senators will please take their seats. Senators will please talk to the attachés in the cloakroom. The leadership desires order on the Senate floor.

Mr. NELSON. Mr. President, the amendment just read by the Chair seeks to eliminate earmarking from the authorization for the Office of Economic Opportunity. This authorization bill originated with our Subcommittee on Employment, Manpower, and Poverty. We voted in the subcommittee to earmark the funds in the poverty program. We voted in the full committee to earmark the funds in the poverty program. We voted in a rollcall vote on the floor of the Senate to earmark the funds in the poverty program. Now this amendment seeks to undo what our committee, the Senate, and the Senate-House conference did in the authorizing bill.

The PRESIDING OFFICER. Will the Senator please suspend? The Senator will suspend until the attachés are seated or leave the Chamber and until Senators themselves are seated, so that the Senator from Wisconsin can be heard.

Mr. NELSON. On October 14, when the OEO authorizing bill came to the floor from the Committee on Labor and Public Welfare, a motion was made to knock out the earmarking within the bill. On a rollcall vote, the motion to knock out the earmarking lost, 50 to 36.

The House also voted for earmarking. The conference committee agreed upon earmarking in the bill. In the Appropriations Committee conference, an amendment that looked innocent enough was offered by Congressman MICHEL, which simply said that "mandatory funding levels" should not go into effect for this fiscal year. If that amendment had been called to the attention of Representative PERKINS or to my attention or to the attention of any other Senator who had worked on the authorizing legislation, it would have been out of order as legislation in an appropriations bill. I have been told here repeatedly that we cannot legislate in an appropriations bill. Yet, after 10 months of hearings and drafting a bill, voting in the subcommittee, the full committee, the floor of the Senate, the House, and the conference committee, one innocent looking little amendment slips in which seeks to knock out all the effort and all the legislative mandate that was writ-

ten into the authorization bill by rollcall votes on the floor of the Senate. If that position is to stand, I would suggest that we not have any rollcall votes in the future on any authorization bills. The majority supported that position all the way; yet this Michel amendment seeks to reverse that decision, without any debate or discussion.

Mr. President, the House amendment contains two distinct propositions. I ask that the amendment be divided. The first part of the House amendment reads as follows:

In lieu of the sum proposed by said amendment, insert: \$1,948,000,000.

Mr. President, this part of the amendment is acceptable. It would have been more pleasing if we had been able to get the \$2.048 billion figure requested by the administration and adopted on the Senate floor by a vote of 60 to 32. This amount would have provided the Economic Opportunity programs with a modest increase of \$100 million. Nevertheless, the Senate conferees should be commended—particularly the chairman of the Senate conferees, the distinguished senior Senator from Washington (Mr. MAGNUSON)—for securing an agreement on the figure of \$1.948 billion.

The PRESIDING OFFICER. Will the Senator please suspend, in order to make clear the parliamentary status with respect to the Senator's motion?

Will the Senator explain the way he wants the question divided, so that we have it completely for the RECORD?

Mr. NELSON. I want to divide the question to act first on the \$1.948 billion. I have no objection to that.

As to the second part of the question, I want to offer an amendment to the second half of the amendment that is before the Senate.

The PRESIDING OFFICER. So that the Senator has no objection to the first portion?

Mr. NELSON. I have no objection to the first portion.

Mr. TYDINGS. As it is reported in the House amendment to the Senate amendment.

Mr. NELSON. I send to the desk the second part, which will be my next motion, after we have settled the question of the \$1.948 billion.

The PRESIDING OFFICER. Under the Senator's request, the first vote, even though he agrees with the amount, will be on the amount, and the second vote will be on the language change which the Senator is now offering as an amendment.

Mr. NELSON. That is correct.

The PRESIDING OFFICER. It might be easier, parliamentary speaking, if the Senate would vote now on the first part which the Senator agrees to, so that the only other part the Senate will have to vote upon will be the language.

Mr. NELSON. That is satisfactory to me.

Mr. HOLLAND. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Florida will state it.

Mr. HOLLAND. Has the request for a division been granted by the Chair?

The PRESIDING OFFICER. Yes. The

Chair granted that when he was trying to make a further explanation.

The clerk will now report the first part of the House amendment to the Senate in disagreement numbered 83.

The assistant legislative clerk read as follows:

In lieu of the sum proposed by said amendment, insert "\$1,948,000,000".

The PRESIDING OFFICER. The question is on concurring in the first part of the House amendment to the Senate amendment numbered 83.

The first part of the House amendment to the Senate amendment numbered 83 was agreed to.

The PRESIDING OFFICER. The clerk will report the second part of the House amendment to Senate amendment numbered 83, with the proposed amendment of the Senator from Wisconsin (Mr. NELSON).

The assistant legislative clerk read as follows:

Provided further, That those provisions of the Economic Opportunity Amendments of 1967 and 1969 that set mandatory funding levels shall not be effective during the fiscal year ending June 30, 1970.

With an amendment proposed by the Senator from Wisconsin (Mr. NELSON) to insert, in lieu of the above House language, the following:

Provided further, That those provisions of the Economic Opportunity Amendments of 1967 and 1969 that set mandatory funding levels, including mandatory funding levels for the newly authorized programs for Alcohol Counseling and Recovery and for Drug Rehabilitation, shall be effective during the fiscal year ending June 30, 1970.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Wisconsin (Mr. NELSON) to the second part of the House amendment to the Senate amendment No. 83.

Mr. NELSON. Mr. President, when we passed the OEO authorization bill, we earmarked funds for various OEO programs, but we also put in adequate flexibility for the OEO funds, and this bill passed both Houses. On a rollcall vote they tried to knock out earmarking, but they failed. Much later, this amendment No. 83 was slipped into the appropriation conference which simply removed the "mandatory funding levels," which is legislation in an appropriation bill. If anyone had known such an amendment was in there, a point of order would have cut it out.

Mr. President, for a clearer understanding of the situation which my motion addresses, it seems necessary to discuss the background of both the appropriations legislation before the Senate and the authorization act which was enacted last month.

If the proviso set forth in the House amendment to the Senate amendment had been proposed in the Senate in the first instance, it would have been subject to a point of order as legislation in an appropriations bill. Furthermore, if the appropriations item we are now considering were among the amendments agreed upon in the conference report itself which was adopted earlier on a rollcall vote, the proviso would—if this were the

first of the two Houses to receive the conference report, which it is not—be subject to a point of order as new matter not included in the bill passed by either House. The conferees would have exceeded their powers by reporting a provision not committed to the conference committee for its consideration. The proviso I am objecting to is not, however, subject to a point of order for one reason and one reason only. It is not subject to a point of order because the other House has already adopted it. Nevertheless, the underlying facts still remain: First, the proviso was not contained in the legislation sent to the conference; second, the proviso is legislation in an appropriations bill—and what is more it is legislation which seeks to nullify the earmarking provisions of the authorizing legislation—the Economic Opportunity Amendments (Public Law 91-177) which was adopted by each of the Houses of Congress last year.

While it is not possible to raise a point of order against the proviso since it has already been adopted by one House, the Senate must, nevertheless, express its judgment on the substance of the provision. The action of one House does not, of course, foreclose the other House from exercising its independent judgment. It is for the purpose of enabling the Senate to make its separate and independent judgment that I have offered the motion to modify the proviso so as to make it consistent with the authorization act. Let me refer to the Statement of Managers on the part of the House of Representatives. I do so not for the purpose of commenting upon the action of the conferees for the other House but rather in order to inform ourselves as to the legislative history. In fact there is a complete absence of legislative history for this provision. The Statement of Managers, as I mentioned before, clearly stated that the conferees would recommend the appropriation amount of \$1,948,000,000, but there is no reference at all to indicate that any other change would be proposed in the language of the appropriation provision. On December 22, the amendment was adopted by the House without debate.

Let me hasten to add that it is not my intention to imply any criticism of the conferees who so ably represented the Senate on this conference committee. I am discussing the merits of the proposition—the effect the proviso would have. I understand very well that the conferees representing the Senate did not initiate the addition of a proviso which they did not take to conference with them in the Senate-passed bill. Indeed, I would hope that one of the by-products of the pending motion would be to strengthen the hands of Senate conferees on future bills in resisting proposals to add legislative provisions to appropriation bills.

Mr. President, as a matter of fact, when we were considering the OEO authorization bill, the chairman of the Appropriations Subcommittee, the Senator from Washington (Mr. MAGNUSON), voted against an amendment on the floor of the Senate that would have removed the earmarking.

Let me discuss for a moment the authorizing act. As chairman of the Subcommittee on Employment, Manpower, and Poverty, last year I went through every executive session of the subcommittee, of the full Labor and Public Welfare Committee, and of the conference committee dealing with the Economic Opportunity Amendments of 1969. Earmarking of funds was the primary issue all the way. The bill I introduced in April provided for earmarking of the funds authorized for the various economic opportunity programs—Headstart, Follow Through, Comprehensive Health Services, Emergency Food and Medical Services.

Some reservations for other programs were added as we went through the legislative process on that authorization bill. Last June, the Senator from Iowa (Mr. HUGHES) introduced a new special emphasis program for alcoholic counseling and recovery with a reservation of funds that must be used for that program. He is chairman of a special subcommittee on the problems of alcoholism and drug addiction which has held many hearings on these problems. The Senator from Colorado (Mr. DOMINICK) is a member of that special subcommittee too, and in the markup session on the authorizing legislation in the committee last September his proposal was accepted for a special emphasis program for drug rehabilitation with a reservation of funds that must be spent for that purpose. These are the only new programs established in the Economic Opportunity Amendments of 1969. But there has never been any doubt in anyone's mind from the time we started acting on that legislation that funds were going to be reserved for alcoholic counseling and recovery and for drug rehabilitation. It is not as if OEO just learned about the reservation of funds for those programs recently. They have known for a long time.

I might say, Mr. President, that this is an important issue on principle, and it is also important on its merits.

So far as I am concerned, there will be no rollcall vote tonight, if I have to stay here all night, since there is no one here to listen to it. I want to be sure that all Senators have an opportunity to read the RECORD tomorrow morning. We can have quorum calls to bring everyone back, or put what we want in the RECORD and agree that there will be no rollcall vote until tomorrow.

Mr. HOLLAND. Mr. President, will the Senator from Wisconsin yield?

Mr. NELSON. I yield.

Mr. HOLLAND. I am not taking any position either for or against the Senator's efforts but may I call attention, however, to the fact that I doubt that he has proceeded in the way he intends to proceed. I may be mistaken.

My understanding is that the Senator has secured a division of the House amendment in two parts, and that the Senate has accepted the first divided portion.

Mr. NELSON. The Senator is correct.

Mr. HOLLAND. The proposed language starting in the bottom paragraph, on page 1, of the Senator's mimeographed

sheet that I find at my desk reads as follows:

At the end of said amendment strike out the period and insert the following:

It contains a proviso which is thoroughly understandable.

I think that the Senator means to strike out any proviso in the House amendment and to insert in place thereof the words that he intends to suggest. And I do not believe that his language as prepared accomplishes that purpose.

I simply make that as a friendly suggestion. If I am mistaken, the Senator may correct me.

Mr. NELSON. Mr. President, I appreciate the comments of the Senator. The amendment I sent to the desk read:

I move that the Senate concur in the House amendment to Senate amendment No. 83 with an amendment substituting in lieu of the language in the second part of the House amendment the following: . . .

So, in the written motion I sent to the desk, I asked to have this part substituted for the other.

Mr. HOLLAND. That would be correct. And the Senator from Florida has been mistaken, but he has been relying upon the mimeographed sheet placed upon his desk.

Mr. NELSON. The Senator is entirely correct. The mimeographed sheet did not have the full motion. I appreciate the Senator's contribution.

Mr. HOLLAND. I thank the Senator.

Mr. NELSON. Mr. President, the proviso set forth in the House amendment not only attempts to nullify the mandatory funding levels in the Economic Opportunity Amendments of 1969, but also the mandatory funding levels in the Economic Opportunity Amendments of 1967. There is only one mandatory funding requirement of the Economic Opportunity Amendments of 1967 which is still applicable. That is the requirement placed in the 1967 amendments by the distinguished Senator from Vermont (Mr. PROUTY), which provides that one-third of the sums allocated by OEO for research and demonstration projects, are required to be used for research and pilot projects designed to assure a more effective use of human and natural resources of rural America and to slow the migration from rural areas due to lack of economic opportunity, thereby reducing population pressures in urban centers.

This important mandatory funding requirement proposed by the Senator from Vermont (Mr. PROUTY) will be nullified once again—as it was in the appropriations acts for 1968 and 1969—if the proviso contained in the pending House amendment is not changed as I have proposed in the motion I have offered. The junior Senator from Vermont deserves to be commended for focusing attention upon the problems of rural poverty. I supported his proposal for research on rural poverty in 1967, and I support it now. Likewise, the chairman of the full Labor and Public Welfare Committee, the senior Senator from Texas (Mr. YARBOROUGH) has on many occasions reminded members of the

committee of the needs of rural areas for antipoverty and education programs. I would hope that the required allocation of research funds to be devoted to the problems of rural America would not once again be shunted aside. The motion I have offered will prevent that.

Mr. President, I hope all Senators appreciate the significance of the sequence of events which occurred in regard to the earmarking of funds for OEO. As the chairman of the subcommittee responsible for this very important legislation, I introduced the first bill to extend OEO in this session of Congress.

The bill contained earmarkings.

Our committee held hearings over a period of many months. We considered and debated the earmarking issue at great length. The subcommittee reported out a bill containing earmarkings.

Then the full Committee on Labor and Public Welfare considered the issue and debated it at length. The committee reported out a bill containing earmarkings. Then the Senate as a whole debated the bill. Earmarking was one of the issues.

A motion was made to eliminate the earmarking. The motion was decisively defeated on a rollcall vote on the floor of the Senate.

The Senate passed a bill containing earmarking. A similar procedure occurred on the House side. The House passed a bill also containing a form of earmarking.

The Senate and House conferees conferred. Earmarking was again a major issue. Agreement was reached. And finally both Houses accepted the report of the conference committee containing earmarking.

It just so happens that the OEO would prefer not to have earmarking. They would rather have an appropriation of about \$2 billion to spend virtually as they decide it should be spent within the broad directives of the Economic Opportunity Act.

I do not blame the OEO for taking that position. If I were the administrator of such a program, I, too, might very well prefer to have 100 percent freedom in the spending of \$2 billion. And I might very well feel that my judgment was better than that of Congress, as most administrators do feel.

But the point is that Congress has listened to and considered the position of OEO at every step of the legislative process. We considered it when we drafted the original bill. We considered it in the subcommittee. We considered it in the committee. We considered it on the floor. We considered it again in conference. And we rejected it.

Congress decided it wanted to give OEO a clear directive as to how it wished to see resources committed on the war on poverty.

I do not think this is the time or place to debate how we earmarked the funds. We have already debated that.

The fact is that we were extremely considerate. We simply took the budget recommendations made by the President and made them the basis for our earmarking. I repeat, we simply took the ad-

ministration's budget recommendations, and the justifications made by the President and made them the basis for our earmarking.

We added two small new programs, for alcoholism and drug abuse. And to show that we were serious about these programs, we directed OEO to reserve funds for these programs to guarantee that they would be established.

We also gave the OEO Director greatly increased flexibility in reallocating funds within his agency.

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

Mr. NELSON. I yield.

Mr. HUGHES. Mr. President, for the purpose of clarification, I would like to have the Senator reassure me as to the procedures. What would go back to the House and what they would be voting on and what the final decision would be if this motion is approved by the Senate?

Mr. NELSON. My staff has checked with the Parliamentarian and I am advised that this last proviso in amendment No. 83 in disagreement is the only thing that would go to the House of Representatives. This is the last item in the bill. Everything else has been approved, including the money for the Economic Opportunity program, which was just adopted. This single amendment relating to earmarking would go back to the House, if it were adopted as I propose, and the House would either accept or reject the amendment. It would not throw the bill back into conference. It is a privileged matter. When it arrives in the House it can be taken up forthwith and disposed of forthwith. If the House accepts it that would be the end of the matter. If the House rejects it, it would come back and then the question would be whether the Senate would recede from our position.

Mr. HUGHES. The distinguished Senator from Wisconsin has pointed out that two new programs were entered into in this particular earmarking project. I am not sure the Senator made clear there was no asking for additional funds in earmarking this money. Is that correct?

Mr. NELSON. I did not make that point clear enough. The Senator is correct. In the OEO authorization bill, we did not increase the total budget authorization in earmarking the funds for the alcoholism program of the Senator from Iowa or the drug program of the Senator from Colorado.

We directed OEO to establish these new programs on alcoholism and drug abuse. Then, to make certain that these programs would be put into operation, we specifically ordered OEO to reserve funds to run these programs—\$10 million for alcoholism and \$5 million for drug abuse—out of its budget authorization. OEO would have preferred that we not do that, but we did it and that is the issue we are still debating here today—whether OEO shall carry out a legislative directive and establish these programs as we ordered them to do.

Mr. HUGHES. With the Senator's permission, I would like to inform the Senate on the particular reasons I made the request for earmarking the OEO funds

in the field of alcoholism; and in the absence of the distinguished Senator from Colorado, I would also plead the case he made for earmarking funds for drug abuse and narcotic addiction.

Actually what we did in this particular bill was to request that about \$10 million be earmarked for fiscal year 1970. Is that correct?

Mr. NELSON. The Senator is correct.

Mr. HUGHES. And \$15 million for fiscal year 1971. Is that correct?

Mr. NELSON. That is correct.

Mr. HUGHES. In the field of narcotics addiction and drug abuse we asked for \$5 million for fiscal year 1970.

Mr. NELSON. That is correct.

Mr. HUGHES. We asked for \$15 million for fiscal year 1971. Is that correct?

Mr. NELSON. The Senator is correct.

Mr. HUGHES. The difference in asking for \$5 million for narcotics addiction and drug abuse as opposed to \$10 million in the field of alcoholism in 1970 was the fact that the Office of Economic Opportunity has been involved to quite some extent in alcoholism programs in the country, but they have not been heavily involved in programs of narcotics addiction or drug abuse. Is that correct?

Mr. NELSON. The Senator is correct.

Mr. HUGHES. We provided that the second-year funding be increased, because we believed this first year of preparation would place them in a position staffwise to utilize these additional funds in an efficient manner.

Mr. NELSON. The Senator is correct.

(At this point, Mr. BELLMON assumed the chair.)

Mr. HUGHES. As the Senator from Wisconsin knows, I am the chairman of the Special Subcommittee on Alcoholism and Narcotics created by the Committee on Labor and Public Welfare.

As the result of holding many hearings around this country, I came to the conclusion that we should request earmarking of funds in the Office of Economic Opportunity authorizations. The reason for this can be found not only in the hearings that have been held on two occasions in Washington, in the California area, in the New York area, Denver, Colo., and many others planned in the future, but also from my own experience as Chief Executive of my State of Iowa. In that position, 4 years ago I requested funding from the Office of Economic Opportunity for a program in the field of alcoholism in the State of Iowa. This program was designed to utilize all of the existing Federal and State services, coordinating them to make an assault on alcoholism in the State, as a pilot and pioneer project for the country.

The result of that project has been reviewed many times by the Office of Economic Opportunity and by experts they hired to go over it. It has now passed through the initial phase; its Federal funding has been discontinued; and its cost is being picked up at the State and local level in Iowa.

However, what we discovered in the initial phase is extremely important. We discovered that in the State of Iowa 25 percent of all patients in mental health institutions were there for alcoholism. We discovered that up to 40 percent of all inmates of the prisons and reform

schools in the State of Iowa were incarcerated because alcohol was involved in the crime for which they were convicted. We could not delineate very clearly the number of children on ADC programs as a result of families broken up by alcoholism, but it was very clear and evident to all of us that a high percentage of all children in ADC programs in Iowa were there because of alcohol problems related to the family, which not only brought them to the welfare rolls of the State, but very clearly placed them in emotional difficulties that impaired their ability to learn in school, and disclosed many other inadequacies in their family circumstances.

We found there was no program for training alcoholism counselors in the State and only one in the United States, and that was training very few people at that particular time. We could not identify at that time any medical school in the United States at all that was providing any specialized training for medical students in the field of alcoholism. And although alcoholism had been identified as a disease by the American Medical Association and the hospital association stated that they admit alcoholic patients, we could not find doctors or physicians who would treat alcoholics in almost any instance unless it was a special case—their own clientele or an alcoholic physician. We found very little research being done in the country. We found vocational rehabilitation officials were not considering the alcoholic as a man or woman who needed to be rehabilitated and that they were, in fact, not using rehabilitation funds authorized by Congress for alcoholism. In the field of employment services, we found that instead of being willing to place the alcoholic into a job, they were, in fact, prejudiced against the alcoholic and would not recommend him for a position, even though he had been sober a year or 2 years and even though he had tried in every way to meet the competency necessary for this type ailment.

We discovered there were no facilities in my State for the way of halfway houses. Many have the opinion that the alcoholic is the bum in the street or the drunk in the alley, on the sidewalk, or in the gutter. The fact is that only 3 percent of the alcoholics in the country are in the bowery or skid row, whatever it might be, in any city. The vast majority are living very comfortably and holding down very good positions.

The average alcoholic is 31 years of age, the father of two children, a junior executive taking care of his family comfortably, but progressing into the disease of alcoholism more and more every day. Under OEO regulations, we were not able to help this type of alcoholic. There was nothing we could do until the man or woman had descended economically to the level of poverty—below the annual income level described in the OEO program.

As a result of this, we were not able to make an all-out assault on the disease of alcoholism through funding by the Office of Economic Opportunity or from the additional funding provided through vocational education.

We found during the pilot program that the recovery rate could be substantial when an alcoholic who recognized that he was a victim of the disease and a physician who recognized that this was a disease. Procedures adaptable to recovery and detoxification were relatively simple matters, and something could be done about it.

When I became interested in the study of alcoholism some 15 years ago, the National Council on Alcoholism estimated that there were 5½ million alcoholics in this Nation and that each one affected at least four other people around him very seriously. Now, I believe, that office says there are 6½ million alcoholics—some 15 years later—and that they each still affect at least four people around them.

I do not accept those figures. I believe the number of alcoholics in this country is easily double that number, or 13 million; and if each one of them affects four others, which would be 52 million, it would mean that a total 65 million Americans are affected by this vicious disease.

Dr. Roger Egeberg has said it is the No. 1 health problem in the United States of America; and yet we are doing practically nothing about it. The Congress of the United States, in 1968, amended the Community Health Centers Act to authorize some assistance for alcoholics. President Johnson recommended appropriations of only \$4 million to fulfill that act. When President Nixon took office and submitted his recommendations, he eliminated the \$4 million, and there was nothing. The Congress came along and reinstated the \$4 million. So back we are to \$4 million again, which, in my opinion, is less than 33 cents per alcoholic in the Nation.

Mr. TYDINGS. Mr. President, will the Senator from Iowa be kind enough to yield for a moment to let me make a comment at that point?

Mr. HUGHES. I am glad to yield.

Mr. TYDINGS. Mr. President, first of all, let me say the efforts of the Senator from Iowa and the Senator from Wisconsin in endeavoring to provide funds for the treatment of alcoholics are tremendously important to the Nation. But the Senator from Iowa has mentioned the fact that the President of the United States, Mr. Nixon, completely withdrew or eliminated \$4 million to fund the Alcoholism Recovery Act of 1968.

If the Senator from Wisconsin will study the record, he will find that if arrests for traffic offenses are not considered, arrests for public alcoholism account for approximately 50 percent of the arrests in the country.

Mr. NELSON. Mr. President, I think we had better make clear what the percentages are that the Senator cited. Does the Senator mean to say that if we removed all matters involving traffic offenses, half of the rest of the time would be spent on activities involving alcoholics?

Mr. TYDINGS. The percentage I am referring to reflect the number of arrests for drunkenness in relationship to all arrests. The President's Crime Commission a few years ago reported that in 1965 51.8 percent of the arrests in Washington, D.C., and 62.5 in Atlanta, Ga., were drunk arrests. On the basis of these statistics it is clear that a great deal of val-

uable police time is spent handling drunkenness offenders. The inebriate must be arrested, taken to jail, booked, detained, clothed, fed, sheltered, and transported to court. Moreover, police must often wait hours to testify in court in connection with their cases.

Let me go to the next step. Recently, in the fourth circuit court of appeals and in the circuit court of appeals in the District of Columbia, the courts have recognized the fact that alcoholism is a disease and not a crime. They have held accordingly. So in States in the fourth circuit, such as Maryland, the manner of treating persons charged with normal drunkenness is different.

When the courts handed down those decisions, they, of course, could not provide for the funding of the Alcoholism Recovery Act of 1968. Let me tell the Senate about the consequences of the President's failure to implement the legislation on alcoholism.

Let us consider what happens in the eastern and western districts of Baltimore City, the two heaviest crime districts in the city. I spent 5 hours with the Baltimore Police Tactical Division 2 weeks ago. Because the act has not been funded, there are no health services and no detoxification units in Baltimore outside of a few in the hospitals. There is no funding for the program, so there is no place to take a derelict, even a reasonable businessman who might become inebriated in public. But the police are called upon to pick him up. In the old days, they may have taken him to the western district and kept him there overnight, but they do not do that now, and should not do it. The police officers in the western district—the heaviest crime district in Baltimore—first of all must try to find the person's home. Sometimes they are successful and sometimes not. If they cannot do it, they have to go from hospital to hospital to hospital in Baltimore, trying to find a place to take that person for care, at least overnight. When that same person has been picked up by police in the western district three or four times in a month, the hospital becomes a little shy of him. It refuses to take him in. Since the President has withdrawn the \$4 million and has not put 1 cent back into the fund, there are no funds available for detoxification, let alone halfway houses of rehabilitation for the alcoholic.

So the law enforcement officer now takes two or three times as much time trying to find a hospital that will take the person for treatment. Ultimately, many times, it cannot. After consuming three times as much time as normally, he has to take the person back and put him in the stationhouse in the western district.

The program for which the Senator from Iowa and the Senator from Wisconsin and other Members of this body have fought is vital to an effective war against crime.

Let me reiterate. Approximately 50 percent of arrests involve alcoholic arrests. This is wasting a tremendous amount of law enforcement man-hours. I think this is a tremendously important problem.

Talk to any captain or sergeant in

any busy precinct or district in a crime-ridden city in the United States, and he will verify the figures I have given the Senate today.

If we really mean to do something about fighting crime, we must provide funds for alcoholic rehabilitation and for narcotic rehabilitation. This clearly cannot be done when the President strikes \$4 million in critical funds from the program.

Mr. HUGHES. I should like to point out, in relationship with that matter, that the Senate Appropriations Committee recommended \$8 million. That was put back to \$4 million in the conference committee, but at least this body did the best it could to try to get some reasonable funding in this area.

To supplement what the Senator from Maryland has said, I do not have the statistical information with me because I was not expecting this extended discussion here today, but I think if we look at it, we will find, in relationship with crime, that a very high percentage of the crimes of violence in this country are carried out while under the influence of alcohol.

Further than that, it is making law enforcement and the problems of law enforcement more difficult. More than 25,000 people a year are killed in automobile accidents in which one of the drivers was involved with alcohol. What percentage of those are alcoholics I cannot tell, but it is said that, any given night, one out of 50 cars you meet has a driver under the influence of alcohol, as you are hurtling along 60 miles an hour in one direction, they are hurtling along 60 miles an hour in the other direction. And there are only 2 feet separating you over the median strip.

I want to state that we are talking about one of the greatest creators of poverty in America, a destroyer of security and the home, one that fills the mental institutions of this country, one of the greatest problems involving the Indians of this country. The Indian Affairs Subcommittee of this body found that, on one reservation, 80 percent of the Indian youths under 18 years old were in trouble with the law because of alcohol on the reservation.

The reason I am so concerned about getting this amount of money earmarked in the Office of Economic Opportunity is the fact that they are not making the initiative to go into these fields of alcoholism, narcotics addiction, and drug abuse, except simply to scratch the surface.

Mr. TYDINGS. I think slogans is what you call it. We are not being given the economic muscle to support critical law enforcement programs; we just have slogans.

Mr. HUGHES. I intend to go into a lengthy discussion of narcotics and drug abuse after I get down this road on alcoholism a bit further. I intend to go into it fully later. But while the Senator from Maryland is still here, I think he will recall that I came over and testified before the District Committee, because public health funds had been cut back in the District Committee. They were cutting back the Health Depart-

ment to the point that, while we do have a detoxification center in the District of Columbia, it is so overloaded that they have been unable to keep patients more than 2 days. They send them out to a center with about 600 beds, but so many people have been running through the center that they have been unable to keep the patients, feed them back to health, give them assistance in finding employment, and keep them permanently removed from the alcoholic rolls.

Mr. TYDINGS. As the Senator points out, the hospital is so completely overloaded it cannot even handle the ordinary public health needs of the District of Columbia, and they are asked to take over full responsibility, not only for the Federal Alcoholic Rehabilitation Act program, but the District of Columbia program. A person is taken in, dried out overnight, with no rehabilitation, no halfway house, no effort to get him back into society; he is turned out, and the chances are that between 15 and 20 percent of the time, he is picked up again within a month.

This whole problem of alcoholism and of the funding of the Federal Alcoholic Recovery Act relates directly to the amount of time a police officer has to devote himself to protecting the public from dangerous crimes and crimes of violence. When you have, as in the District of Columbia and in other major cities, police officers tied up literally for days and weeks of man-hour time on work which should be handled by public health services or by a proper program funded as Congress conceived it would be funded—as long as that posture remains—we are not going to have the manpower necessary to protect the public from crime in Washington, D.C., or elsewhere.

Mr. HUGHES. Mr. President, will the Senator from Wisconsin yield further?

Mr. NELSON. Mr. President, I yield to the Senator from Iowa without relinquishing my right to the floor.

Mr. HUGHES. I should like to continue on this subject of alcoholism to the extent that I feel it is imperative that the need for earmarking of the funds for OEO be made very clear. I again do not have the statistical information with me, but I wish to concede, Mr. President, that we have checked with the Office of Economic Opportunity, and they contend that they cannot spend the \$10 million even if they get it in fiscal 1970, but it could be obligated. But that is not the issue we are debating here today. We are debating today the principle of earmarking funds to meet specific needs as they exist in this country. I recognize that it might be a little difficult to gear up this late in the year to utilize this total amount of funds. But I am objecting to the way it was handled, without any of us being aware of the fact that this earmarking had actually been knocked out after all of the legislative history which, as the Senator indicated, includes full committee and subcommittee support.

Mr. NELSON. If I may, I might say that the authorization bill we passed—the Economic Opportunity Amendments of 1969—give more flexibility to the Director of OEO to transfer funds from one

program to another than the previous administration got in the authorization bills.

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

Mr. NELSON. I yield.

Mr. MONDALE. In response to the statement of the Senator from Iowa, I think it is appropriate to observe here that there was not a single word of opposition raised during the legislative process to his proposal establishing this program on alcoholism. Indeed, on both sides of the aisle, there was unanimous, enthusiastic support for this effort to provide research into and service for a vastly underrated social problem, namely, alcoholism.

There was no problem in the subcommittee; there was no problem in the full committee. There was no problem on the Senate floor, and, in terms of the objectives of this program, no problem in the conference committee. Everyone agreed it is a long overdue, desperately needed program.

What strikes me is that, after all of this consensus from everyone, we should have to stand here and defend the importance of a program because of a totally unscrupulous lobbying tactic by which a rider, which no one knew about, was slipped into an appropriation bill 3 minutes to midnight the night before this first session of the 91st Congress adjourned. No one knew about it—not the chairman of the legislative committee, not the chairman of the Poverty Subcommittee. I understand that not even the chief of staff of the Appropriations Subcommittee on the Senate side was told about the purpose and implications of this rider. But, due to what I regard to be unethical tactics by the Office of Economic Opportunity, this midnight rider was tacked onto the appropriations bill, completely gutting the efforts of the legislative committee and of the U.S. Senate. Now we find ourselves trying to argue for a program with which no one disagrees, simply because the whole procedure and proper functioning of the U.S. Senate has been undermined and eroded by a tactic which I think needs to be thoroughly condemned—a tactic which I think seriously undermines the relationship of the Congress, and particularly the Senate Committee on Labor and Public Welfare, with the Office of Economic Opportunity.

I am very proud of the fact that I worked hard on the OEO bill. I worked hard with Mr. Rumsfeld and with his representatives. We tried to develop a bill with which they could live and with which we could live. We put our cards on the table. We did not try to trick them. They did not try—we thought—to trick us. Now we find that, without telling anybody, they tried to undermine everything we did.

This alcoholism program, the drug abuse program, and the provision requiring that one-third of OEO research funds be devoted to research on rural poverty are now in jeopardy because this kind of cheap lobbying tactic was used. That tactic erodes and undermines the basic procedures of the U.S. Senate. It destroys the kind of dignity and respect

with which Members of the Congress and members of the executive must treat one another, if this process is going to work. I deplore this tactic, oppose this rider, and ask my colleagues to join us in this effort to preserve the original intent of the Senate when it adopted the bill extending the Office of Economic Opportunity.

Mr. BYRD of West Virginia. Mr. President, will the Senator yield for a unanimous-consent request?

Mr. MONDALE. The Senator from Wisconsin (Mr. NELSON) has the floor.

Mr. BYRD of West Virginia. I ask the able Senator from Wisconsin (Mr. NELSON) if he would permit the Senator from Minnesota to yield to me for a unanimous-consent request, with the understanding that he does not lose his right to the floor.

Mr. NELSON. I yield.

ORDER FOR RECESS TO 11 A.M. TOMORROW

Mr. BYRD of West Virginia. Mr. President, in order that Senators may be put on notice as to when the vote will occur on the business before us, I am authorized by the majority leader to ask unanimous consent that when the Senate completes its business today, it stand in recess until 11 o'clock tomorrow morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRANSACTION OF ROUTINE MORNING BUSINESS ON TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, immediately upon the conclusion of the prayer and the disposition of the reading of the Journal tomorrow morning, there be a period for the transaction of routine morning business, not to extend beyond 30 minutes, with statements therein limited to 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

APPROPRIATIONS FOR THE DEPARTMENTS OF LABOR, AND HEALTH, EDUCATION, AND WELFARE, AND RELATED AGENCIES, 1970—CONFERENCE REPORT

The Senate continued with the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 13111) making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies for the fiscal year ending June 30, 1970, and for other purposes.

UNANIMOUS-CONSENT REQUEST

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, at the conclusion of routine morning business on tomorrow, the pending business be laid before the Senate, and that the time on the pending business be limited to 1½ hours, the time to be equally divided between the distinguished author of the amendment to the House amendment to Senate amendment No.

83 to H.R. 13111 and the minority leader, or whomever he may designate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The unanimous-consent request, subsequently reduced to writing, is as follows:

UNANIMOUS-CONSENT AGREEMENT

Ordered, That following the period for the transaction of routine morning business on Wednesday, January 21, 1970, further debate on the amendment of the Senator from Wisconsin (Mr. Nelson) to the House amendment to Senate Amendment No. 83 to H.R. 13111, be limited to 1½ hours, to be equally divided and controlled by the Senator from Wisconsin and the minority leader (Mr. Scott) or his designee.

Mr. BYRD of West Virginia. I thank the Senator from Wisconsin for yielding.

Mr. NELSON. Mr. President, I yield further to the Senator from Iowa.

Mr. HUGHES. Mr. President, as a matter of information—I regret that the Senator from Minnesota has left the floor, because he labored so hard on the Subcommittee on Indian Education—I wanted to make sure to get into the RECORD at this point some statements of interest.

There has been much publicity about poverty among the American Indians and education among the American Indians and what we are doing or not doing about it. Then we come upon this, in a report entitled "Indian Education: A National Tragedy—A National Challenge," a 1969 report, No. 91-501, on page 18:

The subcommittee found one tribe in western Oklahoma where practically every male between the ages of 18 to 30 has a serious drinking problem. Strangely enough, if they survive to age 30, a complete reversal often takes place. The subcommittee findings leave no doubt that alcoholism broadly defined is one of the most serious problems affecting the Indian population today, yet it has attracted little serious attention, and what data that is available is generally inaccessible, unorganized, scattered, and unknown.

Excessive alcohol usage appears to be closely interrelated with other manifestations of social disorganization in Indian communities. Indian accident and arrest rates are notoriously high, and the majority of accidents as well as homicides, assaults, suicides, and suicide attempts are associated with alcohol. The vast majority of arrests, fines, and prison sentences in the Indian population are related to alcohol, and Indian arrest rates are also notoriously high. In one State penitentiary, Indians constitute 34 percent of the inmates whereas only 5 percent of the State's population is Indian. The majority of the crimes were committed while under the influence of alcohol.

On one central plains reservation, there were in 1 year 2,585 arrests for disorderly conduct and drunkenness in a population of 4,600 adults. Over a 3-year period, 44 percent of males and 21 percent of females had been arrested at least once for a drinking-connected offense. Of these, two-thirds had been arrested more than once, and 10 percent had been arrested more than 10 times. Thirteen percent of the entire population ages 15 to 17 had been booked at least once on a charge related to drinking. On another reservation with a total population of 3,500, in 1968, there were 1,769 arrests related to excessive drinking, 10 percent of them juveniles. In 1960, alcohol-related arrest rate for all Indians was 12.2 times that of the U.S. population generally. Drunkenness alone accounted for 71 percent of all Indian arrests.

In a study of high school students in a plains tribe, 84 percent of the boys and 76 percent of the girls claimed they drank. Thirty-seven percent claimed they drank frequently. Another survey of Indian high school students found 339 out of 350 who disliked their hometown because of excessive drinking. On this reservation, 70 percent of all juvenile offenses involved alcohol—a total of 420 in a recent year.

So we can understand that we are dealing with a disease that has practically crippled a fine group of American people. But we have not yet seen the job being done in the way it should be done unless the funds are earmarked, so that Congress can be sure that the money will be spent in this way.

Now I will read from page 114 of Report No. 91-501, item 11:

11. The subcommittee recommends—

That a comprehensive attack upon alcoholism among Indians be begun at the earliest possible time, and that it include (a) coordinated medical, paramedical, educational, psychiatric, social, and rehabilitation services, both public and private, including non-medical and non-professional personnel as appropriate; (b) strong prevention programs, relying upon concerted public education efforts; and (c) concerted efforts to identify and deal with the causes of Indian alcoholism.

If I had the time to break this down further ethnically to show the effect on the American Negro in the ghetto, if I could, for example, go to Texas and deal with the ethnic groups there in relation to alcoholism and narcotics and the problems we face, we could see that we have done little except express our hope and chagrin and the fact that it is a mammoth problem.

In all the history of civilized mankind, alcoholics have been dying in the streets, the gutters, the alleys, condemned in the Bible. An alcoholic can fall over in the street in the District of Columbia, and people will walk around him, ignore him, and never stop to see what is wrong with him. He may have died of a heart attack, but they would not stop to investigate. They would consider him a hopeless drunk, not a sick human being, entitled to the decency and treatment that we would give a crippled dog if a car hit it. Yet, we have abandoned many of these people in America and in the world.

I do not think I need to belabor the point of alcoholism any longer in relation to the earmarking of these funds. I think there is enough identity with the problem to demonstrate that alcoholism in America is one of the greatest contributors to poverty in our social structure. It has broken up homes. A very high percentage of children on welfare programs are there because of alcohol-related problems. Many emotionally disturbed mothers are there also.

Incidentally, the number of women suffering from alcoholism is increasing rapidly. We used to say about one alcoholic in five was a female. Now many of us believe that it is two in five, and the rate is growing rather steadily over the years. Thus, if we are going to do something about this program, if this Nation has any human compassion—I am not asking them to consider the problem of alcoholism to replace other programs—but certainly the day has arrived when

we should do something to try to eliminate one of the greatest creators of poverty, one of the greatest contributors to delinquency. We should endeavor specifically to demand that funds are spent in these areas.

If not, God help us. We have too long overlooked these problems.

Now, with the permission of the Senator from Wisconsin, I am going to speak a little bit on the subject of narcotics addiction and drug abuse.

Mr. MAGNUSON. If the Senator from Wisconsin would yield to me at this point—for about half a minute, I shall not interrupt this interesting discourse further.

Mr. NELSON. I yield.

Mr. MAGNUSON. I want to say that I was well aware of this language in the conference report. It was offered by the House conferees.

I hope that there is no misunderstanding about this. I think the problem is one of interpretation. I assumed—I could be wrong and I know that you gentlemen want to make this certain—they would spend the money in these categories according to their justification and their authorization and that this conference amendment would provide them with some needed flexibility. I assumed that by the way the amendment was explained in conference. I want that made clear. I am sympathetic to what you are trying to do.

My only hesitation is because I do not want to hold up this whole matter. I know you do not, either. However, I want to be sure that you understood what the conference did, and the premise on which it acted.

Mr. NELSON. The Senator from Washington, at the time the motion was made, when the authorization bill was considered in the Senate, voted against the motion to eliminate earmarking for OEO programs.

Mr. MAGNUSON. I did.

Mr. NELSON. So you voted in favor of earmarking?

Mr. MAGNUSON. I am going to vote for the Senator from Wisconsin's amendment now, but I just assumed that they would, in the next 6 months, follow the categories outlined in the authorization, with a degree of flexibility that would be needed to get these programs you are discussing underway. I know what you gentlemen want to do. You want to make sure that they do. I think I understand your concern, on the impact of the amendment as adopted by the conferees. You have offered a much clearer explanation of why this earmarking is important.

Mr. HUGHES. Mr. President, the recent track record of OEO does not indicate that we can assume anything about the fact that they will spend any money in these areas. They have not spent it. I doubt that they will, unless we put a chain on it and lock it down.

Mr. MAGNUSON. I am inclined to agree with the Senator from Iowa.

Mr. HUGHES. I might add, before the Senator leaves the Chamber, that he is one of those Senators who fought to double the appropriation for alcoholism. I know of his sympathy for the problem we are talking about, and I am a little

bit embarrassed by the position we find ourselves in today.

Mr. YARBOROUGH. Mr. President, will the Senator from Wisconsin yield briefly to me?

Mr. NELSON. I am happy to yield to the Senator from Texas, without losing my right to the floor.

Mr. YARBOROUGH. I commend the distinguished Senator from Iowa for his forceful, dramatic, and impressive statement here today. Soon he will discuss the question of narcotics and dangerous drugs.

Regarding the previous portion of his remarks, addressed to the problem of alcoholism and the earmarking necessary to get something done about that problem, I want to add to what he has said about the ethnic group in my State, Mexican-Americans, which is the largest ethnic group in my State, due to poverty—the main cause is poverty, where the rate of alcoholism, and the use of marihuana and dangerous drugs and narcotics all are higher among that group than any other citizens in my State. I think that this is all tied in with the problem of poverty, and the lack of opportunity—at least a great deal of it is.

Of course, this is a very serious problem, and we need money to combat it. Past experience has shown that if that money is not earmarked, it will not be spent.

I want to commend the distinguished Senator from Wisconsin (Mr. NELSON) for his amendment. I think it should be agreed to. We fought this out in the Labor and Public Welfare Committee. It was not a "quickie" thing. We debated it fully there, and amendments were offered to do away with earmarking just to give the Director of the Office of Economic Opportunity this money to do anything he wanted to with it. It was turned down in the committee time after time. It was also turned down on the floor of the Senate. This Michel amendment was not in the House bill. It was not in the Senate bill. Yet it turns up now.

I think it is time to say that when we in the Senate vote for something, we mean business; that it is not a token thing, to let someone strip away what we think about how this money should be spent. We have increased it under the leadership of the able Senator from Wisconsin who is chairman of the Manpower and Poverty Subcommittee. We have increased the authorization for the poverty program. I do not believe the Senate would have ever voted to increase the authorization if it thought the money would be thrown up there, so to speak, into the thin air to let the Director of the Office of Economic Opportunity pull it down to do anything he wanted with it.

We voted for that increased authorization because we had studied it for weeks and held hearings for months, and we had reached the point where the Director of the Office of Economic Opportunity, appointed by the President, who had voted against the poverty program when he was a Representative in the House, lobbied diligently and effectively in the House for it, even though he had

voted against it as a Member; but when he became Director of the Office of Economic Opportunity, of course he saw it differently and he came up here to lobby to save the program.

Because of the diligence of the Senator from Wisconsin, we increased the money and increased it on faith that it would be spent where the committee and the whole Senate had found, through extensive hearings and debate, that it should be spent.

I do not believe that the Senate would have increased the authorization and voted more money in a big lump sum for someone as Director of OEO to spend it as he wanted to. The Senate wants its will expressed, after thorough debate and extensive hearings and long executive sessions both by the subcommittee and the full committee which passed on it. Some of us on that Committee on Appropriations felt a growing concern as to where and how the money would be spent. I do not think the Senate should surrender to this wild and reckless, free funding of money for someone to spend anywhere he wanted and take off all the earmarking restraints.

All 100 Senators have opinions of their own based upon their experience, their knowledge, their travel around the country, based on the election process of this country.

I believe that running for a State office is the greatest educational institution in America, when a man travels around for public office statewide and visits the people, and all its many groups and sections. I do not believe there is any other educational process which is equal to it.

I believe it would be a great thing for America if we had a requirement that a potential Cabinet officer must have served in some statewide elective office before he became a Cabinet member. He should know something about the malnourishment of human action, of human desire, of the human heart, so that he can better improve the American way of life.

I think that we will have thrown away half of the diligent work of these committees if we sweep away all the benefits we have had of the testimony, the hearings, and the knowledge which we have accumulated, and put this in a separate category and say, "Take it, boys, spend it anywhere you want to."

Mr. NELSON. I thank the Senator for his comments. He knows, as chairman of the committee, and I as chairman of the subcommittee, that we have leaned over backward to accommodate the administration, and we waited for their recommendations several months. We could have gotten it out of the committee much earlier if we had gotten the prompt advice of the administration as to what they wanted. We leaned over backward to cooperate. I do not think that anyone here has been a stronger supporter of the poverty and manpower program than I have. Then, after doing all that, OEO did not get the appropriation it wanted out of the Appropriations Committee. Once again OEO came to me, pointing out how important it was that OEO get the appropriation which the President had requested. Once again, I was happy

to help OEO because I believe in the urgent need to fight poverty. So I drafted an amendment and took it to the floor, pointing out at the time that I was fighting the case of the administration and OEO. We won that fight.

Then, after we got that, without saying a word to us, behind our backs, they slipped in a little amendment seeking to wipe out the earmarking and the fund reservations in our bill.

Throughout the whole authorization process, we tried to keep OEO and the whole administration fully informed, every step of the way, on what we were doing. They called our office several times a day. They sat in on our hearings. They sat outside our executive sessions. They sat up much of the night outside our Senate-House conference. Every step of the way, we told them what we sought to do. We sought their comments and suggestions. We repeatedly called recesses to allow time for OEO to comment before we made a crucial decision. We repeatedly revised the bill in light of their suggestions as it moved through the authorizing process.

We gave OEO all the information. And when they came and asked us for help, we gave help. We helped them on the floor of the Senate to get the full funding. Then, when it was all over, without once coming in and saying, "We are going to try to legislate in an appropriations bill," they sneaked this amendment into the appropriations conference in an attempt to undo all we had achieved in the authorization bill.

Representative PERKINS on the House side did not know it happened. I did not know it happened. The staff people did not know. This amendment did not become public knowledge until after both Houses had recessed for Christmas. Only then was it spotted in reading the CONGRESSIONAL RECORD account of action in the House on December 22.

Then they expect to come back to both Houses and say, "Gentlemen, let us cooperate again." Mr. President, cooperation is a two-way street. If OEO is going to continue to do this, I think we will see the end of the cooperation.

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

Mr. NELSON. I yield.

Mr. TYDINGS. Does the Senator know whether the Office of the Director of Economic Opportunity was aware that this amendment was slipped into the legislation?

Mr. NELSON. I do not know. It was presented as the position, I understand, of those representing the Office of Economic Opportunity. I do not know who had any knowledge of it other than Congressman MICHEL.

Mr. TYDINGS. Mr. President, if they did, and if they failed to notify the chairman of the House legislative committee or the Senate legislative committee, I think the description of the Senator from Texas is very kind. It was deceitful if they did this. And it was a deceptive practice that is not in accord with the above-board procedures we are used to in this body.

I hope that the Director of the OEO would make some explanation to the

Senator from Wisconsin and the Senator from Texas as to the role he played in this procedure.

If that is the kind of chicanery to be indulged in in the future, I think we will have a different idea when we vote on appropriations for the OEO.

We have to take people at their word. We do not have time to read every word of every amendment in the closing hours.

Mr. NELSON. Mr. President, the issue of earmarking funds in the bill went to the full committee, to the subcommittee, to the floor of the Senate, and to the conference committee. And nobody anticipated that there would be a violation of the rule prohibiting legislation in an appropriations bill.

Suddenly this language showed up in the House record and nobody involved in the legislative process had known anything about it.

I do not know who was responsible for it. But if that is the way they want to play, we ought to play with the same set of rules.

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

Mr. NELSON. I yield.

Mr. EAGLETON. Mr. President, my question relates to the matter of earmarking as it would apply to the OEO programs, since most of the discussion, and properly so, has focused on narcotics and alcoholic programs.

Is the concept of earmarking a foreign one or an unusual one insofar as OEO programs heretofore considered were concerned?

Mr. NELSON. No, it is not foreign or unusual. We have had earmarking in the previous authorization bills. The interesting part of this is that, in earmarking the bill in our committee, of which the distinguished Senator is a member, we took all the administration's proposed budget figures and earmarked in those categories. Then, we added two programs, the drug abuse program of the Senator from Colorado (Mr. DOMINICK) and the alcoholism program of the Senator from Iowa (Mr. HUGHES).

Mr. EAGLETON. It was earmarked in the program that came from OEO with respect to Headstart and legal services. What are some categories in which the Senator has that information, which were previously earmarked?

Mr. NELSON. The OEO asked for a simple 2-year extension. In their budget justification, they selected the various categories to demonstrate what the requested amount of about \$2 billion would be spent for. We took their budget justification as the basis for our earmarking. Then we added this flexibility so their hands would not be tied too much. We thought that was very fair and considerate.

Mr. EAGLETON. So we added greater flexibility than the program previously on the books prior to this administration; and all that was added by the committee at the request of the Senator from Colorado and the Senator from Iowa for two more specific programs that had not been previously listed. Is that correct?

Mr. NELSON. Yes. I might say that those two programs on alcoholism and drug abuse were not in the House bill.

The House conferees questioned the Senate's action in authorizing and reserving funds for them. After extended discussion and after an eloquent plea on the part of the Senator from Iowa (Mr. HUGHES) the House conferees were persuaded to agree specifically to earmarking funds for those programs of alcoholism and drug abuse.

Mr. EAGLETON. So the end result of this midnight amendment, this mysterious midnight amendment that cropped up in the bill was that the only two categorical or specific areas zeroed in on are the two provided by the Senator from Iowa and the Senator from Colorado dealing with narcotic addiction and alcoholic treatment, whereas all other treatment programs are left untampered and untouched.

Mr. NELSON. I would hope, if the Michel amendment is finally adopted, that that would be the interpretation. I understand some people will argue it both ways. I think the best course is to eliminate the Michel amendment. I am pleased that the chairman, the Senator from Washington (Mr. MAGNUSON)—and I think it is important legislative history—stood on the floor a few moments ago to say when he agreed to that amendment in the appropriations conference, that he had expected that the money would be spent in accordance with the earmarking in the authorization bill. If so, it would be spent for these two specific new programs, the alcoholism program and the drug abuse program, as well as the other programs as earmarked in our bill. I hope that would be the interpretation put on it by the OEO if we should not prevail in this amendment. I would hope they would keep faith with the votes on the floor of the Senate and that they would respect the viewpoint of the distinguished Senator from Washington (Mr. MAGNUSON), who is the manager of the appropriations bill.

Mr. EAGLETON. I take it that it is the case, insofar as the OEO operation is concerned since its inception, that in earmarking of funds, where Congress expresses its legislative intent with respect to an on-going program or a new program, that is not an alien, foreign, or a new concept insofar as OEO is concerned. And yet this mysterious amendment seems to leave the impression that it would be unheard of insofar as Congress expressing its will in the field of treatment for alcoholism and narcotic addiction.

Mr. NELSON. There was earmarking in the Economic Opportunity Amendments of 1966 and 1967. The 1967 extension was a 2-year bill. So there has been earmarking in the two previous authorization bills.

Mr. EAGLETON. I thank the Senator.

Mr. NELSON. I yield the floor.

Mr. HUGHES. Mr. President, I wish to compliment the distinguished Senator from Wisconsin on the presentation he has made here today and for raising the question he has raised. He has surrendered the floor to me, because I wish to speak on the problem of drug abuse in America and the need for these programs. I am doing this in the absence of the distinguished Senator from

Colorado. My views may not be his views at all. I do not know whether he would even support this motion today; I have had no time to contact him to find out. However, the Senator from Colorado (Mr. DOMINICK) did initiate the particular amendment regarding drug abuse that became a part of the OEO authorization bill. As a result of this and as a result of attending the hearings with me—he is a member of the Subcommittee on Alcoholism and Narcotics—he saw the extreme need among the poor in America for programs in narcotics addiction and drug abuse.

The headlines of newspapers today and every day refer to the increased emphasis on law enforcement. We have been talking here about the absolute need for doing something about enforcement of the law and making sure we can cut back the crime rates in all of our cities.

In my previous statement, I spoke of the direct relationship between alcoholism and crime. That relationship has been supported by the Senator from Maryland (Mr. TYDINGS).

In connection with narcotics addiction in the United States, if we could find a reasonable solution to the problem of heroin and heroin addiction alone, I think we could reduce the felonies—and that includes some crimes of violence, burglary, rape, mugging, robbery—by 50 percent in the cities of this country.

We have had a great deal of testimony in my subcommittee relating to the heroin addiction. We know a great deal about the experimentation and demonstration project on methadone, a replacement narcotic that blocks the demand for heroin and enables the addict to go ahead and live in society. It is a program which is disputed in some scientific quarters, but there is enough research behind it to justify exploring it thoroughly.

If we are truly interested in battling crime in America and yet are unwilling to correct this provision in the pending bill, I think we are delinquent in our duty, because as we discuss narcotics addiction and drug abuse we are talking about things misunderstood in the United States.

The President held a conference of State Governors and said to them, "I want you to go back to your States, initiate programs, have discussions, and get underway mass familiarization programs in connection with drug abuse and narcotic addiction." But now we see another agency come along in support of legislation which will not earmark funds for drug abuse and narcotic addiction programs at the poverty levels. The history of this agency is that they have not initiated programs to do something about this problem. We feel it is absolutely essential.

Up until a few years ago, narcotic addiction in the United States was primarily a problem of the black ghetto of this country. As long as it was isolated in the ghettos, we paid very little attention to it, because it was not our problem. But now it has spilled out of the ghetto. It is rampant all over the United States of America.

If you ask the parents of America today, in a survey, what is the greatest concern for their children in the elementary, junior high schools, and high schools of America, they would undoubtedly immediately answer that narcotic addiction and drug abuse are the main concerns of every parent in the United States today.

It has been reported by the Department of Health, Education, and Welfare that there are approximately 12 million people in America who have experimented with or used marijuana, a drug about which there is a great deal of misinformation and misunderstanding, and yet considered—and rightly so because of the severe penalties of law—one of the major problems of this country.

There will come before the Senate soon a narcotic and drug abuse bill, aimed primarily—because it originates in the Judiciary Committee—at law enforcement, the structure of the law, and what we can do about it.

I would say here and now that if we made the penalty for selling heroin on the street 100 years in jail for a first offense and we developed the most efficient law enforcement in history and picked up the pusher on the street, within 3 days there would be another pusher on the same street selling heroin.

We must do everything we can to arrest the pusher, but I say to you that as long as heroin is profitable and is an increasingly profitable commercial item on the streets of America today, it is going to be big business tied into big crime syndicates in this country.

We can do something about eliminating the market. We can do something about prevention. We can do something about education both of the young and the adult. We can do something about treatment, about training the physician to handle the drug abuser, or about the narcotic addict himself. The federal system has developed only two institutions, one in Texas and one in Kentucky, in which we attempt to do something about these two problems. It has been a slow and a tedious process. Up until the last few years there was not considered to be any recovery from heroin addiction.

The black people of America, the poor people of America, living in the big cities, are sick and tired of people walking their streets, pushing pills and selling substances that turn their daughters into prostitutes and their sons into thieves, burglars, murderers, or whatever it may be, with little capability of doing anything about it. Yet, by our refusal to approach the problem, we are inviting a massive law enforcement problem that cannot be solved unless we approach it from the other direction. We can certainly do both at the same time, but we cannot do one and eliminate the other and arrive at a serious solution of the problem.

It is a staggering problem in the country. It is a frightening problem on the campus of every college in America, in every ghetto, and in every junior high school and senior high school. We have even found it is becoming an increasing problem in the elementary schools of the country. Students of 10 or 11 years of age have revealed that they were al-

ready hooked on drugs, were drug abusers, and some were narcotic addicts.

A doctor in the capital city of Iowa last Thursday afternoon told me a young mother came to him for delivery of a baby. They discovered she was a narcotic addict. He immediately took care of her, and delivered the baby, and the baby was a narcotic addict as a result of being carried in that mother's womb. The father came to visit, and it was discovered he was a narcotic addict. This was in Des Moines, Iowa, not a city known for heroin or drug addiction, but the capital city of my own State.

There is a need to do something medically to help these people. I have had calls from my State about it:

I have six students who are addicted to heroin and they need help. Where can I get it for them?

It was difficult for me to get skilled help for heroin addicts in Iowa.

As a result of this massively increasing problem, there is a staggering need for legislation and law enforcement; this is just the beginning in the right direction.

Certainly we can bring into being something to help see that these people have a right to live and a decent way to get help to recover from a stigma that really has invaded all of America today and that is a real tragedy in America today.

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

Mr. HUGHES. I yield.

Mr. TYDINGS. Would the Senator be kind enough to trace the legislative history of this particular line item in the legislative authorization?

Mr. HUGHES. In the beginning the Health Subcommittee of the Committee on Labor and Public Welfare became concerned, and particularly the chairman of the subcommittee, the Senator from Texas, because Federal agencies had decided to eliminate the institution in Texas which was one of only two institutions in the United States that were treating hard narcotics addicts and doing demonstration projects and scientific projects in this field. Hearings were held in the State of Texas. He discussed the magnitude of the problem when he came back. I discussed the problems of alcoholism and drug abuse and my own experience with them and concern about them. The Senator from Texas decided to appoint a new subcommittee on alcoholism and narcotics and named me chairman. We held some hearings, including some in Washington, California, New York, and Denver. The Senator from Colorado (Mr. DOMINICK) was present at almost every hearing and showed his concern, because his city had become known as "crystal city" as a result of the manufacture of illegal methadone.

As a result, when the Subcommittee on Employment, Manpower, and Poverty was discussing this matter with respect to the Office of Economic Opportunity, we decided to approach the problem by earmarking funds for the specific purposes. I was interested in trying to approach the problem of alcoholism in that way. The Senator from Colorado was interested in approaching the problem

of drug addiction in that bill. We decided to do it. The matter was debated and was unanimously agreed to by the subcommittee. It was brought to and unanimously agreed to by the full Committee on Labor and Public Welfare.

Mr. TYDINGS. How much was provided?

Mr. HUGHES. There is \$10 million in fiscal 1970 for alcoholism; \$5 million in fiscal 1970 for narcotic addiction; \$15 million in fiscal 1971 for alcoholism and \$15 million in fiscal 1971 for narcotic addiction. It was then brought to the floor of the Senate. The Senator from New York (Mr. JAVITS) proposed an amendment to eliminate the earmarking. His amendment failed, 36 to 50. So the earmarking was approved by 50 affirmative votes with 36 votes against.

It then went to the House, which applied earmarking in a somewhat different form, so it came back to the conference committee. As the Senator from Wisconsin said, we debated the issue in the conference committee. If my memory serves me correctly, it was approved without objection by the conference committee. It was brought back to the floor of the Senate then and confirmed here on the floor of the Senate.

So the legislative history from the very beginning to the end is one of approval either without objection in the committees or by very good majorities in voting on the Senate floor.

Mr. TYDINGS. Does the Senator know what the position of the Office of Economic Opportunity was on the line item for narcotic addiction treatment?

Mr. HUGHES. I cannot recall what the position of the agency was. I do recall that we were informed they opposed earmarking entirely, because they were seeking latitude to transfer funds between programs.

Mr. TYDINGS. Does the Senator know whether up to this time the Office of Economic Opportunity has established any clinic or treatment center for the treatment of narcotic addicts in any of its programs?

Mr. HUGHES. I cannot honestly say I recall one, but I do believe they have initiated some small experimental projects. I cannot confirm what they are, or to what extent, but I will obtain the information for the benefit of the Senate and present it tomorrow.

Mr. TYDINGS. I would like to lend whatever emphasis I can to the statement of the Senator from Iowa that narcotics addiction, particularly heroin addiction, is a major contributory factor to crimes of violence and crimes against property in every city of the Nation.

As the Senator knows, our own Committee on the District of Columbia has been working on the problem of crime in the National Capital region since I assumed the chairmanship last year. We have found, much to our amazement, that almost 50 percent of all the inmates received into the penal system of the District of Columbia are narcotic addicts. We further find that upon release, even more are estimated to be narcotic addicts.

Mr. HUGHES. Will the Senator permit me to interrupt him for a moment there?

Mr. TYDINGS. Surely.

Mr. HUGHES. This only reaffirms the

testimony taken in my own subcommittee that, actually, heroin and opiates are available inside the prison walls as readily as they are on the streets; and the fact that you put an addict in jail or in prison does not in any way separate him from the opiate or the narcotic.

Mr. TYDINGS. Exactly. Tragically enough in the District of Columbia there are no inpatient treatment centers for narcotic addicts, either at the time of their arrest, their conviction, while they are in confinement in a penal institution, or after they are released. The only treatment, if you want to call it that, was an experiment known as "DATRC," operating under an OEO grant, which was exposed in our committee hearings as being poorly operated and almost a complete failure.

It has been my understanding that the national administration and the Department of Justice have come to realize the relationship between hard narcotics addiction and the problem of crimes of violence. At least that has been their public position, and I know that this past year, in the District of Columbia Appropriations Subcommittee, they assisted my efforts toward obtaining funds in this area. I hope they will not limit their activities to the National Capital, much as we need help in establishing treatment centers here. The same problem is prevalent in every major city in the United States, particularly those with serious crime problems. As the Senator from Iowa pointed out, one of the more disturbing aspects of the heroin addiction problem today is the gradual movement of the heroin addict from crimes involving property to crimes against the persons.

Witnesses before my Committee on the District of Columbia have testified that several years ago, the average heroin addict was content to burglarize and shoplift, and fence the stolen material to support his habit.

In the last year or two, there has been a perceptible trend toward crimes of violence and crimes such as armed robberies which threaten violence.

If we are going to begin to tackle this problem, we have got to fight it on every front. The effort by the distinguished Senator from Iowa and his committee to get OEO funds channeled to the inner cities and the ghettos of this Nation is an important part of the effort. A 12-year-old boy died here in the District of Columbia recently from an overdose of heroin. The effort has got to be made on all fronts.

We do not have a major narcotics program operating under HEW, as we should have. Nor do we even have a major, effective narcotics addiction treatment program being operated by the Department of Justice. Because of the work of the Senator from Iowa and his subcommittee, and the legislative commitment here, at least we have made one step in the right direction. I cannot commend the Senator from Iowa enough.

I might say further that I think the American people, at least the people of Maryland, are beginning to realize the danger of hard narcotics addiction and its relationship to crime. I can assure the Senator from Iowa that he has the

full support of the constituency of Maryland behind his efforts, and I believe the full support of the people of the United States. I can assure the Senator that I will be right here every step of the way with him.

Mr. HUGHES. I thank the distinguished Senator from Maryland (Mr. TYDINGS).

I particularly emphasize today that what I am stating here in support of earmarking in this OEO bill does not in any way compare with what I intend to say later this spring in connection with narcotics addiction, drug abuse, and alcoholism in the United States. We intend to make massive recommendations in all these areas dealing with training, education, prevention, rehabilitation, job opportunities, and everything else, clear across the board. It is long past the day in America when we can play penny ante with such severe problems as the No. 1 health problem in America—alcoholism—and the No. 1 problem contributing more to crime than anything else—drug abuse. It is futile to talk about fighting crime without moving into massive areas of funding for studying the reasons behind the crime in America, and what we are doing to meet it.

I shall not belabor this point here much longer this afternoon. But I again point out that the very small funding of \$15 million in OEO funds for alcoholism and drug abuse was simply the very beginning of the attack on the problem. We need to tool up. We need to provide social workers and street counselors. We need to open store fronts, to say to the addict, "There is a way out of this mess, you can be helped, you can kick the habit, we know you can, this is the way we do it."

This problem is one of the greatest contributors to our crime problem in America, filling our prisons, breaking up homes, destroying the health of our people, and increasing violence and crime. Certainly we can afford to begin now by simply earmarking these funds in this bill in relationship to two of the most critical health and social problems in America.

Mr. President, I surrender the floor.

(The following colloquy which, occurred during the address of the Senator from Wisconsin (Mr. NELSON) is printed at this point in the RECORD by unanimous consent.)

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

Mr. NELSON. I yield.

Mr. YARBOROUGH. Is it not a fact that in response to the request by the OEO, we granted them a larger percentage of money than they had in the past and they were able to transfer it from one fund to the other?

Mr. NELSON. In the past, they could take 10 percent from a program and add not to exceed 10 percent to another program. They thought that was too restrictive.

What did we do on this? We agreed in conference that they could take 10 percent from any program the first year and 15 percent from any program the second year, and they could accumulate amounts thereby taken away from some programs to add up to 35 percent to a

program they want to enlarge. We gave them more flexibility than previous authorization bills gave the last administration.

Mr. YARBOROUGH. In other words, this Democratic Congress gave a Republican administration more flexibility than we ever granted to our own administration?

Mr. NELSON. The Senator is correct. We wanted them to have more flexibility. But we thought that at the same time we ought to preserve our rights as a Congress to outline how we thought the money ought to be spent among the categories—with some flexibility to transfer between categories.

The flexibility is 10 percent in the first year, which means we gave them \$160 million in leeway. And we gave them 15 percent for the second year—fiscal 1971. We gave them almost one-fourth of a billion dollars, \$240 million, of flexibility for fiscal 1971. We did not do that for the previous administration.

Mr. YARBOROUGH. We did not do it for the previous administration?

Mr. NELSON. The Senator is correct.

Mr. YARBOROUGH. The Senator has described a procedure where they came over and talked about our giving them greater flexibility. The Senator described this in great detail.

The Senator has described in great detail the OEO slipping in without the knowledge of the people they were working with and slipping this provision into the House.

I ask the Senator if he would not describe that as a sneaky procedure. The Senator used the term "sneak" at one time.

Mr. NELSON. Let me say that it was certainly a procedure that surprised us.

I am an admirer of Mr. Rumsfeld. I think he is a fine public servant and an able fellow. And furthermore, in the other department which administers parts of this program, I think the Secretary of Labor is a very distinguished public servant. I am always pleased to have him before our committee. He makes a fine contribution.

I believe, however, that if the ball game is played so that neither side is going to tell the other side what they are going to do and neither side will cooperate, and then after we have gone through the whole legislative procedure, they sneak around and try to frustrate Congress and upset an issue which had been voted on, I think that we had better have a little talk and find out whether what they are saying is, "We don't want to cooperate. We want a one-way street. We will come to you and ask for help. We will give you suggestions. You keep us informed, but we don't like what you have done so we will try to change it in secret without you finding out."

If they had told us that they were going to put in an amendment, we would have been forewarned. It was not germane. It was subject to a point of order. It was legislation in an appropriations bill.

I have listened to distinguished Members of this body time after time say that legislation in an appropriation bill is not proper procedure. And everyone folds up.

To have them slip it in this way, late in the game, with no notice to the chairman of the Committee on Labor and Public Welfare which handles this, and with no notice to the subcommittee chairman, and no notice to Representative PERKINS, is not proper.

We first heard as a rumor that they might be doing something like this. But then it was mentioned in the statement of managers. When we heard about the proviso after it went through the House, we talked to people who should have known and they were honestly embarrassed. I do not think we can carry out a legislative program and cooperate with the various agencies if that is the kind of thing they are going to do.

Mr. YARBOROUGH. Mr. President, with that description, I repeat my question, does not the Senator think that is a rather sneaky procedure?

Mr. NELSON. The language of the Senator is so much more colorful than mine that I will let his stand.

(This marks the end of the colloquy which occurred during the address by the Senator from Wisconsin (Mr. NELSON) and which by unanimous consent was ordered to be printed at this point in the RECORD.)

Mr. GRAVEL. Mr. President, I wish to associate myself with the remarks of the distinguished Senator from Iowa (Mr. HUGHES). Probably, no other person in this body has a better command of the facts and the skill to present them to the Nation.

Later today I shall address myself to a subject area that, if events prove successful in this area, will provide the financial wherewithal to prosecute more aggressively the programs so ably enunciated by the Senator from Iowa.

TRANSACTION OF ROUTINE MORNING BUSINESS

By unanimous consent, the following routine morning business was transacted:

A LETTER FROM THE MILITARY

Mr. FULBRIGHT. Mr. President, I recently received a letter from Mrs. Gary Katz, of El Cerrito, Calif. She enclosed an interesting letter, on official stationery, that she had received from a Mrs. L. R. Parham, who described herself as the "administrative officer" for Gen. Lewis W. Walt, Assistant Commandant of the U.S. Marine Corps.

I do not have a copy of Mrs. Katz' letter to General Walt, but it is not needed to understand her objection to the official reply she received from Mrs. Parham. The entire two-page reply is a highly emotional recitation of the standard litany on the dangers of communism.

If we withdraw our troops from Vietnam—

The Marine Corps' reply asked—

don't you believe the communist (sic) from North Vietnam will take over? And after that will they be satisfied? You better believe they won't. They will start somewhere else.

I had understood that the President's policy was to withdraw our troops from Vietnam. Apparently, General Walt's staff has not gotten the message.

A paragraph which particularly offended Mrs. Katz reads as follows:

While on the subject of being afraid, I want to emphasize that General Walt is not afraid of the communists—he is afraid of communism gaining strength in this country. He is afraid there are Americans such as you appear to be, who close their eyes and ears to the threat of communism in this country.

Her indignation is justified. I do not believe that General Walt, or any other leader of the Armed Forces, has been assigned the responsibility of appraising the political beliefs of our citizens, or of indoctrinating the public on the dangers of communism. This letter illustrates quite well the potential dangers of mixing arms and politics in the Military Establishment.

I ask unanimous consent to have both letters printed in the RECORD at this point.

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

EL CERRITO, CALIF.,
December 16, 1969.

SENATOR FULBRIGHT: As an American, I resent receiving a letter like the enclosed from the military.

I've marked the paragraphs on page two which I find offensive. I've written to the lady stating this but I feel more should be done. And as I've no power, I've decided to write to you. If you can not do anything to help me, please direct it to someone who can.

I'm sick to death to see the stupidity of the military. I hardly consider the military leaders of this country. All they are good for is wasting our tax money. Senator Fulbright, we don't agree on domestic policy; but I'm sure you will agree that if half the money spent by the Defense Department had been used domestically, we'd have gotten more value.

Mrs. ILENE KATZ.

DEPARTMENT OF THE NAVY,
Washington, D.C., December 12, 1969.
Mrs. GARY KATZ,
El Cerrito, Calif.

DEAR Mrs. KATZ: Permit me to introduce myself. My name is Mrs. Parham and I am Administrative Officer for General Lewis W. Walt. It is in this capacity that I will endeavor to answer your note of 5 December.

First, to your question, and I quote, "just why are you so afraid of the communists?" Before going any farther, just what is a communist? According to the dictionary the definition of a communist is, "of or pertaining to communism or communist. One who believes in communism. A member of the Communist Party in any country". To better understand communist let's go one step farther and define his belief—communism. "Communism is an economic theory or system of the ownership of all property by the community as a whole . . . characterized by state planning and control of the economy, ruthless suppression of all opposition political parties and all deviation with the Party, and the suppression of individual liberties under a dictatorship."

It is a well known fact that the ultimate goal of the Communist Party is to take over the world. The communists have never made a secret of this ambition. Day by day and inch by inch they progress toward their goal of world domination. Do you remember Hungary and Czechoslovakia? And how about Cuba? Would you like to see the United States under communist control?

I don't think General Walt is necessarily afraid of communists. I think he is trying to alert the people of the free world that the communists have never ceased working toward their objective. Look at North Korea and North Vietnam. If we withdraw our

troops from South Vietnam don't you believe the communists from North Vietnam will take over? And after that will they be satisfied? You better believe they won't. They will start somewhere else. Let us not forget also the city of Berlin is divided by a wall with communists on one side and free people on the other. Periodically people living on the communist side seek to escape—some succeed, others don't. Those who don't usually are killed. We who live in this great country are indeed fortunate but we must guard and defend our freedoms.

For instance, one of your freedoms is the fact that, without hesitation, you wrote an accusing and highly unflattering note to a leader of this country without fear of reprisal. In a communist country you would not dare do this—you would be afraid.

While on the subject of being afraid, I want to emphasize that General Walt is not afraid of the communists—he is afraid of communism gaining strength in this country. He is afraid there are Americans such as you appear to be, who close their eyes and ears to the threat of communism in this country.

In closing, Mrs. Katz, I would like to give you a statement made in 1965 by Lin Piao, the Vice-Chairman of the Chinese Central Communist Party and National Defense Minister, who wrote a document that has been justifiably referred to as a Chinese Communist Mein Kampf. Long Live the Victory of the People's War is the title of this remarkable candid work. Says Lin Piao:

"Just as Communism in China succeeded by capturing the countryside and then encircling and defeating the cities, so the global Communist movement will ultimately succeed first by capturing Asia, Africa, and Latin America, thereby encircling North America and Western Europe, and then by finally and decisively defeating the United States and its Western Allies. . . . We'll win Asia, Africa, and Latin America through wars of national liberation. . . . And the United States and Western Allies will be surrounded. They will be encircled, and they will be overwhelmed. . . . Vietnam is now the focus of the revolutionary movement against the United States, and no matter what action America may take, in Vietnam, the Communist Chinese determination is unshakable to drive the United States out."

Sincerely,

Mrs. L. R. PARHAM.

PUBLIC RELATIONS EFFORTS OF THE PENTAGON

Mr. FULBRIGHT. Mr. President, I ask unanimous consent to have printed in the RECORD at this point a news article from the January 3 Albuquerque Journal reporting the appearance in Albuquerque of a team of officers from the North American Air Defense Command, whose mission, apparently, was to drum up public support for a bigger and more costly defense system. This propagandizing for public support of higher military spending typifies the problem of the Defense Department's public relations program, about which I made a series of speeches in the Senate last December. According to the news story, one of the officers in the team, Army Maj. Kenneth J. Cook, said:

Although today's defense forces cannot stop either an intercontinental ballistic missile (ICBM) attack or a missile attack from a submarine force, the United States is beginning to concentrate on a new system which would be effective against these attacks.

Called Safeguard, the plan would use in-

novations in radar and both long- and short-range interceptor missiles.

The major's presentation came shortly after his Air Force team colleague said:

In the event of a missile attack (from the Soviet Union), you could expect 15 to 20 minutes warning time. . . . But our systems only warn the people. We can tell them when they're coming, but we can't stop them.

Presentations of the type of material to the public in this edge-of-war context appear to me to take on a sophisticated form of lobbying when we realize that additions to the already controversial Safeguard system are being contemplated for debate during the upcoming congressional session.

In fact this whole team project appears to follow the line of the Starbird memorandum for promoting the Safeguard system, which I had thought the Secretary of Defense had done away with last year.

The floor manager of the Defense appropriations bill, the senior Senator from Louisiana, assured me that the Appropriations Committee will take a good hard look at the Pentagon's public affairs program this year. I hope that Congress will take effective steps this session to bring the Pentagon's public relations apparatus under control.

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

[From the Albuquerque Journal, Jan. 3, 1970]
U.S. DEFENSE ONLY WARNS, COLONEL SAYS

(By Mike Padgett)

The United States does not have the defensive capability to stop a missile attack from the Soviet Union, a member of the North American Air Defense Command (NORAD) briefing team told newsmen Friday.

The three-member team, emphasizing they were speaking in behalf of NORAD's commander in chief, made their presentation at the Albuquerque Press Club in the Downtowner.

"In event of a missile attack, you could expect 15 to 20 minutes warning time," said Air Force Lt. Col. William H. Copp, who heads the team. "But our systems only warn the people. We can tell when they're coming, but we can't stop them."

Another team member, Army Maj. Kenneth J. Cook, said although today's defense forces cannot stop either an intercontinental ballistic missile (ICBM) attack or a missile attack from a submarine force, the United States is beginning to concentrate on a new system which would be effective against these attacks.

Called Safeguard, the plan would use innovations in radar and both long- and short-range interceptor missiles.

The major said the basic functions of the Safeguard system would be "to protect our retaliatory forces, protect against a possible attack in the future from Communist China and protect against an accidental attack."

Cook said NORAD officials believe if the Soviet Union declares war on the United States "they would commence activity with a surprise attack and follow quickly with manned bombers."

In the opening phase of the three-part presentation, a captain in the Canadian Armed Forces, Donald Kidd, described the Russian bomber system and missile program.

"The bomber is still an effective and efficient weapon," he said, adding the Soviet Union has bombers capable of flying non-

stop missions to any point in the United States.

He said the Soviet Union's missile system is particularly advanced. More than 1700 ICBMs are included in the program—and they have a range of "in excess of 6500 miles."

The Soviet submarine force is growing rapidly with about eight new Polaris-type submarines being produced annually, he said.

Kidd also said Red China is expected to have "mid-range missiles" by the end of the year and "moderate-range" missiles by the mid-1970s.

Copp said the functions of NORAD are to "detect, identify and, if necessary, destroy" any flying object which poses a threat to the safety of the population on the North American continent.

He said although the defense system would be moderately effective against a manned bomber attack, the method still poses a "major threat."

"They (bombers) could mine our harbors, hit multiple targets and use both chemical and germicide warfare," he said.

HOW HANOI SEES NIXON

Mr. FULBRIGHT. Mr. President, the January 29 issue of the New York Review of Books contains an interesting article by Richard J. Barnet, entitled "How Hanoi Sees Nixon," based on the author's conversations last November with North Vietnamese and NLF officials in Hanoi. After his return he reported on his conversations to U.S. officials concerned with Vietnam policy. He summarized the difference in viewpoints by writing that, "After my talks with the strategists on both sides it became clear to me that Hanoi and Washington are not fighting the same war."

We know all too little about the thinking of the other side and Mr. Barnet's report is a significant contribution to better informed public discussion of the prospects for success of the administration's policy.

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

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

HOW HANOI SEES NIXON

(By Richard J. Barnet)

I

Five days after President Nixon's November 3 speech I arrived in Hanoi for a series of discussions on the war, including a long interview with Premier Pham Van Dong. Several days after my return I met with the main Vietnam advisors of the US Government, including Henry Kissinger. After my talks with the strategists on both sides it became clear to me that Hanoi and Washington are not fighting the same war.

The analysis of the enemy is completely different in the two capitals. The North Vietnamese do not judge how well or how badly they are doing by counting bodies or comparing this month's statistics with those of last month. They look at trends on the battlefield and always concentrate on their long-term political consequences. They note that from 1965 to the present the US Government tried to win a military victory with 500,000 troops, that it failed, and that it had to move its forces into defensive positions and to begin withdrawing them. The leaders of the Nixon Administration are optimistic because after the continual aerial pounding of Viet Cong positions it is now possible to drive safely in parts of South Vietnam where formerly it was risky.

The North Vietnamese do not use travel but the ability to govern as a criterion of political success. They admit that they have taken serious losses in the South. In a recent captured document distributed by the State Department they allude to the higher desertion rate by conceding that "a number of Party members have gone so far as to surrender to the enemy and betray the nation." In North Vietnam itself there is evidence of hardship brought by the bombing, including shortages of power, fuel, and, above all, housing.

Nevertheless, I was struck by the mood of confidence in the North Vietnamese capital. The leader of the NLF in Hanoi told me, "We are gaining in the cities." It is now possible, they say, to obtain NLF literature anywhere in Saigon. More and more members of the middle class are making accommodations with the NLF. Officials of the Front also told me that they have a large military headquarters in Saigon itself. It is true that, under sustained B-52 attacks, the NLF had to withdraw from areas long under its control. But this development hardly bears out the optimistic prediction of a "secure" Vietnam by 1972 now being made in Washington by Sir Robert Thompson and other pacification experts. Even the most optimistic reports do not claim that the Thieu regime is now able to establish a legitimate order in former Viet Cong areas or to attract the loyalty of the people. The North Vietnamese are convinced that a pacification program which depends upon sustained American bombing is a strategy for prolonging the war rather than ending it. They know that the bombing further alienates the people from the Americans and they believe that when enough US troops withdraw, "the puppet government and army will collapse."

The political and military analysis of U.S. strategy I heard in Hanoi was in almost every case subsequently confirmed by some of the highest officials of our government. The Vietnamese are avid readers of *U.S. News and World Report* and *The New York Times*. They make it their business to know the current Washington analysis of the war and they try to understand the popular mood. Washington's political intelligence on North Vietnam, on the other hand, seemed of a much lower order. While State Department and CIA analysts are handicapped by the lack of published sources and personal contacts in Hanoi, U.S. officials compound their problem by failing to read carefully what the North Vietnamese do publish. What the Vietnamese say in their official communications is subjected to a variety of tortured interpretations. Washington analysts appear to pay more attention to Alsopian readings of captured documents, diplomatic gossip, and historical analogy than to what the other side is actually saying.

II

I had a long talk about the war with Pham Van Dong. The North Vietnamese Premier has seen many American visitors, but I was the first to meet with him since the death of Ho Chi Minh. When I asked him what would be the effect of this loss on morale, he said that the sense of duty everyone felt toward "Uncle Ho" would cause the population to "close ranks." As he talked he seemed patient, one might almost say serene, but extraordinarily tough. From time to time he raised his voice in anger when talking about President Nixon. Occasionally he would smile with contempt at the wiles of his "foxy" antagonist, but the dominant tone was one of sadness. I saw nothing in my brief stay to confirm or deny the speculations of Hanoi-ologists that there is a struggle for leadership. Pham Van Dong looked and acted very much like the man in charge.

The Premier told me what he has told many visitors before. The North Vietnamese and the NLF have one principal political objective. The United States must withdraw

politically and militarily from Vietnam and permit a political evolution among the Vietnamese without outside interference. They have no interest in humiliating the United States. Indeed, they are prepared to go to great lengths to make the United States as happy about the settlement as possible, not because they feel any obligation to make life easy for a country that has dropped 2.5 million tons of bombs on their country, but because they do not want the United States to return.

North Vietnamese officials are aware that if Nixon "cuts and runs," without a diplomatic resolution of the war, someone like George Wallace will cry for revenge, and the Vietnamese may still have to keep paying for the madness of American politics. It would in their view be far more desirable if the US could leave with a pretense of dignity and under a firm obligation never to return. One Hanoi official noted that when the Vietnamese threw out the Sung invaders in the seventeenth century, they waited a decent interval and then, when it would no longer look like tribute, presented the Sung king with an elephant. "We'll be happy to give Nixon an elephant too," he said.

The NLF delegation in Paris includes a former captain in the Saigon army who defected in 1960. The final humiliation that brought him to the point of joining the resistance, he said, occurred when Diem ordered a statue of General O'Daniel, the chief American military advisor, erected on the parade ground of the base where he was stationed. The background of other Front officials I met in Hanoi was equally "middle class." Before joining the resistance most of them had no communist connections or even Marxist sympathies. Their analysis of the war is much the same as that of DRV officials, but at points their emphasis differed. For example, they seemed even more open to working with prominent non-communist South Vietnamese politicians like General Duong Van Minh and Senator Tran Van Don than did senior Hanoi officials, who expressed "interest" in such men but showed some concern that "Uncle Sam is pulling the strings."

"In the old days," one cabinet minister said to me, "they could change horses in mid-stream. The present situation is much more difficult for that, but perhaps even now they are readying a new horse." On a number of specific political questions affecting the future of South Vietnam Hanoi officials would make a point of deferring to the Front. "That is a matter to discuss with our comrades from the south."

Both DRV and NLF officials are unshakable in their basic war aim, which is national independence and freedom from US presence or control of every inch of Vietnamese territory. On the other hand, they are reasonably flexible as to the choice of means for achieving these objectives. The United States delegate in Paris, Henry Cabot Lodge, has consistently misstated two of their chief demands. Contrary to repeated assertions by American officials, the North Vietnamese do not insist and have not insisted for many months that all US troops be withdrawn *in advance* of political negotiations on the political future of South Vietnam. But they do insist that the US make a credible commitment to leave. Such a commitment would include a pledge to withdraw *all* troops, not just combat troops, and the removal of 100,000 at once as a sign of seriousness.

Credibility is the key issue. Nixon's withdrawal plan is seen in Hanoi as evidence of an intention to stay, not leave. The North Vietnamese have made their position on this point clear not only to me but in interviews with Harrison Salisbury, Joseph Starobin, and others. Negotiators from the Johnson Administration now confirm that the North Vietnamese were saying the same thing over

a year ago. It is evident that Hanoi's flexibility on this point is a message which the Nixon Administration does not wish to receive.

The other false characterization of the Vietnamese negotiating position is the official US assertion that Hanoi is demanding the "overthrow" of the South Vietnamese government as a precondition of negotiations. In view of the nature and history of the Saigon regime, that demand would not be particularly unreasonable, but Hanoi has not made it. The North Vietnamese are asking for the appointment of a "peace cabinet" in Saigon on the grounds that they find it less than promising to deal with a group of generals who look upon such negotiations as treason.

Several officials in Washington asked me, straight-faced, why the North Vietnamese refuse to negotiate with Thieu. With an equally straight face I repeated the obvious: Hanoi has no incentive to negotiate with a politician who has said publicly again and again that he will never accept a coalition government with the communists. Such negotiations would be a ratification of a defeat on the battlefield, an event which has not happened and seems most unlikely to happen. Nor are they enticed by the prospect that "something interesting might develop" in the course of such negotiations. As they see it, Thieu's only interest is to block negotiations, and so long as he is in control, that is precisely what he will do. The mere act of negotiating with Thieu would help to prop up the regime at a moment when more and more Vietnamese moderates and nationalists are publicly challenging its legitimacy.

For the men in Hanoi the litmus test of a South Vietnamese politician is whether he has a political base independent of the Americans. If he does not, they correctly assume that he is a "puppet" whose only function is to preserve American influence in Vietnam. Several NLF leaders told me that there are men "in the present Saigon administration" who would be acceptable to them as members of a "peace cabinet" to arrange elections and coalition government. Contrary to what the Nixon Administration asserts, Hanoi is not seeking a weaker government in Saigon with which to negotiate but a stronger one. They are willing to accept a government composed of men they consider authentic Vietnamese patriots even if they are anticommunist. (The capture document called "Resolution 9" circulated by the State Department strongly suggests that the NLF expects coalitions to be formed.)

The Hanoi officials I spoke to indicated that such men as Tran Van Don, Duong Van Minh, Tran Ngoc Lien, whom Ky refused to let run as candidate for Vice President with Minh in the last election, and Au Truong Thanh, Ky's former economics minister now in exile, would be acceptable leaders of a "peace cabinet," provided they did not agree to become stand-ins for the U.S.

The officials in Hanoi attached considerable significance to the fact that such Saigon figures as Minh and Don have launched open attacks on Thieu. They suggested that Thieu's recent hesitation to repress such opponents, which he has not displayed in the past, shows not only that he is losing ground but that he is hedging his bets. "He has his bags packed," a cabinet minister said, as if reporting the obvious.

Pham Van Dong calls "Vietnamization" America's "Grand Design" to win the war. The strategy, as he sees it, is calculated to convince Hanoi that the U.S. is prepared to outlast them in a long war of attrition. In his view, Nixon is giving the following signal: "I will reduce U.S. forces in Vietnam to a level which the American people will accept and these forces will be used to keep the present South Vietnamese regime in power for

years to come." When I related this to a high State Department official, he replied, "Well, they got the message."

In Hanoi the Premier and others had listed the basic elements of the Nixon program that were supposed to put Nixon in a position to avoid changing Johnson's policy. Combat troops will be withdrawn over a two-year period. Fewer draftees and more volunteers will be used. The negotiating process will be downgraded. Popular support will be solicited by appeals to preserve America's honor and by the specter of a bloodbath if the U.S. troops leave. On the battlefield U.S. ground forces will move into defensive enclaves, but offensive operations against the VC will be stepped up by B-52 attacks using napalm, magnesium, cluster bombs, and other indiscriminate anti-personnel weapons.

The Nixon Administration's fundamental war aim, as Hanoi officials see it is to establish a subservient, stable regime in South Vietnam that can permanently maintain itself with no more than 50,000 or 100,000 American "advisors." The "victory scenario" modeled on the Greek intervention of 1948-9 having eluded them when the Viet Cong refused to fade away as predicted, the war managers are now hoping for a "Korean solution," i.e., a political victory based on a military stalemate.

The North Vietnamese are certain that the Vietnamization strategy cannot work. When enough U.S. combat troops leave, the NLF will rout the South Vietnamese army just as it did before the U.S. troops arrived. In spite of heavy losses, which they admit, the North Vietnamese seem convinced that the general trend of political and military events favors their cause. Nixon has been forced to start withdrawing troops and to abandon military victory. Hundreds of thousands of troops are on alert in the north, ready to replace losses in the south. I saw long lines of soldiers, trucks, and artillery moving toward the 17th parallel.

But the leaders in Hanoi pin most of their hopes on political developments. They note that Thieu has been unable to obtain the support of moderate elements in Saigon and that his government now has a narrower political base than it had a year ago. The censorship, the jailing of political opponents, and the strident right-wing rhetoric that characterize his regime are signs of weakness, not of strength. Thieu, they believe, is foolishly counting on the U.S. Embassy to guarantee him a political victory at the very moment when American forces are beginning to disengage themselves. Meanwhile, they point out, every shipload of troops that sets sail for San Francisco is a signal to the growing peace forces in Saigon that Thieu's days are numbered.

Hanoi officials allude to the deposits of almost 2 billion dollars in European banks from South Vietnamese sources, much of it in recent weeks (as Alessandro Cassella of *Die Weltwoche* in Zurich has independently reported). They are convinced that more nominal supporters of the regime will leave. Others will grow bolder in condemning Thieu and demanding peace. Still others may launch a coup. NLF officials hinted to me, as they have in the past, that some of their secret members now hold high posts in the Saigon government. According to a captured document distributed by the State Department, "in the event of a coup d'état or revolt" an attack on Saigon is planned. When U.S. troops in large numbers actually do go home, the North Vietnamese believe that the political troubles of the Saigon regime will be insurmountable.

Pham Van Dong is quite prepared, therefore, for re-escalation of the war by the U.S. when the Vietnamization strategy produces a political crisis in Saigon, as he thinks it inevitably will. Other officials in Hanoi predict that Nixon will resume the

bombing. Some suggested to me that the November 3 speech was an elaborate stage setting for a final victory push. One official even tried his hand at drafting the Nixon speech announcing re-escalation: "We have tried restraint. Look how they have repaid us. Therefore with regret. . ."

The Hanoi officials are well aware that while Nixon is publicly threatening "strong and effective measures" if the Vietnamese step up the battle, he is also quietly spreading the word in Washington that NLF military restraint is a sign that the Viet Cong is "out of breath." It was made very clear to me while I was in Hanoi that the NLF and North Vietnam will go to great lengths to prove to the world and particularly to the U.S. public that they have considerable breath left. They have already stepped up the infiltration rate and have concentrated attacks on military positions which have been "Vietnamized." There will be major new offensives.

III

How did the President, only a year after his predecessor had been turned out of office, become wedded to Johnson's war aims and Johnson's strategy? Nixon has of course a long history as a Vietnam hawk. There is a picture of him in the Hanoi museum taken in 1953 when as Vice President he came to Hanoi to advise General Navarre on how to win the war. In 1953, speaking in the East Room of the White House, Nixon urged sending a US expeditionary force to help the French. There is some evidence that he was sympathetic to Admiral Radford's final solution to the Dienbienphu problem, the dropping of "tactical" nuclear weapons. His analysis of US war aims in the November 3 speech was not dramatically different from his *Reader's Digest* articles on the subject written in the late Fifties and early Sixties.

When he appointed as top negotiators in Saigon and Paris the two men of the Johnson Administration most committed to victory in Vietnam, Ellsworth Bunker and Henry Cabot Lodge, Washington optimists concluded that such appointments were a clever cover for a change of policy. The optimists are making the same sort of analysis now. "Nixon is talking tough," one of the more astute liberal Congressmen told me, "but he is sneaking out the back door. Let's give him a chance." There are many people in Washington who believe that the President has a "secret timetable" to pull out all troops. They think he plans to prop up the Saigon regime long enough after the bulk of US forces leave so that Thieu and Ky, rather than the Nixon Administration, will bear the blame for their inevitable defeat.

The Nixon Administration has encouraged such thinking. Secretary of Defense Melvin Laird, who is becoming known in Washington as the Administration's "secret dove," gives comforting assurances about withdrawal to Senate critics like Mike Mansfield and George Aiken who want the US out of Vietnam. But this is only part of Nixon's public relations campaign to make it appear that the war is fading away. Administration spokesmen have different things to say to other constituencies. More hawkish critics are told that the President's plan brilliantly "preserves the options." The US can move in a number of directions, depending upon the reaction of the other side. Henry Kissinger has been telling members of the press that he expects Hanoi to accept our negotiating position before long.

Other White House officials, campaigning with charts and statistics, are attempting to convince skeptics that Operation Phoenix, the CIA assassination program to pick off Viet Cong cadre, has "yielded such impressive results" that the NLF may soon decide to call off the fight. Others are once again selling a new, improved pacification effort. But nobody explains how these murder pro-

grams are supposed to achieve America's war aims so long as the Thieu regime is unable to govern effectively and Hanoi is willing to commit more forces to the struggle.

There is official silence on the real options Nixon is likely to face if he carries out his announced withdrawal program. Suppose that when there remain no more than 150,000 US troops in well-protected enclaves, the North Vietnamese launch another Têt offensive. It is highly probable that these forces will overrun the South Vietnamese Army. The US commander in Vietnam will then have the following choices. He can either defend his troops in the enclaves while the allies they are supposed to be protecting are decimated, or he can execute a costly and humiliating Dunkirk-like evacuation. There is nothing in Nixon's personal history or character to suggest that he will accept a military debacle when he has refused political extrication.

However, high Pentagon officials from the last administration pointed out to me that the President's repeated threat to take "strong and effective measures" would have little credibility in such a situation. The Air Force "escalation shopping list" includes dropping more bombs on the South, resumption of the bombing of the North, and the mining of Haiphong. The opinion of US military experts with whom I have spoken confirms what seems obvious. None of these measures would stop a full scale attack in the South. Nor would the Marine-Army plan to launch an amphibious invasion of North Vietnam do anything but hasten an American defeat. If US commanders complain about conducting a war in South Vietnam where many of the people are secret members of the enemy's fighting forces, they can hardly expect to do better in North Vietnam where literally everybody is a member of the People's Army.

No, there is only one escalation measure which has credibility and that is the use of nuclear weapons. It is not hard to imagine the Joint Chiefs of Staff exerting enormous pressure on the President to authorize the use of a small nuclear weapon to relieve the pressure on the American garrisons of a full scale Viet Cong and North Vietnamese attack. During the siege of Khe Sanh three years ago there was considerable support among the military for such a step. There is a Republican view of history, which Nixon appears to believe, that Eisenhower ended the Korean war by threatening to use the atomic bomb. If nuclear weapons are used, "we are in an entirely new war," to use General MacArthur's characterization of the Korean conflict the day after the Chinese Army crossed the Yalu in force. The North Vietnamese have hinted that they have agreements with the Soviets and the Chinese that in the event nuclear weapons are used by the US, "it will no longer be a Vietnamese war." The war in Vietnam is not dribbling to an end. It is moving steadily toward its most dangerous crisis.

WASHINGTON'S DILEMMA

Mr. FULBRIGHT. Mr. President, I ask unanimous consent to have printed in the RECORD a very interesting article by Mr. Arnold Abrams, who is the representative of the Seattle Times in Laos. This article was printed in the Far Eastern Economic Review. It is one of the best and frankest descriptions of our involvement in Laos that I have seen.

It emphasizes again the strange attitude of the Department with regard to the hearings of the Symington Subcommittee on Laos. Here is an article which was published on January 1, 1970, and contains much of the material

which the Department is refusing to clear for publication in the committee's hearings on the ground that it affects our security and should not be published, although here it is published—almost exactly the same type of material—in a magazine, the Far Eastern Economic Review.

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

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

WASHINGTON'S DILEMMA: VIENTIANE

(By Arnold Abrams)

Despite blithe denials and bland interpretations by Vientiane officials, the war in Laos may be entering a decisive phase. U.S. embassy officials insist—in private—that the decade-long struggle here still is an American "holding operation", a lowkey effort with limited objectives. But intensified fighting in the last six months may have triggered an escalatory cycle leading to another face-off between Washington and Hanoi.

Government forces now wait anxiously to learn what postdated price tag will be put on their late-summer offensive which pushed the enemy off the Plain of Jars for the first time in five years. However, thrusts by communist forces in other areas have to some extent dampened the government's success.

The expected enemy thrust could force a crucial decision on Washington: whether or not to increase American involvement in Laos when standing fast might be tantamount to backing off. An American plunge into another Asian quagmire is almost unthinkable at present, but Richard Nixon's willingness to concede control of a contested country to communist forces is equally hard to envision.

U.S. policymakers had been hoping to avoid such a decision by keeping this conflict stalemated until a Vietnam settlement, involving Laos, could be reached. They managed that until last June, when a turnabout in enemy tactics drastically changed the course of this war. Now, with no Vietnam settlement in sight, time may be running out on American hopes in Laos.

Last June's enemy assault involved an estimated seven North Vietnamese battalions in a successful four-day siege against the government outpost of Muong Soui, straddling the Plain of Jars' western edge. The significance of the action lay less in the enemy victory than its timing; it came as an unusually bad rainy season posed particularly difficult supply problems for the less mobile communist forces.

Moreover, the North Vietnamese didn't stop at Muong Soui. They pushed south and west, severing road links to the royal capital and probing at Long Cheng, northern nerve center of the CIA (Central Intelligence Agency) and operations base for General Vang Pao's so-called secret army.

The enemy's steamrolling drive shattered the morale of government forces and brought U.S. and Laotian officials to the verge of despair. In late summer the shaken officials decided to hit back hard. A secrecy-shrouded counter-offensive was launched, marked by fierce American aerial pounding and increased American logistical support. The government won back Muong Soui, regained the Plain of Jars and reduced the length of the enemy dry season campaign, which usually ends in May.

Vientiane officials now try to downplay the late-summer action, particularly the Americans' role. They talk of government troops "waltzing in" to the Plain of Jars, finding that the North Vietnamese had

abandoned it, leaving behind large amounts of supplies. These officials have a theory to explain that strange turn of events: shortly after Ho Chi Minh's death in early September, they say, enemy forces must have been hurriedly recalled to North Vietnam because of the unsettled situation in Hanoi. So hurried was the recall, they theorize, that cumbersome supplies and equipment had to be left behind.

These officials have no evidence to support that theory. Moreover, when pressed in a private interview, a top-ranking American official conceded that the September events "weren't exactly quite so simple." He admitted that "some pressure" had been applied to enemy encampments before government forces advanced. Some pressure? Could it be, he then was asked, that the pressure consisted of unusually intensive American air attacks? "Look," he said, "let's just say there was considerable pressure and leave it at that. I can't discuss this any further."

So now American officials and government forces await retribution. In the event of a strong enemy strike, Vientiane undoubtedly is ready to accuse the other side of escalating the conflict. Hanoi, however, will surely view the move as a response to the government's late-summer offensive—which was prompted, of course, by the enemy's June assault. The name of this game is escalation. It has been played before by both principals in Vietnam.

So far as is known, the stepped-up US role in the war has not produced a commensurate boost in the number of Americans involved. That figure, according to reliable estimates, is between 400 and 500 of the more than 1,000 US government employees stationed here. No American combat forces operate in Laos.

US officials deny the conflict in escalating and discount the possibility of Laos evolving into another Vietnam. They say the fighting will remain limited, largely because Washington and Hanoi both want it that way. Some of these officials resent the recent furor about Laos, and the Senate subcommittee hearings that developed from it. The whole thing, they say, was needless and probably will prove harmful.

"Most of the senators in those hearings knew what has been going on here," says one embassy source. "They've been kept well-informed. Nothing has been hidden from them." He describes the week-long Washington hearings, which ended early in November, as a "gimmick." Some senators' goals, he says, were to arouse unwarranted public concern and capitalise on it.

At the hearings' end, Senator J. W. Fulbright, chairman of the influential Senate Foreign Relations Committee, said that US operations in Laos had been conducted without the knowledge or consent of Congress. He concluded that Washington's involvement in Laos was "most unusual and irregular—if not unconstitutional."

Senator Fulbright demanded the fullest possible public disclosure of that involvement; he also demanded, by implication, a reassessment of the US role by top administration policymakers, including President Nixon. Thus far he has achieved neither. There have been no indications, moreover, that either full disclosure or far-reaching reassessment by the administration is imminent.

Early this month the US State Department made it clear it wanted to prevent for security reasons much of the subcommittee's report being released. As a result the subcommittee took the stance that a censored version would distort the real picture in Laos so it would release nothing until it was satisfied an accurate version would be allowed to be published.

Not surprisingly, some American officials here believe that and public debate about Laos would be harmful. "Publicly discussing a policy can have the effect of locking you into it," explains one source. "It's much

easier to back off from a policy if you haven't officially adopted it." He neglected to mention that it also is easier to maintain a policy—especially a controversial one—by avoiding public debate on it.

Ironically, those most in the dark about Laos are the American people. More than simply being unaware of the scope of US operations here, they have yet to be told by their government that their nation is militarily involved in Laos. American officials still seek to officially conceal US violations of the 1962 Geneva Accord, which bars all forms of foreign military intervention in Laos. They contend that Hanoi's refusal to concede the presence of North Vietnamese troops here makes it diplomatically unfeasible for Washington to act otherwise.

Consequently, everyone in Vientiane, from the Russian ambassador to the *mamasan* of the legendary White Rose, knows what the Americans are doing here. But the American public remains ignorant of the fact that their government is arming, training, supplying, transporting and directing approximately 70,000 Laotian troops in a war which threatens to get out of hand.

Instead of setting the record at least partially straight US officials here do things like allowing Vang Pao to declare recently, before a sizable contingent of visiting journalists, that his Meo forces fight with antiquated weapons, inadequate communications and inconsequential American support. As he was speaking, American F-4 Phantom jets roared overhead, several American observation planes were parked nearby and three cargo-laden American transport planes landed in quick succession at his official Sam Thong base. After denying he even received indirect US military support, Vang Pao calmly climbed into an unmarked American helicopter, guarded by Laotians carrying American-made M-16 automatic rifles, and was flown back to his secret Long Cheng headquarters by a three-man American crew.

Vang Pao and official verbiage notwithstanding, American involvement in the Laotian conflict takes the following principal forms: In addition to 75 military advisers listed as embassy "attaches", about 300 men are employed in a variety of clandestine military activities supervised by the CIA. Although technically civilians, many CIA agents in Laos are former Special Forces soldiers recruited because of military expertise and Vietnam experience.

These ex-Green Berets train government troops, assist wide-ranging reconnaissance teams and plan guerrilla and psychological warfare operations. They wear combat fatigues and work out of three main camps, where they administer rigorous training in jungle warfare, guerilla tactics, communications handling and weaponry.

The CIA also maintains and largely controls Vang Pao's army of approximately 15,000 fulltime troops. Official instructions to the contrary, CIA personnel occasionally accompany these forces on combat forays. More than 20 agents have been killed in Laos. Among the most recent CIA casualties was Phil Werbisky, a former Special Forces captain widely known for his exploits during the early days of Vietnam. He was killed in the government's late-summer offensive.

"These guys are tigers," says an American personally acquainted with many CIA agents in Laos. "They're tough, intelligent guys who know how to handle themselves. They're not afraid to mix it up out in the jungle." The American is a civilian engineer who befriended many agents while helping to build airstrips on several of their remote outposts. "They came to Laos because they were fed up with having their hands tied in Vietnam," he says. "Here they're doing things the way they want to, and getting better pay for it as well."

An important CIA adjunct in Laos has the innocuous title of "Requirements Office". It

is staffed by about 90 men, most of whom also are ex-military types. Their function may be inconspicuous, but it is not innocuous. Stationed at field level, requirements officers—called BOs—handle the distribution of arms and ammunition, as well as general logistics. They are vital to any military operation mounted by the government.

Learning about these activities prompted Senator Fulbright to raise a key question about the CIA's role here: since its function ostensibly is to gather information, why is this agency running a war in Laos? "I don't approve of this kind of activity at all," Fulbright said. "But if it is in the national security interest to do this, it seems to me it ought to be done by regular US army forces and not by an intelligence-gathering agency." He added that the National Security Act, which created the CIA, "never contemplated this function" for the agency.

The CIA mission chief in Laos is Lawrence Devlin, listed as a "political officer" in the US embassy. Unlike most political officers, however, Devlin flatly refuses to see reporters. For all anybody knows, he might agree on that last point with Senator Fulbright, who stressed that he was not criticizing the CIA. "The agency is just following orders," Fulbright said.

Cargo and military supplies—as well as personnel—are ferried throughout Laos by Air America and Continental Air Services, private charter firms under contract to the US government. They are better known as the "CIA Airlines", and most of their pilots are ex-air force officers. Reporters are allowed to accompany flights involving rice drops to refugee camps, but are banned when military cargoes are carried.

"Why do you guys always ask about weapons and ammo shipments?" pilot Jim Walsh asked me. Walsh, 38, is an ex-air force officer who has worked in Laos for Air America since 1962. "You know we're not allowed to talk about such things," he said.

Another form of American air service in Laos constitutes the most direct US involvement in the fighting. Under the euphemism of "armed reconnaissance flights", Thailand-based American jets and bombers have mounted aerial bombardments equal to the pounding taken by North Vietnam prior to the bombing halt in 1968. The Ho Chi Minh trail in southeast Laos has been the prime target of American air attacks, but enemy encampments and troops on the Plain of Jars came under heavy fire during the recent government offensive.

Money for many US operations in Laos is cloaked in the budget of the mammoth Agency for International Development, or channelled through other unobtrusive conduits. The scope of American financial support of the neutralist Royal Lao government testifies to the effectiveness of such cover. Total American assistance here is reliably estimated at between US\$250 million and \$300 million per year. Of that, only the technical aid budget—about \$60 million—is made public. The rest, undisclosed, goes almost entirely for military purposes.

US officials here stress that American money and manpower expenditures in Laos are minuscule compared to those in Vietnam. Washington is spending about \$30,000 million a year in Vietnam, and has lost almost 40,000 servicemen there. Less than 200 US personnel—mostly airmen—have been killed in Laos. A small, covert conflict fought by volunteers may not be especially laudable, they say, but it beats a big bloody one battled by draftees.

Perhaps, but what happens when a little war threatens to escalate into a huge ugly one like Vietnam? As Tom Wicker pointed out this month in the New York Times as he discussed the prospect of Hanoi presenting a choice to the US of seeing Laos fall or engaging ground troops in battle. He wrote: "This 'choice' does not yet seem to have been

presented and while North Vietnam is under heavy manpower, logistical and economic pressures from its undertakings in Vietnam, it probably won't be: but in an ironic twist on the domino theory, anything that puts an end to those pressures in the South, including defeat for Hanoi as well as victory or a negotiated settlement, could cause North Vietnam to try either to recoup or to keep up its momentum in Laos."

A top embassy official in Vientiane argues: "There is no chance of this turning into another Vietnam. We know the mistakes made in Vietnam, and we have no intention of repeating them. Hanoi understands our position here. We seek no wider war."

Does it sound familiar?

SALT: THE CASE FOR AN IN-PLACE HALT

Mr. GRAVEL. Mr. President, paragraph 2 of section 2, article II of the U.S. Constitution reads:

He (the President) shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur.

It seems evident that the Constitution makes it incumbent upon the Senate to advise the executive branch throughout the treaty-making process—and to be kept advised in turn by the Executive—so that the advice and consent of the Senate in the making of the treaty can truly be ascertained.

Note that the Constitution does not employ the word "concluded," but says that treaties shall be made with the advice and consent of the Senate.

This is not simply a constitutional obligation to be dutifully honored. It makes good sense for both executive and legislative branches.

The executive branch must know what treaties the Senate would be willing to approve to know the range of measures open to its negotiators. Especially important, we must avoid an impasse in which the Senate refuses to provide the two-thirds majority required to ratify a treaty already agreed upon by the Executive.

With this in mind, I wish to address myself to the problems and opportunities presented by the opening of the strategic arms limitation talks—SALT—between ourselves and the Soviet Union. I wish to give advice on a kind of treaty to which I would be prepared to give my consent.

Mr. President, it appears we now enjoy a political and strategic climate in which it may be possible to end the Soviet-American arms race.

The best way to bring this about may be to negotiate an immediate interim freeze on certain tests and the deployment of all American and Soviet strategic weapons. In other words, Mr. President, what I am suggesting is an *in-place* halt, where is, *in-place* halt.

Many Members of this body hope that the forthcoming talks will result in significant agreements on arms control. But the range of alternative proposals that could lead to agreements is severely limited.

There are only three basic possibilities. First, we might seek a series of partial agreements. We might, for example, try to limit only ballistic missile defenses, or

the testing and deployment of multiple warheads, or the introduction of new families of strategic weapons.

Second, we might seek an agreement only on the total numbers of offensive and defensive weapons. Thus we might, for example, permit each side to have 1,500 missiles and 500 missile defense interceptors. The permitted quotas could be used in a variety of ways.

Under such an agreement, missiles on land might be transferred to ships, and so on. Such an agreement, of course, would not halt the qualitative arms race in which each permitted missile can be made larger, or fitted with a more powerful or more efficient warhead.

Third, we might seek an "in-place halt." Such an agreement would freeze not only numbers but characteristics of weapons and their modes of deployment. This would truly bring the arms race to a full stop for a period of a few years.

It is important not to lose sight of the many political and strategic advantages of negotiating the third type of agreement.

It would avoid the time-consuming negotiation of partial measures complicated by an ever-changing strategic and political context. Unlike a loose overall agreement, which would limit only the quantity of weapons, the "in-place halt" would also prohibit a qualitative arms race.

Moreover, an "in-place halt" would preserve the rough parity in strategic weapons that is acknowledged by both sides, and therefore would not jeopardize the security of either the United States or the Soviet Union.

I believe that to seek, initially, less than an "in-place halt" would be a serious political and strategic error.

Any partial approach is less likely to lead to successful negotiation, less likely to produce Senate ratification, and less likely to succeed in the basic aim of halting the arms race.

And, even if an overall agreement on numbers is achieved, the result might be not only disillusioning but dangerous if an accelerated qualitative arms race ensues.

Strategically, a failure to exploit the present opportunity for a successful halt to the arms race may have an adverse effect on American security.

From the most secure nation in the world, we have become one of the countries to be directly attacked if a nuclear war that nobody wants should somehow occur.

Our security can be still further eroded by the development of evermore destructive and less controllable weapons. Political incidents that occur in the midst of an everchanging strategic context are more likely to trigger war than those which might occur after an arms halt had calmed the international waters.

For these reasons I believe the "in-place halt" has strong political and strategic advantages, but I recognize that there are bureaucratic reasons why these advantages may be overlooked.

The SALT talks pose a dilemma for our military planners. On the one hand, they want to be able to continue buying the weapons they find desirable. On the

other hand, they would like to negotiate a halt so that the other side would stop buying these very same weapons.

At each stage of negotiations, our military planners are torn. They would like to have a missile defense, but they do not want the other side to have one.

They would like to have multiple independently targeted reentry vehicles—MIRV—but they do not want the other side to have them.

There is a real risk that, at the critical stages of negotiation, our military planners will feel a stronger desire to get the weapons they want rather than to achieve an agreement that would deny those weapons to the other side. Thus, the military planners may prefer the approach of seeking quantitative limits only—an approach that leaves the way open for a qualitative race.

Not only would such massive loopholes be both unfortunate and dangerous, but the Senate might well refuse to ratify such a treaty. Military planners tend to be more interested in what the treaty permits them to do. But the Senate is apt to be more concerned about what the treaty permits the other side to do.

I believe that we are at the time in our history when the Senate may not find it desirable to retain the freedom to continue increasing our nuclear missile forces at the cost of permitting the other side to do the same.

SECTION 2

Any discussion of the strategic weapons problem must begin with what the United States and the Soviet Union already have.

The United States is ahead in sub-launched missiles and intercontinental bombers. The Soviet Union is ahead in land-launched missiles and has made a beginning on a missile defense around Moscow.

Over the past few years, while the United States has been making qualitative improvements, the Soviet Union has been attempting to catch up quantitatively.

However, we see that the United States is still ahead in total nuclear warheads and, according to these plausible projections, would continue to be ahead even if both sides added multiple warheads.

This seems an excellent time for an "in-place halt." It would, in particular, prevent the enormous escalation shown on chart two when multiple warheads are added.

Furthermore, this shows the irrelevancy of who's "ahead" today. Two hundred and fifty warheads are necessary to destroy 50 cities, with the assumption that five warheads are assigned to each city.

We now have enough warheads to destroy these 50 cities 15 times over, with five warheads for each. Remember that the destructive power of each of these warheads averages more than 50 times that of the Hiroshima bomb. The Soviet Union has a similar "overkill" capacity.

All this is merely another way of saying what everyone really knows. Nuclear war would be mutually devastating for the United States and the Soviet Union. No political leader would have any chance of destroying the other coun-

try without having his own country destroyed.

Of course, such a leader would plan to destroy initially as many opposing weapons as he could so as to limit the retaliatory force of the other side.

But even on paper, the problem of destroying enemy missile-firing submarines on station is widely acknowledged as insurmountable. And the problem of mounting a successfully coordinated simultaneous attack on these, as well as other weapons systems, introduces a further order of uncertainty if not impossibility.

For these and other reasons, a calculated attack by either side even an attack based on fear of a preemptive attack—has properly become unthinkable.

Adding more advanced weapons systems does not further reduce the probability of such an attack. If more sophisticated weapon systems are bought at the price of letting the other side also buy more, fears of an automatically triggered nuclear war more than likely will rise, rather than fall. In these considerations lie the strategic argument for a comprehensive "in-place halt."

What would a comprehensive "in-place halt" be like? It would simply prevent any change in the numbers and kinds, and modes of deployment, of land-launched missiles, sub-launched missiles, intercontinental bombers and anti-missile-missiles. In particular, steps would be taken to ban further flight tests of MIRV's and their deployment on existing missiles.

How long could such an "in-place halt" last? It could last as long as the two powers wanted to make it last. It could, for example, be a 2-year agreement upon which further agreements would be based.

Later agreements might well call for the mutually balanced destruction of land-based missiles, which are increasingly recognized as obsolete.

Here we would have real disarmament—a reduction in the number of weapons whose inadvertent, or untimely use might lead to an otherwise avoidable holocaust.

The purpose of such an "in-place halt" would be to blunt the forward thrust of the arms race and give the negotiators a stable strategic context in which to reach further agreements.

Let me summarize the practical advantages of such an agreement.

First of all, an "in-place halt," rather than a more limited agreement, is the only kind of treaty that would completely halt the arms race.

Second, a partial, or a less restrictive, agreement could actually lead to a stimulation of the arms race. For example, if we negotiate an agreement limiting only missiles, or MIRV's, both sides will make correspondingly greater efforts on antiballistic missiles.

If the agreement limits only antiballistic missiles, more funds will be expended on offensive missiles.

In other words, a partial limitation can encourage substitute expenditures on weapons that are not prohibited by the agreement.

For these reasons, it is also true that: The strategic implications of an "in-

place halt" are easier to assess than those of partial measures. After all, an "in-place halt" maintains the situation that we now have—one that we understand quite well and are willing to accept.

A less comprehensive agreement raises many uncertainties. What new weapons might be built? What agreements might later fail to be achieved?

In terms of future uncertainties, it is easier to end the arms race at one stroke than by measures.

This is also true of the difficult matter of inspection. It is easier to verify compliance with an "in-place halt" than it is to verify compliance with more limited agreements.

Inspection simply becomes a search for anything new or for unusual strategic activity. For example, it is not necessary to keep track of shifting missile deployments to see that numbers are kept within an agreed quantity. In this case both sides would be bound to insure that no more missiles or warheads of any kind are added.

From a security point of view, an "in-place halt" may also be easier to justify than more limited agreements. The security of both sides is considered to be protected by the uneasy arms balance that exists today. The political leadership on both sides probably would prefer to ratify what exists than to risk an unknown strategic future and face the monumental expenditures which an escalation of the arms race would demand.

And, as a result of this, a negotiating posture that calls for an "in-place halt" is more readily understandable to all parties.

We live in an age of cease-fire. And this notion can also be applied to the arms race. It will require hard bargaining to do away with weapon systems. But it need not take hard and long bargaining to stop the present arms race. In my opinion, the current political and strategic climate makes an "in-place halt" a realistic proposal.

President Nixon has said we have "sufficiency" in our defense posture. And the Defense Department does not doubt that we are secure.

There are, then, no prospects for improving our security in a continuing arms race. Why not offer to stop now?

If the Soviet Union declines to accept the agreement, then all will know that we at least tried. We will still have the option at that time to pursue more limited agreements.

In any event I think there is a real possibility that if we take the initiative and offer this proposal at the forthcoming talks in Vienna on April 16, the entire arms race can be brought to a halt.

Such an as is, where is, "in-place halt" would be the best possible beginning to the end of the arms race.

PRESIDENT NIXON'S FIRST YEAR

Mr. GRIFFIN. Mr. President, today marks the first anniversary of the inauguration of Richard M. Nixon as the 37th President of the United States.

In his first year in office, the President

has compiled an outstanding record of performance—a record that has earned him the high praise and strong support of his fellow countrymen.

A significant analysis and appraisal of the first year written by Garnett D. Horner, appeared yesterday in the Washington, D.C., Sunday Star.

I ask unanimous consent that a copy be reprinted at this point in the RECORD. There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington (D.C.) Sunday Star, Jan. 18, 1970]

NIXON'S FIRST YEAR

(By Garnett D. Horner)

During his first year in office, President Nixon has given American foreign policy a definite new direction and moved in numerous ways to make the government work better at home.

His calm, unspectacular but firm leadership and realistic approach to the nation's problems at home and abroad seem to fit the mood of the country.

Public opinion polls attest that the majority of Americans believe he is doing a good job.

Nixon himself is far from satisfied with the results of his efforts since he became President a year ago Tuesday. He is not the kind of man ever to be satisfied.

Two of the toughest problems confronting the President a year ago—the Vietnam war and inflation—persist. But there has been progress, and he feels he is on the right course to solutions.

Nixon can be proud of many accomplishments in other fields.

Intangible but, comforting, there seems to have been an increase of public confidence in government under Nixon's leadership. Knowledgeable officials claim American prestige abroad has risen, too.

Nixon's associates attribute much of the increased respect for the American presidency at home and abroad to the way he asserts leadership. This is hard to define.

However, he conveys a sense of knowing fully what he is doing when he makes a decision.

He explores all the options open to him with advisers and outsiders who may have something to contribute. Then he makes his own decisions, often overruling his closest advisers. For example, when he was preparing to report to the country on Vietnam last Nov. 3, many told him he would have to withdraw more troops, and propose a cease-fire to win public support.

He overruled those points of view to pursue the course he felt was right—and the speech he gave on Nov. 3 is generally credited with promoting increased public confidence in his Vietnam policy.

FOREIGN COMMITMENTS

Similarly, at a cabinet meeting at Camp David last summer, the President overruled some of his advisers to go ahead with the family assistance program he proposed to Congress to shift the nation's welfare systems from a services strategy to a jobs and income strategy.

With Nixon avoiding spectacular promises and dramatic rhetoric, some of the most significant developments of his first year in office may have been largely buried under headlines about Vietnam moratoriums and battles with Congress so far as public attention is concerned.

One of the most important of these developments was the President's promulgation of the "Nixon doctrine." Applied specifically to Asia when the President proclaimed it at Guam July 25, the basic philosophy of this doctrine is guiding administration policy in Latin America and elsewhere in the world.

Essentially this policy tells the nations of Asia and other regions: The United States is not going to solve your problems for you; you work out your own ways to deal with them and we will help where we can, but not fight your wars for you or dictate your economic development programs. It encourages initiatives by the countries of the region to develop their own defense and economic improvement arrangements.

This "new direction" for American foreign policy reverses the post-World War II predominant role of the U.S. as the policeman and prime economic planner of the free world. It does not mean American withdrawal from the Pacific or any other part of the world.

The U.S. would keep its commitments, would still have a role, but encourage local and regional initiatives.

Lack of any progress in Vietnam peace negotiations has been a big disappointment of Nixon's first year.

Still, the Vietnam situation is pretty well reversed from a year ago. American troops are being gradually pulled out instead of poured in, as South Vietnamese forces take over greater share of the burden of defending their country.

The fighting has de-escalated. During the latest week for which figures are available—the week ending Jan. 10—American casualties were listed at 98 dead, as compared to 151 for the same week a year ago.

Developments in other foreign policy and national security areas during the first year of the Nixon administration have included:

A beginning toward opening communications with Communist China. Nixon has made it known that he is prepared to have serious, concrete and he hopes constructive talks with the Red Chinese. He considers that the 800 million people on the Chinese mainland—some 25 percent of the human race—are a reality that cannot be ignored.

A Nixon order banning American manufacture, storage or use of biological and chemical warfare weapons. As well as humanitarian grounds, his decision was based on a conviction that once germ warfare was used it might not be controllable and could spread death all over the world.

Beginning of talks with the Soviet Union on strategic arms limitation after the most thorough and systematic preparation ever made for any disarmament negotiations by this country.

The President's visit to key allied nations in Europe early in his administration to carry out his campaign pledge to give more attention to Europe and to consult with America's allies before negotiating with its foes—laying the basis for co-ordination of allied viewpoints in the SALT talks with Russia.

His round-the-world trip in midsummer, starting in Asia where his knowledge and understanding of their problems won the respect and confidence of the leaders of the nations he visited, and climaxing with a tremendously enthusiastic reception in the streets of Bucharest that tended to lift the Iron Curtain a bit.

A noticeable lack of vilification and personal attacks against Nixon in the Soviet press and by Soviet leaders during the past year, which administration officials believe may result from the conciliatory but firm tone the President has used in seeking an era of negotiation.

On the domestic front, Nixon entered the White House under the handicap of having Congress under control of the opposition party—the first President in 120 years to do so.

Still, there was progress on some issues and the first session of the 91st Congress ended with the Republican President's personal relations with the Democratic leaders of the House and Senate described by inti-

mates as quite good, and these leaders much more cooperative, especially in the foreign policy field, than a year ago.

The major thrust of the Nixon administration domestically has been reform—an effort to make the government work better in delivering services to the people.

The word "reform" recurs in much of the legislation the President proposed to Congress. He won draft reform and tax reform bills. His postal reform proposals are still pending.

Among the legislative proposals for which Nixon personally fought and won were his program for limited deployment of antiballistic missiles and extension of the surtax. His major defeat was the Senate turndown of his nomination of Judge Clement F. Haynsworth for the Supreme Court.

Much of the administration's "reform" produces few headline-making results, but can have long range effects of major importance.

One of Nixon's first acts as President—seven days after entering office—was to order uniform regional boundaries and headquarters cities for operations of government departments and agencies around the country—an unspectacular but efficiency-promoting move.

To assure orderly development of policies involving programs carried out by different agencies, the President created the Urban Affairs Council, the Environmental Quality Council and the Rural Affairs Council. This means, for example, that a school aid program of HEW will be coordinated with a housing aid program of HUD in the UAC. It means full consideration given to such facts that a mass transportation system helps unemployment by providing a way for unskilled workers living in the inner city to get to jobs in new factories on the outskirts.

Considered by the administration as one of its most profound reforms is the "new federalism" concept—a change of course in the way the federal government conducts its business. The basic concept is that a government service should be performed at the level of government—federal, state or local—where it can most effectively be done. Some things the federal government can do better: many it has been doing could be done better by the states or local governments, is the idea.

NEW FEDERALISM

The "new federalism" involves considerable decentralization of government.

To make it work requires more money at the state and local government levels. So Nixon proposed a revenue-sharing plan to plow back to the states, without any strings, a percentage of federal revenues. Congress has not acted on the proposal.

One of the simple reforms Nixon proposed was incorporated in the tax reform bill—to stop levying income tax on people the government defines as poor. He found the government had been collecting about \$600 million a year from the poor—enough to finance about one-third the budget of the antipoverty agency.

Most of Nixon's actions during his first year in office have been in line with what he said during his 1968 campaign he would do.

During that campaign, one of his statements that may strike him now as among the most profound was that "it is an inescapable fact of our national life today that we cannot afford to do all that we wish."

He has had to postpone many things that he would have liked to do in order to meet the overriding necessity, as he sees it, of holding down federal spending in order to combat inflation.

Rising uncontrollable government expenditures, such as interest on the national debt, have forced cuts elsewhere to the tune of some \$7 billion during the current fiscal year.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

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

REPORT ON OPERATIONS UNDER THE FOOD STAMP ACT OF 1964

A letter from the Assistant Secretary of Agriculture, for Marketing and Consumer Services, transmitting, pursuant to law, a report on operations under the Food Stamp Act of 1964 (with an accompanying report); to the Committee on Agriculture and Forestry.

STATISTICS OF PRIVATELY OWNED ELECTRIC UTILITIES IN THE UNITED STATES, 1968

A letter from the Chairman, Federal Power Commission, transmitting, for the information of the Senate, a copy of the publication "Statistics of Privately Owned Electric Utilities in the United States, 1968" (with an accompanying document); to the Committee on Commerce.

PETITIONS AND MEMORIALS

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

By the PRESIDENT pro tempore:

A resolution of the Senate of the Commonwealth of Kentucky; to the Committee on the Judiciary:

"SENATE RESOLUTION No. 12

"A resolution honoring the late Dr. Martin Luther King, Jr.

"Whereas, January 15 is the anniversary of the birth of the late Dr. Martin Luther King, Jr.; and

"Whereas, throughout his life Dr. King exemplified the principles of adherence to law and of bettering the law through lawful change; and

"Whereas, Dr. King has become the symbol to all Americans of the power of passive persuasion; and

"Whereas, there is now before the Congress of the United States House Resolution 7703, to designate January 15 as a legal public holiday;

"Now, therefore, *Be it resolved by the Senate of the General Assembly of the Commonwealth of Kentucky:*

"1. That the Senate of the Commonwealth of Kentucky endorses and urges the passage of House Resolution 7703 to establish January 15 as a legal holiday honoring Dr. Martin Luther King, Jr.

"2. That the Senate, when it adjourns on January 15, 1970, does so in memory of the late Dr. King.

"3. That the chief clerk is directed to send a copy of this resolution to the President of the Senate of the United States, and to the Speaker of the House of Representatives of the United States.

"Attest:

"EMERSON BEAUCHAMP,
"Clerk of Senate."

A resolution adopted by the Lions Clubs in the State of Kansas, relating to support of the President and the Congress with reference to peace; to the Committee on Foreign Relations.

A resolution adopted by the common council of the city of Buffalo, N.Y., relating to a day of official recognition to the honor of Dr. Martin Luther King, Jr.; to the Committee on the Judiciary.

BILLS AND A JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time and, by

unanimous consent, the second time, and referred as follows:

By Mr. BAKER:

S. 3308. A bill to provide for publication of a U.S. Treaty Code Annotated; to the Committee on Rules and Administration.

By Mr. COOK:

S. 3309. A bill for the relief of Dr. and Mrs. Arthur T. Daus, Jr.; to the Committee on the Judiciary.

By Mr. ALLOTT (for himself and Mr. DOMINICK):

S. 3310. A bill to add certain lands to the La Garita Wilderness, Rio Grande National Forest, in the State of Colorado; to the Committee on Interior and Insular Affairs.

(The remarks of Mr. ALLOTT when he introduced the bill appear later in the RECORD under the appropriate heading.)

By Mr. TYDINGS:

S. 3311. A bill to amend title XII of the National Housing Act to provide, under the urban property protection and reinsurance program, for direct Federal insurance against losses to habitational property for which insurance is not otherwise available or is available only at excessively surcharged rates, to make crime insurance mandatory under such program, to provide assistance to homeowners to aid in reducing the causes of excessive surcharges, and for other purposes; and

S. 3312. A bill to amend the Small Business Act to make crime protection insurance available to small business concerns; to the Committee on Banking and Currency.

(The remarks of Mr. TYDINGS when he introduced the above bills appear later in the RECORD under the appropriate heading.)

By Mr. TYDINGS (by request):

S. 3313. A bill to exempt FHA and VA mortgages and loans from the interest and usury laws of the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

By Mr. WILLIAMS of Delaware:

S. 3314. A bill to amend the Internal Revenue Code of 1954 to further protect the privacy of individual taxpayers, and for other purposes; to the Committee on Finance.

By Mr. BAKER (by request):

S.J. Res. 170. Joint resolution designating the week commencing February 3, 1970, as International Clergy Week in the United States, and for other purposes; to the Committee on the Judiciary.

(The remarks of Mr. BAKER when he introduced the bill appear later in the RECORD under the appropriate heading.)

S. 3310—INTRODUCTION OF A BILL ADDING CERTAIN LANDS TO THE LA GARITA WILDERNESS, RIO GRANDE NATIONAL FOREST, IN THE STATE OF COLORADO

Mr. ALLOTT. Mr. President, for many years I have been interested in a very small, but spectacular, area of Colorado which from 1908 until 1950 was designated as the Wheeler National Monument.

This area contains what the Denver Post recently termed a marvel of nature. It was first mapped by Capt. George M. Wheeler in the year 1874 in one of the initial explorations of remote areas of our country. The breathtaking sandstone rock formations, resembling a lava-like mountainous terrain, often look more like something that one would expect to encounter on some terrestrial planet. It is an awesome sight.

When the national monument designation was lost, the Forest Service assumed jurisdiction over the area as part of the Rio Grande National Forest. The

Forest Service, however, continued special recognition of the area by having it withdrawn from mineral entry and determined that no roads should be permitted within it as an endeavor to assure its preservation. Touching one corner of this area is the La Garita Wilderness. The wilderness classification provides a special status for certain areas of our country in order to safeguard and preserve instances of unusual natural beauty. I believe that the former Wheeler National Monument area is one which should receive the protection which is given a wilderness area. Therefore, I am today—with Senator DOMINICK as a co-sponsor—introducing a bill which would extend the La Garita Wilderness area to include the former Wheeler National Monument in order to afford this area the protection it deserves for future generations of Americans for whom there remains little evidence of that physical atmosphere which attracted the original inhabitants of our Western United States.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 3310) to add certain lands to the La Garita Wilderness, Rio Grande National Forest, in the State of Colorado, introduced by Mr. ALLOTT, for himself and Mr. DOMINICK, was received, read twice by its title, and referred to the Committee on Interior and Insular Affairs.

S. 3311—INTRODUCTION OF THE CRIME INSURANCE ACT OF 1970

Mr. TYDINGS. Mr. President, today I am introducing the Crime Insurance Act of 1970, legislation that will guarantee that residents and merchants in and around our urban areas will be able to obtain insurance to protect against losses resulting from crime. No one who has seen the front page of a newspaper or viewed the news on television in the past year can help but know about the tremendous increase in crime in our cities. Every night stores are robbed and homes are burglarized. The store owner or home dweller increasingly lives in a world of danger.

At the same time that this danger from crime increases, the vital protection against crime losses—insurance covering robbery and burglary—has rapidly disappeared. Just when our city's merchants and homeowners need the help most, it has been stripped away from them. In cities across the country hundreds of home and business crime insurance policies have been abruptly cancelled, or the premiums have been raised by 300 percent or more, well out of the reach of the average city dweller. Evidently the insurance industry has decided to move out of this field and into more profitable areas.

This collapse of insurance coverage against urban crime comes in spite of the assurances made by the industry during the passage of the FAIR plan title to Housing and Urban Development Act of 1968. In the wake of the 1967 riots there were massive insurance cancellations and a serious weakening of the reinsur-

ance market. Congress moved to provide Federal backing of the reinsurance market offering relief from the riot losses, while it developed a plan to provide city riot and crime insurance to businesses and homeowners. We wanted to establish a program so that all city residents and businessmen could obtain access to essential property insurance. Relying upon promises of industry cooperation, we forged a program, the so-called FAIR plans, which would provide groundrules for the fair and equitable marketing of insurance. A special target was the insidious "red lining" practice which would exclude whole areas from insurance regardless of the individual risk. Second, for those who could not obtain insurance from private sources, the plans provided for a voluntary insurance pool established by the industry under supervision of the State commissioner.

The FAIR plans had two purposes: First, to provide insurance for those who suffered most from the ravages of riot and crime. Second, the lack of insurance has led to the stagnation and decline of our cities' economies. Without insurance, businesses cannot start, they cannot obtain financing for improvements or inventory, they cannot sustain high crime losses. So our small businessmen leave our cities or they begin to die. This measure was to help revive our cities.

The theory of the act, while still valid, has not worked out. For example, many companies are still refusing to write in inner-city areas; after the law was signed, many companies arbitrarily canceled policies and dumped those policies into the FAIR plans; the FAIR rates are doubled and sometimes quadrupled the normal manual rates for such policies; inner city property owners have no knowledge of the availability of FAIR plan insurance; brokers and agents are reluctant to put policies in the FAIR plan because the commissions for such policies are much lower than the commissions paid by private industry and the inner city property owners in most cases are left to the so-called high-risk writers. I refer my colleagues to the hearings held by the Housing Subcommittee of the House Banking and Currency Committee held in March and April of last year for the details of these findings.

To remedy the total failure of the present FAIR plans and to guarantee that the victims of crime can obtain protection by insurance, I am introducing the Crime Insurance Act of 1970, which alters substantially the FAIR provisions of the Housing Act. This bill has been introduced by Congressman ANNUNZIO in the House and is cosponsored by nearly 100 Representatives.

My bill meets many of the crime insurance problems head on. Its dominant provision calls for the direct Federal writing of essential property insurance, including crime lines, if the rates for such insurance in the private market exceeds 175 percent of the manual rate. The premium for such policies will be 175 percent of the manual rate. No policy will be written if the Secretary of Housing and Urban Development determines that the property is uninsurable, or if

the State commissioner can justify the excessive rate.

The FAIR plans are continued. However, I include, in addition to fire and extended coverage, vandalism, malicious mischief, burglary and theft in the FAIR plan. As you can imagine, these lines of insurance are most important to inner city property owners.

Other much-needed reforms contained in the bill are:

First. Eliminates discrimination in brokers' and agents' commissions. This will encourage brokers and agents to sell the FAIR plan insurance.

Second. Provides Federal guaranties for performance bonds for small business construction contractors and subcontractors. For over a year, black contractors have complained about their inability to engage in so-called black entrepreneurship programs because they cannot get performance bonds.

Third. Provides for reinsurance of losses which occur during the construction or rehabilitation of habitational property. I am amazed to learn that homes and apartments being constructed or rehabilitated, even under our Federal programs, are uninsured during the building or remodeling period. By offering the same kind of insurance against such losses that is now provided for riot losses, these properties will be insured during the crucial construction stage.

Fourth. Eliminate State sharing in riot loss payments. Present law provides that the States must pay up to 5 percent of the total property premiums written in the State toward riot losses. Many States have been very reluctant to assume this obligation since they do not have the money. Yet, unless the State enacts legislation providing for this State share, the insurance companies in that State are ineligible for riot reinsurance. One of the purposes of this State share was to encourage the States to take measures to eliminate riots and civil disorders. Experience has taught us the advantage to be gained far outweighs the expense of such endeavors.

Fifth. Provides for an Office of Review and Compliance in HUD to be operated under the supervision of the Office of Federal Insurance Administrator. At present, the Federal Insurance Administrator has virtually no policing powers over the operation of the program. The only way he hears about complaints or inadequacies comes through letters from Congressmen or the inner city property owners. The insurance administrator should have the authority to check on the operation of these programs and take such steps as may be necessary to make them more effective.

These are the more salient substantive provisions of the bill. It does not provide for any new financing. The direct Federal insurance program will hopefully be paid for through the premiums collected. In the event losses exceed premiums, then the bill authorizes the Secretary to draw on the same funds which have already been made available for the payment of riot losses.

The Federal urban insurance program was passed last year. Based on the Chicago and Washington, D.C., hearings, and complaints received by many of us,

this program has been a failure. Many of the provisions in my bill were first offered as amendments to the original legislation. These amendments were defeated in committee and on the floor—based on assurances by the insurance industry and the Department of Housing and Urban Development that they were unnecessary. After 1 year's experience, I have become convinced that this legislation is the only way to afford viable insurance programs for our inner city residents and property owners.

The bill has been constructed to keep Federal incursion in the insurance industry an absolute minimum. It also provides that where Federal assistance no longer becomes necessary, the situation is turned back to the industry. But I feel it is unconscionable for the Government to provide the relief of Federal reinsurance and have the insurance industry continue to flout the purpose of the FAIR plan.

I ask unanimous consent that the text of the Crime Insurance Act of 1970 be printed at this point in my remarks.

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. 3311) to amend title XII of the National Housing Act to provide, under the urban property protection and reinsurance program, for direct Federal insurance against losses to habitational property for which insurance is not otherwise available or is available only at excessively surcharged rates, to make crime insurance mandatory under such program, to provide assistance to homeowners to aid in reducing the causes of excessive surcharges, and for other purposes; introduced by Mr. TYNINGS, 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. 3311

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 "Crime Insurance Act of 1970".

SEC. 2. (a) Section 1102(b) of the Housing and Urban Development Act of 1968 is amended by striking out "and" immediately before "(2)", and by inserting before the period at the end thereof the following: "; and (3) provide direct insurance through the facilities of the Federal Government in the case of properties for which such statewide programs and the Federal reinsurance program do not make property insurance available or do not offer such insurance to the property owners at reasonable rates as defined herein."

(b) (1) Section 1201 of the National Housing Act is amended to read as follows:

"PROGRAM AUTHORITY

"SEC. 1201. (a) The Secretary is authorized to establish and carry out the programs provided for in parts A, B, C, and D of this title.

"(b) (1) The powers of the Secretary under this title shall terminate on April 30, 1984, except to the extent necessary—

"(A) to continue reinsurance and direct insurance in accordance with the provisions of sections 1223(b) and 1231(c) until April 30, 1987;

"(B) to process, verify, and pay claims for reinsured losses and directly insured losses and perform other necessary functions in connection therewith; and

"(C) to complete the liquidation and termination of the reinsurance and direct insurance programs.

"(2) On April 30, 1987, or as soon thereafter as possible, the Secretary shall submit to the Congress, for its approval, a plan for the liquidation and termination of the reinsurance and direct insurance programs."

(2)(A) Section 1203(a) of such Act is amended by redesignating paragraphs (1) through (13) as paragraphs (2) through (14), respectively, and by inserting immediately after and below "the term—" the following new paragraph:

"(1) 'directly insured losses' means losses on direct insurance claims and all direct expenses incurred in connection therewith including, but not limited to, expenses for processing, verifying, and paying such losses."

(B) Section 1203(a) of such Act (as amended by subparagraph (A) of this paragraph) is amended by redesignating paragraphs (13) and (14) as paragraphs (14) and (15), respectively, and by inserting immediately after paragraph (12) the following new paragraph:

"(13) 'manual rate' means the lowest approved or advisory rate filed by the principal rating organization for the same classification of risk and territory, excluding all surcharges and condition charges;"

(C) Section 1221(a)(2) of such Act is amended by striking out "section 1203(a)(10)" each place it appears and inserting in lieu thereof "section 1203(a)(11)".

(c) (1) Title XII of such Act (as amended by the provisions of this Act other than this subsection) is amended by redesignating part C and sections 1231 through 1241 as part D and sections 1241 and 1251, respectively, and by inserting after part B the following new part:

"PART C—DIRECT FEDERAL INSURANCE

"DIRECT INSURANCE OF LOSSES TO PROPERTY WHERE INSURANCE IS OTHERWISE UNAVAILABLE OR AVAILABLE ONLY AT EXCESSIVELY SURCHARGED RATES

"SEC. 1231. (a) If at any time the Secretary determines that any of the standard lines of property insurance enumerated under subparagraph (A) through (E) of section 1203(a)(11) is not available (through the applicable plan under part A or otherwise) to any property, or is available to such property but only at an unreasonable rate, he shall make such standard line of property insurance available to such property directly through the facilities of the Federal Government, on such terms and conditions as he may determine to be appropriate, at a rate equal to 175 per centum of the applicable manual rate: *Provided*, That no such insurance shall be made available to a property which the Secretary determines to be uninsurable.

"(b) In carrying out his responsibilities under subsection (a), the Secretary may utilize—

"(1) insurance companies and other insurers, insurance agents and brokers, and insurance adjustment organizations, as fiscal agents of the United States,

"(2) officers and employees of the Department of Housing and Urban Development and such other officers and employees of any executive agency (as defined in section 105 of title 5 of the United States Code) as the Secretary and the head of any such agency may from time to time agree upon, on a reimbursement or other basis, or

"(3) both the alternatives specified in paragraphs (1) and (2), or any combination thereof.

"(c) Notwithstanding the foregoing provisions of this title, direct insurance may be continued for the term of the policies written prior to the date of termination of the Secretary's direct insurance authority under this part, for as long as the insured pays the

required direct insurance premiums; except that direct insurance under this part for any risk shall be terminated after notice whenever the Secretary determines that the standard lines of property insurance enumerated under subparagraphs (A) through (E) of section 1203(a)(11) have become available to such property at a reasonable rate.

"(d) For the purposes of this part, a rate within a State shall be presumed to be unreasonable if the Secretary finds that the total premium (including all surcharges and condition charges) charged to each of fifty or more properties in that State in any twelve-month period exceeds 175 per centum of the applicable manual rate. The Secretary shall notify the appropriate State insurance authority within fifteen days of making any such finding. The presumption of unreasonableness may thereafter be rebutted only if (1) the appropriate State insurance authority, within thirty days after the date of mailing of such notification, files with the Secretary a certification that such authority has independently determined that there is demonstrably an objective justification for the imposition of the premiums charged, stating sufficiently the basis for such justification, and (2) the Secretary concurs in such determination.

"(e) The amount of insurance provided by the Secretary with respect to any property shall not exceed such limits as he may determine to be appropriate: *Provided*, That no coverage shall be written on any single family residential structure in excess of \$25,000 or on any manufacturing or commercial structure in excess of \$1,000,000.

"(f) The Secretary shall include in his reports to the Congress on the program under this title full and complete information on his operations and activities under this part, together with such recommendations with respect thereto as he may deem appropriate.

"SEC. 1232. The Secretary may, whenever he deems such action to be necessary or desirable and upon such terms and conditions as it may prescribe, guarantee any bid, payment, or performance bond under an agreement entered into by a small business concern which is a construction contractor or subcontractor to enable such concern to obtain such bond. Any such guarantee may be made or effected either directly or in cooperation with any qualified surety company or other qualified company through a participation agreement with such company."

(2)(A) Section 1222(a) of such Act is amended by striking out "section 1233" and inserting in lieu thereof "section 1243".

(B) Section 1234(c) of such Act is amended by striking out "section 1232" and inserting in lieu thereof "section 1242".

(d) (1) (A) Section 1231(a) of such Act is amended by inserting "or direct insurance" after "reinsurance", and by inserting "or property owners" after "insurers".

(B) Section 1231(b) of such Act is amended by inserting "or direct insurance" after "reinsurance".

(2)(A) Section 1232(a) of such Act is amended—

(i) by striking out "the reinsurance program" and inserting in lieu thereof "the reinsurance and direct insurance programs";

(ii) by inserting "or direct insurance" after "reinsurance" in paragraphs (1), (2), and (4);

(iii) by inserting "or property owner" after "any insurer" where it first appears in paragraph (4); and

(iv) by inserting "or directly insured" after "reinsured" in paragraph (4).

(3) Section 1233 of such Act is amended—

(A) by inserting "and direct insurance" after "reinsurance" in subsection (a) (1) and each place it appears in subsection (b) (1); and

(B) by striking out "part B" in subsection (b) (1) and inserting in lieu thereof "parts B and C".

(4)(A) Section 1234(a) of such Act is amended by striking out "Any insurer or pool acquiring reinsurance" and inserting in lieu thereof "Any insurer, pool, or property owner acquiring reinsurance or direct insurance".

(B) Section 1234(c) of such Act is amended by inserting "or direct insurance" after "reinsurance".

(e) Clause (2) in the first sentence of section 520(b) of such Act is amended—

(1) by inserting "and directly insured" after "reinsured" wherever it appears.

SEC. 3. Section 1203(a)(3) of the National Housing Act (as amended by section 2(b)(2) of this Act) is amended by striking out "and insurance for such types, classes, and locations of property against the perils of vandalism, malicious mischief, burglary, or theft, as the Secretary by rule shall designate" and inserting in lieu thereof "and insurance against the perils of vandalism, malicious mischief, burglary, and theft".

SEC. 4. (a) Section 1203(a)(3) of the National Housing Act (as amended by section 2(b)(2) and section 3 of this Act) is amended by striking out "Such insurance" and inserting in lieu thereof the following: "Such insurance shall include insurance against direct losses to property (as defined and limited by the Secretary) which occur during the construction of rehabilitation of such property. Such insurance".

(b) Part B of title XII of such Act is amended by adding at the end thereof the following new section:

"REINSURANCE OF LOSSES DURING CONSTRUCTION OR REHABILITATION

"SEC. 1225. The Secretary is authorized to offer to any insurer or pool reinsurance against losses to habitational property which occur during the construction or rehabilitation of such property. Except as otherwise provided by such rules and regulations as the Secretary may prescribe, all of the provisions, terms, and conditions of this title relating to reinsurance of losses from riots or civil disorders shall apply with respect to the reinsurance of losses which occur during the construction or rehabilitation of habitational property."

SEC. 5. Section 1211(b) of the National Housing Act is amended—

(1) by striking out "and" at the end of paragraph (9);

(2) by striking out the period at the end of paragraph (10) and inserting in lieu thereof "; and "; and

(3) by adding at the end thereof the following new paragraph:

"(11) commissions paid to agents, brokers, and producers for or with respect to policies written under the plan shall not be less than the prevailing rate being paid in the same territory for or with respect to other policies of the same type which are not written under the plan, as determined and certified to the Secretary by the State insurance authority."

SEC. 6. (a) Section 1214 of the National Housing Act is amended by adding at the end thereof the following new subsection:

"(c) Each report and other document submitted to the Secretary by a State insurance authority with respect to experience under the applicable plan under this part shall set forth and describe any losses sustained on habitational property separately from the losses sustained on business, commercial, and other nonhabitational property."

(b) Section 1234 of such Act is amended by adding at the end thereof the following new subsection:

"(e) Each report and other document submitted to the Secretary by an insurer or other person under this section with respect to reinsurance under this title shall set forth and describe any losses sustained on habitational property separately from the losses sustained on business, commercial, and other nonhabitational property."

Sec. 7. Section 1214 of the National Housing Act is amended by adding at the end thereof (after the new subsection added by section 6(a) of this Act) the following new subsection:

"(d) The Secretary, through an Office of Review and Compliance under the Federal Insurance Administrator, shall periodically review each plan under this part and the methods and practices by which such plan is being actually carried out in the areas and communities where it is intended to operate, in order to assure that such plan is effectively making essential property insurance readily available in such areas and communities and is otherwise carrying out the purposes of this title, and in order to identify any aspects of the operation or administration of such plan which may require revision, modification, or other action to carry out such purposes."

Sec. 8. (a) Section 1223(a) of the National Housing Act is amended by striking out paragraph (1), and by redesignating paragraphs (2) through (5) as paragraphs (1) through (4), respectively.

(b) Section 1240 of such Act is amended by striking out "(a)", and by striking out subsection (b).

(c) Section 1211 of the District of Columbia Insurance Placement Act is repealed.

Sec. 9. (a) Section 115(b) of the Housing Act of 1949 is amended—

(1) by striking out "(payable from any grant funds provided under section 103 (b))";

(2) by inserting after "real property which has been determined to be uninsurable" the following: ", or which has been determined to be insurable only at an unreasonable rate,";

(3) by inserting before the period at the end of the second sentence the following: "or to eliminate the conditions necessitating the unreasonable rate"; and

(4) by adding at the end thereof the following new sentences: "For purposes of this subsection a rate is unreasonable if it is sufficiently high to justify direct Federal insurance of the property involved under part C of title XII of the National Housing Act. Grants under this subsection shall be payable from grant funds provided under section 103(b) of this Act; except that to the extent it is determined by the Secretary that funds made available for payments of directly insured losses under such title XII pursuant to section 520(b) of such Act are not needed for payments of such losses, such funds shall be used (before any funds provided under section 103(b) of this Act) for grants under this subsection with respect to property determined to be insurable only upon payment of an unreasonable rate."

(b) (1) Section 312(a) (1) (C) of the Housing Act of 1964 is amended—

(A) by inserting after "the property has been determined to be uninsurable" the following: ", or has been determined to be insurable only upon payment of an unreasonable rate,"; and

(B) by inserting before the semicolon at the end thereof the following: "or to eliminate the conditions necessitating the unreasonable rate".

(2) Section 312(a) of such Act is further amended by adding at the end thereof the following new sentence: "For purposes of paragraph (1) (C), a rate is unreasonable if it is sufficiently high to justify direct Federal insurance of the property involved under part C of title XII of the National Housing Act."

(3) Section 312(d) of such Act is amended by inserting "(1)" after "(d)", and by adding at the end thereof the following new paragraph:

"(2) To the extent it is determined by the Secretary that funds made available for

payments of directly insured losses under title XII of the National Housing Act pursuant to section 520(b) of such Act are not needed for payments of such losses, such funds shall be placed in the revolving fund and used by the Secretary (before any funds appropriated pursuant to paragraph (1) of this subsection) for loans described in subsection (a) (1) (C) with respect to property determined to be insurable only upon payment of an unreasonable rate."

S. 3312—INTRODUCTION OF THE SMALL BUSINESS CRIME INSURANCE ACT OF 1970

Mr. TYDINGS. Mr. President, I am introducing a bill which takes a more limited approach to the problem of crime insurance, the Small Business Crime Insurance Act of 1970. This bill authorizes the Small Business Administration to write crime insurance directly to small businesses which cannot obtain such insurance at reasonable rates. This is the same standard presently used for small business loans.

This insurance is needed, just as the loans are needed, to keep small businesses from disappearing from our cities. In many cases, this insurance is a prerequisite to the obtaining of loans by these businesses. Any realistic program of providing help for the independent entrepreneur must include provisions for insurance.

Now that it is clear that the efforts of private industry have been inadequate, it is time the Congress moved to honor its commitments to the small businessman and took a step toward improving the economic climate of our cities. I ask unanimous consent that the text of the Small Business Crime Insurance Act of 1970 be printed in the RECORD.

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

The bill (S. 3312) to amend the Small Business Act to make crime protection insurance available to small business concerns, introduced by Mr. TYDINGS, 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. 3312

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

SECTION 1. This Act may be cited as the Small Business Crime Insurance Act of 1970.

SEC. 2. The Small Business Act is amended by adding at the end thereof the following new title:

"TITLE II—SMALL BUSINESS CRIME INSURANCE

"SEC. 201. The Small Business Crime Insurance Division (referred to in this title as the 'Division') is established as a division of the Small Business Administration. The Division shall be under the direction of an Associate Administrator for Insurance appointed by the Administrator.

"SEC. 202. The Associate Administrator for Insurance shall make available to small business concerns insurance policies insuring against losses resulting from criminal acts to the extent that such insurance is not available from other sources on reason-

able terms. The installation, where appropriate, of burglar alarms or other improvements to reduce the risk of loss may be made a condition to the issuance of the insurance.

"SEC. 203. As its initial capital, the Division shall borrow from the Treasury, and the Treasury shall lend to the Division, the sum of \$50,000,000 on such terms and conditions as the Secretary of the Treasury shall prescribe. Such additional sums, if any, shall be loaned from the Treasury to the Division as may be necessary to operate the program provided under this title on a sound basis, but the total borrowings from the Treasury outstanding at any time shall not exceed \$100,000,000.

"SEC. 204. All funds loaned under section 203 shall be deposited in a revolving fund in the Treasury to be known as the small business crime insurance fund (referred to in this Act as the 'fund'). Any moneys held in the fund may be invested in obligations of the United States. All premium income, interest income, and other income shall be deposited in the fund, and all losses shall be paid from the fund.

"SEC. 205. No administrative expenses may be paid from the fund. There are authorized to be appropriated such sums as may be necessary to carry out the purposes of this title."

SEC. 3. The third sentence of section 4(b) of the Small Business Act (15 U.S.C. 633 (b)) is amended (1) by changing "three" to read "four" and (2) by inserting "and the Associate Administrator specified in title II of this Act" immediately before the closing parenthesis.

SENATE JOINT RESOLUTION 170—INTRODUCTION OF A JOINT RESOLUTION DESIGNATING INTERNATIONAL CLERGY WEEK IN THE UNITED STATES

Mr. BAKER. Mr. President, I introduce a joint resolution designating the week commencing February 3, 1970, as International Clergy Week in the United States, and for other purposes. I introduce this joint resolution at the request of Representative JAMES H. QUILLEN of the First District of Tennessee, who has introduced an identical measure in the House of Representatives and who has an abiding interest in this area.

The PRESIDING OFFICER. The joint resolution will be received and appropriately referred.

The joint resolution (S.J. Res. 170) designating the week commencing February 3, 1970, as International Clergy Week in the United States, and for other purposes, introduced by Mr. BAKER, by request, was received, read twice by its title and referred to the Committee on the Judiciary.

ADDITIONAL COSPONSOR OF A BILL

S. 3151

Mr. BYRD of West Virginia. Mr. President, on behalf of the Senator from Wisconsin (Mr. NELSON), I ask unanimous consent that, at the next printing, the name of the junior Senator from Connecticut (Mr. RIBICOFF) be added as a cosponsor of S. 3151, the Environmental Quality Education Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

SENATE RESOLUTION 308—RESOLUTION REPORTED AUTHORIZING THE COMMITTEE ON GOVERNMENT OPERATIONS TO MAKE INVESTIGATIONS INTO THE EFFICIENCY AND ECONOMY OF OPERATIONS OF ALL BRANCHES OF GOVERNMENT

Mr. McCLELLAN, from the Committee on Government Operations, reported the following original resolution (S. Res. 308); which was referred to the Committee on Rules and Administration:

S. RES. 308

Resolved, That, in holding hearings, reporting such hearings, and making investigations as authorized by section 134 of the Legislative Reorganization Act of 1946 and in accordance with its jurisdiction under rule XXV of the Standing Rules of the Senate, the Committee on Government Operations or any subcommittee thereof is authorized from February 1, 1970, through January 31, 1971, to make investigations into the efficiency and economy of operations of all branches of the Government, including the possible existence of fraud, misfeasance, malfeasance, collusion, mismanagement, incompetence, corrupt or unethical practices, waste, extravagance, conflicts of interest, and the improper expenditure of Government funds in transactions, contracts, and activities of the Government or of Government officials and employees and any and all such improper practices between Government personnel and corporations, individuals, companies, or persons affiliated therewith, doing business with the Government; and the compliance or noncompliance of such corporations, companies, or individuals or other entities with the rules, regulations, and laws governing the various governmental agencies and its relationships with the public: *Provided*, That, in carrying out the duties herein set forth, the inquiries of this committee or any subcommittee thereof shall not be deemed limited to the records, functions, and operations of the particular branch of the Government under inquiry, and may extend to the records and activities of persons, corporations, or other entities dealing with or affecting that particular branch of the Government.

Sec. 2. The Committee on Government Operations or any duly authorized subcommittee thereof is further authorized from February 1, 1970, to January 31, 1971, inclusive, to conduct an investigation and study to the extent to which criminal or other improper practices or activities are, or have been, engaged in in the field of labor-management relations or in groups or organizations of employees or employers, to the detriment of interests of the public, employers, or employees, and to determine whether any changes are required in the laws of the United States in order to protect such interests against the occurrence of such practices or activities. Nothing contained in this resolution shall affect or impair the exercise by the Committee on Labor and Public Welfare of any power, or the discharge by such committee of any duty, conferred or imposed upon it by the Standing Rules of the Senate or by the Legislative Reorganization Act of 1946.

Sec. 3. The Committee on Government Operations or any duly authorized subcommittee thereof is further authorized and directed from February 1, 1970, to January 31, 1971, inclusive, to make a full and complete study and investigation of syndicated or organized crime which may operate in or otherwise utilize the facilities of interstate or international commerce in furtherance of any transactions which are in violation of

the law of the United States or of the State in which the transactions occur, and, if so, the manner and extent to which, and the identity of the persons, firms or corporations, or other entities by whom such utilization is being made, what facilities, devices, methods, techniques, and technicalities are being used or employed, and whether or not organized crime utilizes such interstate facilities or otherwise operates in interstate commerce for the development of corrupting influences in violation of the law of the United States or the laws of any State and, further, to study and investigate the manner in which and the extent to which persons engaged in organized criminal activities have infiltrated into lawful business enterprise; and to study the adequacy of Federal laws to prevent the operations of organized crime in interstate or international commerce; and to determine whether any changes are required in the laws of the United States in order to protect the public against the occurrences of such practices or activities. Nothing contained in this resolution shall affect or impair the exercise by the Committee on the Judiciary or by the Committee on Commerce of any power, or the discharge by such committee of any duty, conferred or imposed upon it by the Standing Rules of the Senate or by the Legislative Reorganization Act of 1946.

Sec. 4. The Committee on Government Operations or any duly authorized subcommittee thereof is authorized and directed until January 31, 1971, to make a full and complete study and investigation of all other aspects of crime and lawlessness within the United States which have an impact upon or affect the national health, welfare, and safety.

Sec. 5. The Committee on Government Operations or any duly authorized subcommittee thereof is authorized and directed until January 31, 1971, to make a full and complete study and investigation of riots, violent disturbances of the peace, vandalism, civil and criminal disorder, insurrection, the commission of crimes in connection therewith, the immediate and long-standing causes, the extent and effects of such occurrences and crimes, and measures necessary for their immediate and long-range prevention and for the preservation of law and order and to insure domestic tranquillity within the United States.

Sec. 6. The Committee on Government Operations or any of its duly authorized subcommittees shall report to the Senate by January 31, 1971, and shall, if deemed appropriate, include in its report specific legislative recommendations.

Sec. 7. (a) For the purposes of this resolution, the Committee on Government Operations or any of its duly authorized subcommittees, from February 1, 1970, to January 31, 1971, inclusive, is authorized, as it deems necessary and appropriate, to (1) make such expenditures from the contingent fund of the Senate; (2) hold such hearings; (3) sit and act at such times and places during the sessions, recesses, and adjournment periods of the Senate; (4) administer such oaths; (5) take such testimony, either orally or by sworn statement; (6) employ on a temporary basis such technical, clerical, and other assistants and consultants; and (7) with the prior consent of the executive department or agency concerned and the Committee on Rules and Administration, employ on a reimbursable basis such executive branch personnel as it deems advisable; and, further, with the consent of other committees or subcommittees to work in conjunction with and utilize their staffs, as it shall be deemed necessary and appropriate in the judgment of the chairman of the committee or subcommittee: *Provided further*, That the minority is authorized to select one person for ap-

pointment and the person selected shall be appointed and his compensation shall be so fixed that his gross rate shall not be less by more than \$2,700 than the highest gross rate paid to any other employee.

(b) For the purpose of this resolution the committee, or any duly authorized subcommittee thereof, or its chairman, or any other member of the committee or subcommittee designated by the chairman, from February 1, 1970, to January 31, 1971, inclusive, is authorized, in its or his or their discretion, as may be deemed advisable, to require by subpoena or otherwise the attendance of such witnesses and production of such correspondence, books, papers, and documents.

Sec. 8. Expenses of the committee under this resolution, which shall not exceed \$688,000, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

SENATE RESOLUTION 309—RESOLUTION REPORTED AUTHORIZING ADDITIONAL EXPENDITURES BY THE COMMITTEE ON INTERIOR AND INSULAR AFFAIRS FOR INQUIRIES AND INVESTIGATIONS

Mr. JACKSON, from the Committee on Interior and Insular Affairs, reported the following original resolution (S. Res. 309); which was referred to the Committee on Rules and Administration:

S. RES. 309

Resolved, That the Committee on Interior and Insular Affairs, or any duly authorized subcommittee thereof, is authorized under sections 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended, and in accordance with its jurisdictions specified by rule XXV of the Standing Rules of the Senate, to examine, investigate, and make a complete study of any and all matters pertaining to the jurisdiction of the Committee on Interior and Insular Affairs, including national parks and recreation areas; Indian affairs; irrigation and reclamation; water and power resources; minerals, materials, and fuels; public lands; environmental studies; and territories and insular affairs.

Sec. 2. Pursuant to its authority under section 134(a) of the Legislative Reorganization Act of 1946, as amended, the committee is authorized to require by subpoena or otherwise the attendance of such witnesses and the production of such correspondence, books, papers, documents, and to take such testimony on matters within its jurisdiction as it deems advisable.

Sec. 3. For the purposes of this resolution the committee, from February 1, 1970, to January 31, 1971, inclusive, is authorized (1) to make such expenditures as it deems advisable; (2) to employ, upon a temporary basis, technical, clerical, and other assistants and consultants: *Provided*, That the minority is authorized to select one person for appointment, and the person so selected shall be appointed and his compensation shall be so fixed that his gross rate shall not be less by more than \$2,700 than the highest gross rate paid to any other employee; and (3) with the prior consent of the heads of the departments or agencies concerned, and the Committee on Rules and Administration, to utilize the reimbursable services, information, facilities, and personnel of any of the departments or agencies of the Government.

Sec. 4. Expenses of the committee under this resolution, which shall not exceed \$160,000, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

SENATE RESOLUTION 310—RESOLUTION REPORTED AUTHORIZING ADDITIONAL EXPENDITURES BY THE COMMITTEE ON GOVERNMENT OPERATIONS FOR A STUDY OF INTERGOVERNMENTAL RELATIONSHIPS BETWEEN THE UNITED STATES AND THE STATES AND MUNICIPALITIES

Mr. MUSKIE, from the Committee on Government Operations, reported the following original resolution (S. Res. 310); which was referred to the Committee on Rules and Administration:

S. Res. 310

Resolved, That the Committee on Government Operations, or any duly authorized subcommittee thereof, is authorized under sections 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended, and in accordance with its jurisdiction specified by subsection 1(j)(2)(D) of rule XXV of the Standing Rules of the Senate, to examine, investigate, and make a complete study of intergovernmental relationships between the United States and the States and municipalities, including an evaluation of studies, reports, and recommendations made thereon and submitted to the Congress by the Advisory Commission on Intergovernmental Relations pursuant to the provisions of Public Law 86-380, approved by the President on September 24, 1959, as amended by Public Law 89-733, approved by the President on November 2, 1966.

SEC. 2. For the purposes of this resolution the committee, from February 1, 1970, to January 31, 1971, inclusive, is authorized (1) to make such expenditures as it deems advisable; (2) to employ upon a temporary basis, technical, clerical, and other assistants and consultants: *Provided*, That the minority is authorized to select one person for appointment, and the person so selected shall be appointed and his compensation shall be so fixed that his gross pay rate shall not be less by more than \$2,700 than the highest gross rate paid to any other employee; and (3) with the prior consent of the heads of the departments or agencies concerned, and the Committee on Rules and Administration, to utilize the reimbursable services, information, facilities, and personnel of any of the departments or agencies of the Government.

SEC. 3. The committee shall report its findings, together with its recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than January 31, 1971.

SEC. 4. Expenses of the committee, under this resolution, which shall not exceed \$155,000, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

SENATE RESOLUTION 311—RESOLUTION REPORTED AUTHORIZING ADDITIONAL EXPENDITURES BY THE COMMITTEE ON GOVERNMENT OPERATIONS FOR A STUDY OF CERTAIN ASPECTS OF NATIONAL SECURITY AND INTERNATIONAL OPERATIONS

Mr. JACKSON, from the Committee on Government Operations, reported the following original resolution (S. Res. 311); which was referred to the Committee on Rules and Administration:

S. Res. 311

Resolved, That in holding hearings, reporting such hearings, and making investigations as authorized by section 134 of the Legislative Reorganization Act of 1946, and in accordance with its jurisdiction under

rule XXV of the Standing Rules of the Senate, the Committee on Government Operations, or any subcommittee thereof, is authorized, from February 1, 1970, through January 31, 1971, to make studies as to the efficiency and economy of operations of all branches and functions of the Government with particular reference to:

(1) the effectiveness of present national security methods, staffing, and processes as tested against the requirements imposed by the rapidly mounting complexity of national security problems;

(2) the capacity of present national security staffing, methods, and processes to make full use of the Nation's resources of knowledge, talents, and skills;

(3) the adequacy of present intergovernmental relationships between the United States and international organizations of which the United States is a member; and

(4) legislative and other proposals or means to improve these methods, processes, and relationships.

SEC. 2. For the purposes of this resolution, the committee, from February 1, 1970, to January 31, 1971, inclusive, is authorized—

(1) to make such expenditures as it deems advisable;

(2) to employ, upon a temporary basis, and fix the compensation of technical, clerical, and other assistants and consultants: *Provided*, That the minority of the committee is authorized at its discretion to select one employee for appointment, and the person so selected shall be appointed and his compensation shall be so fixed that his gross rate shall not be less by more than \$2,700 than the highest gross rate paid to any other employee; and

(3) with the prior consent of the head of the department or agency concerned, and the Committee on Rules and Administration, to utilize on a reimbursable basis the services, information, facilities, and personnel of any department or agency of the Government.

SEC. 3. Expenses of the committee under this resolution, which shall not exceed \$105,000, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

SENATE RESOLUTION 312—RESOLUTION REPORTED AUTHORIZING ADDITIONAL EXPENDITURES BY THE COMMITTEE ON LABOR AND PUBLIC WELFARE FOR INQUIRIES AND INVESTIGATIONS

Mr. YARBOROUGH, from the Committee on Labor and Public Welfare, reported the following original resolution (S. Res. 312); which was referred to the Committee on Rules and Administration:

S. Res. 312

Resolved, That the Committee on Labor and Public Welfare, or any duly authorized subcommittee thereof, is authorized under sections 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended, and in accordance with its jurisdiction specified by rule XXV of the Standing Rules of the Senate, to examine, investigate, and make a complete study of any and all matters pertaining to the jurisdiction of the Committee on Labor and Public Welfare including all matters relating to education; health, labor relations, labor safety, wages and hours, and migratory labor conditions; manpower training and utilization; poverty, railroad retirement; and veterans education, health, and readjustment to civilian life.

SEC. 2. For the purpose of this resolution the committee, from February 1, 1970, to January 31, 1971, inclusive, is authorized (1) to make such expenditures as it deems advisable; (2) to employ, upon a temporary basis; technical, clerical, and other assist-

ants and consultants: *Provided*, That the minority is authorized to select one person for appointment, and the person so selected shall be appointed and his compensation shall be so fixed that his gross rate shall not be less by more than \$2,700 than the highest gross rate paid to any other employee; and (3) with the prior consent of the heads of the departments or agencies concerned, and the Committee on Rules and Administration, to utilize the reimbursable services, information, facilities, and personnel of any of the departments or agencies of the Government.

SEC. 3. Expenses of the committee under this resolution, which shall not exceed \$695,000, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

NOTICE OF HEARINGS

Mr. PELL, Mr. President, the Subcommittee on Education of the Committee on Labor and Public Welfare will hold hearings on S. 939, a bill to amend the Higher Education Act of 1965 in order to provide for a U.S. Foreign Service Corps, introduced by the Senator from Colorado (Mr. DOMINICK), on January 29 and 30 in the hearing room at 10 a.m.

Persons interested in testifying should contact the subcommittee staff.

CONTROL OF ORGANIZED CRIME IN THE UNITED STATES—AMENDMENT

AMENDMENT NO. 443

Mr. TYDINGS, Mr. President, in 1957 Congress enacted new legislation in the field of civil rights. As part of this legislation, Congress created an Assistant Attorney General for Civil Rights and elevated the Civil Rights Section in the Justice Department to a full division.

The reasons for creating a Civil Rights Division headed by an Assistant Attorney General were stated by Attorney General Brownell before the Senate Subcommittee on Constitutional Rights. According to the Attorney General, the action was necessary because—

The Department's civil rights activities . . . [have] important civil as well as criminal function and [there is] the need to have responsibility centered in a well-qualified lawyer with the status of a presidential appointee, who will be able to devote his full time and attention to the legal aspects of civil rights problems.

The Senate will soon be considering S. 30, the Organized Crime Control Act of 1969, a bill which if enacted, will represent a significant law enforcement advancement in our Federal law enforcement efforts against organized crime.

The reasons which persuaded Congress to create an Assistant Attorney General for Civil Rights now clearly call for the creation of an Assistant Attorney General for Organized Crime. Like the 1957 civil rights legislation, S. 30 promises to give new and important law enforcement responsibilities to the Justice Department. Moreover, like the Department's civil rights activities, the Department's organized crime effort will have important civil as well as criminal functions, particularly in light of title IX of S. 30 which fashions important new civil remedies to deal with the infiltration of organized crime into legitimate

organizations. Furthermore, employing the criteria used by Attorney General Brownell, the Federal Government's efforts against the critical nationwide problem of organized crime, like its efforts in the field of civil rights, should be under the direction of one prestigious law enforcement official who may command the manpower and resources which are equal to the complexity and importance of his task and which are not diluted by other responsibilities.

Mr. President, to this end, I am now submitting an amendment to S. 30 for printing, on behalf of myself and Senators GORE, MONDALE, and WILLIAMS of New Jersey, which shall create a new Assistant Attorney General, who shall be appointed by the President pursuant to section 506 of title 28, and who shall head an Organized Crime Division in the Justice Department. My proposal is based on legislation, S. 974, which I introduced earlier this year and which was discussed at some length by a number of witnesses during the hearings of the Subcommittee on Criminal Laws and Procedures.

Organized crime is a unique and particularly devastating kind of crime. The President's Crime Commission has described organized crime in the following manner:

Organized crime is a society that seeks to operate outside the control of the American people and their governments. It involves thousands of criminals, working within structures as complex as those of any large corporation, subject to laws more rigidly enforced than those of legitimate governments. Its actions are not impulsive but rather the result of intricate conspiracies, carried on over many years and aimed at gaining control over whole fields of activity in order to amass huge profits.

The core of organized crime activity is the supplying of illegal goods and services—gambling, loan sharking, narcotics, and other forms of vice—to countless numbers of citizen customers. But organized crime is also extensively and deeply involved in legitimate business and in labor unions. Here it employs illegitimate methods—monopolization, terrorism, extortion, tax evasion—to drive out or control lawful ownership and leadership and to exact illegal profits from the public. And to carry on its many activities secure from governmental interference, organized crime corrupts public officials.

In many ways organized crime is the most sinister kind of crime in America. The men who control it have become rich and powerful by encouraging the needy to gamble, by luring the troubled to destroy themselves with drugs, by extorting the profits of honest and hardworking businessmen, by collecting usury from those in financial plight, by maiming or murdering those who oppose them, by bribing those who are sworn to destroy them. Organized crime is not merely a few preying upon a few. In a very real sense it is dedicated to subverting not only American institutions, but the very decency and integrity that are the most cherished attributes of a free society. As the leaders of Cosa Nostra and their racketeering allies pursue their conspiracy unmolested, in open and continuous defiance of the law, they preach a sermon that all too many Americans heed: The government is for sale, lawlessness is the road to wealth; honesty is a pitfall and morality a trap for suckers.

To effectively combat this challenge of organized crime, the President's Crime Commission has suggested that the Jus-

Department's efforts be made a division-level operation directed by an Assistant Attorney General. That recommendation was made 2 years ago, but no heed has been paid to it. As Congress launches a new effort against organized crime with S. 30, it is time to implement the Crime Commission's recommendation.

Implementation is necessary for a number of reasons.

First, an Assistant Attorney General in charge of an Organized Crime Division will have the clear responsibility of directing an intensive and comprehensive effort, undiluted by other responsibilities, to control organized crime. Presently, the Justice Department's organized crime activities are charted in the Organized Crime Section of the Criminal Division. Administratively the Section stands on the same level as a number of other sections in the Criminal Division, such as Administrative Regulations, Fraud, Appellate, General Crime, Legislation and Special Projects and Administrative. As a result, the Assistant Attorney General for the Criminal Division is placed in a situation where he is forced either to concentrate his efforts on organized crime or the general crime-fighting activities or to dilute his efforts by trying to concentrate on both. The two are simply not coterminous and are too extensive for any single man to handle adequately.

Second, the creation of a new Assistant Attorney General and an Organized Crime Section can assure an ongoing, institutionalized commitment to a war on organized crime. Without such a commitment, history has shown that the Department's effort against organized crime remains dependent upon the personal interests of the Attorney General and the Assistant Attorney General for the Criminal Division. It is noteworthy that the interest and intensity of effort in combating organized crime has not remained constant through the changes in top echelon personnel. Indeed, at times the effort has waned. Since 1966 and the Presidential directive of that year, the Organized Crime Section has again been spurred into action. However, the recent momentum does not detract from the history of ebb and flow of the section's activities.

Mr. President, another decline in interest and activity should not be risked. The legislative creation of a permanent Assistant Attorney General whose paramount responsibility will be to fight organized crime would obviate this risk.

Third, the present size and anticipated growth of the Organized Crime Section calls for its elevation to division status. The Section, at the present time, is larger in manpower than the Internal Security Division of the Department of Justice, and comparable to the Civil Rights Division and the Lands Division. Presently, the authorized strength of the Organized Crime Section is 89 attorneys. For fiscal year 1970, this is scheduled to increase to 112 attorneys. In contrast, the Internal Security Division has 54 attorneys. The Land Division has 109 attorneys. The Civil Rights Division has 119 attorneys. Moreover, the administration is now seeking to establish a Consumer Protec-

tion Division, which, according to Assistant Attorney General Richard McLaren in his testimony before the Senate Subcommittee on the Consumer, will have a staff of only from 25 to 30 lawyers and economists.

It is also significant to note the contrast in the number of attorneys expected for fiscal 1970 in the Organized Crime Section, 112; with the number expected to be in the Criminal Division's next largest section, 22.

Table 1, which I ask unanimous consent to be inserted in the RECORD as part of my remarks, illustrates the disparity in manpower between the Organized Crime Section and other criminal division sections and the similarity between Organized Crime Section's manpower level and that of the other divisions of the Justice Department.

(See exhibit 1.)

Mr. TYDINGS. Mr. President, good management alone suggests that law enforcement activities which necessitates 112 lawyers demand at least the same administrative stature, level of leadership and concentrated effort as activities employing 25 or 50 lawyers, and clearly should not be on the same administrative level as activities which require 22 and less attorneys.

Moreover, the present section, like a division, is divided into a number of units.

Fourth, important new weapons, such as special grand juries, depositions to preserve testimony, civil forfeiture proceedings and civil investigative demands almost identical to those used in anti-trust matters under the supervision of the Assistant Attorney General for Anti-trust, given by S. 30 to the Department of Justice to fight organized crime. These new weapons make it more important than ever to coordinate the antiorganized crime effort at a division level under the direction of an Assistant Attorney General. If these newest weapons are to be properly utilized against organized crime, the Department must provide high level impetus, direction, and control, the kind that can only be given by an Assistant Attorney General charged solely with fighting organized crime.

Finally, and perhaps most importantly, an Assistant Attorney General in charge of an Organized Crime Division will appreciably enhance the accountability and visibility of the organized crime effort. The Assistant Attorney General for Organized Crime would be a Presidential appointee subject to Senate confirmation. In addition, the Organized Crime Division would have a separate, definable budget.

In brief, I do not believe that the Federal Government's anti-organized crime machinery will be equal to the tremendous task set for it without top echelon leadership, divisional status in the Justice Department, and a clear statutory mandate of authority and responsibility.

There is widespread support for the statutory creation of an additional Assistant Attorney General who shall be responsible for the anti-organized crime effort. In addition to the support for this proposal which has been given by the President's Crime Commission, the idea

has been endorsed by the American Bar Association, hearings, page 267, "a good change in structure within the Department of Justice"; Prof. Henry Ruth, University of Pennsylvania School of Law, hearings, page 347; John P. Diuguid, general counsel, Association of Federal Investigators, hearings, page 277; Edwyn Siberling, hearings, pages 531 and 532; Milton R. Wessel, hearings, page 533; and William G. Hundley, former Chief of Organized Crime Section, hearings, pages 425 to 427.

Mr. Hundley's comments at the hearings on S. 30 before the Subcommittee on Criminal Laws and Procedures are particularly relevant to a discussion of the need to elevate the Organized Crime Section to divisional status—hearings, pages 425 and 426:

Mr. HUNDLEY. I, of course, favor elevating the section to division status. I favored it when I was down there. When I left as Chief of the section we had about 60 attorneys in the section and it was becoming unmanageable as a section then. I understand they have over 70 now, and that, if they receive supplemental appropriation they will have 89 and if they receive the requested appropriation for next year, they will have 140 attorneys.

Now, it just doesn't make any sense to me to ask for \$65 million for an organized crime drive, which I agree with, by the way—ask for 140 attorneys, and then seem to quibble on whether or not it ought to be a division. It just seems to me that it just flows naturally that it ought to be a division. I agree with Senator Tydings' bill on that.

I am aware that some months ago the Attorney General asked that no legislative action be taken to create an Assistant Attorney General for Organized Crime Control until the completion of a report of the President's Advisory Council on Effective Organization. Suffice it to note that such review has been underway for more than 7 months and no resolution has appeared. Moreover, in light of the Attorney General's current interest in establishing a Consumer Division, I take it that he no longer considers this pending study to be an obstacle to the creation of a Division in the Justice Department if Congress determines it so warranted. Furthermore, no delay in the passage of S. 30 is requested, and this legislation, as noted above, will give the Department new weapons to use against organized crime which surely will place new burdens on the already strained organization.

A chief fear expressed by opponents of this legislation is that—

There would be complex problems of determining which division, either the Criminal Division or the Organized Crime Division, should have jurisdiction [over a particular federal criminal prosecution]. (Hearings pp. 391, 530, 531, 532.)

Such problems may occur; indeed, they occur today as the various sections within the Criminal Division vie for control of a particular prosecution. Yet, those problems are worked out regularly and without undue difficulty—hearings, pages 426, 167.

A second expressed concern is that, without the organized crime function as a part of the Criminal Division, that Division would have little left to do and it would be difficult to attract a "high

quality person to head the Criminal Division."—Hearings, page 530; see also pages 426, 532. Almost two-thirds of the attorneys in the Criminal Division are assigned to sections other than the Organized Crime Section. Consequently, elevating the section to division status will hardly gut the Criminal Division. As for recruiting a highly qualified individual to head a Criminal Division which does not control organized crime prosecutions, it must be noted that interest in criminal justice has expanded immensely in recent years and surely there will still be well-qualified men interested in that field in the future as there are today.

The real objection, I feel certain, to creating a division with an Assistant Attorney General for Organized Crime Control is bureaucratic inertia and prerogatives. This problem is not peculiar to the present leadership.

As Congress confers new powers on the Department and sanctions a new impetus against organized crime, there should be a clear congressional mandate for a permanent commitment to a war on organized crime. The surest way of stating that commitment is through legislative action to create an Assistant Attorney General and a Division for Organized Crime Control.

EXHIBIT 1

TABLE 1.—Organized crime section attorneys as compared with other divisions and sections in criminal division

DIVISIONS, FISCAL YEAR 1969	
Antitrust	319
Tax	240
Civil	200
Criminal (100 minus organized crime section)	189
Civil rights	119
Land and natural resources	109
Organized crime section	89
Internal security	54
Consumer (projected)	25
SECTIONS, AUTHORIZED FISCAL YEAR 1970	
Organized crime	112
General crime	22
Appellate	20
Fraud	15
Legislation and special projects	15
Government operations	12
Administration regulation	13
Narcotic drugs	10

Mr. TYDINGS. Mr. President, I ask that the amendment be printed in the RECORD at this point. I shall call it up when the bill is before us.

The PRESIDING OFFICER. The amendment will be received and printed, and will lie on the table; and, without objection, the amendment will be printed in the RECORD.

The amendment (No. 443) is as follows:

AMENDMENT No. 443

On page 99, strike all printed matter on lines 15 through 20, insert in lieu thereof the following:

"TITLE XI—ASSISTANT ATTORNEY GENERAL FOR ORGANIZED CRIME"

SEC. 1101. Section 506 of title 28, United States Code, is amended by—

- (a) striking the word "nine" and inserting in lieu thereof the word "ten" and
- (b) adding at the end thereof the following new paragraph:

"One of the Assistant Attorneys General shall be designated Assistant Attorney General for Organized Crime Control and shall

be appointed from among persons who are especially qualified to assist the Attorney General in the supervision and conduct of investigations, prosecutions and other activities relating to organized crime activities."

SEC. 1102. Section 5315(19) of title 5, United States Code is amended to read as follows:

"(19) Assistant Attorneys General (10)."

TITLE XII—GENERAL PROVISIONS

SEC. 1201. If the provisions of any part of this Act or the application thereof to any persons or circumstances be held invalid, the provisions of other parts and their application to other persons or circumstances shall not be affected thereby.

CONTROL OF ORGANIZED CRIME IN THE UNITED STATES—AMENDMENTS

AMENDMENT NO. 444

Mr. GOODELL submitted amendments, intended to be proposed by him, to the bill (S. 30) relating to the control of organized crime in the United States, which were ordered to lie on the table and to be printed.

DEPARTMENTS OF LABOR, HEALTH, EDUCATION, AND WELFARE APPROPRIATION BILL, 1970—AMENDMENT

AMENDMENT NO. 445

Mr. NELSON proposed an amendment to the House amendment, Senate amendment No. 83, to the bill (H.R. 13111) making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1970, and for other purposes, which was ordered to be printed.

(The remarks of Mr. NELSON when he submitted the amendment appear earlier in the RECORD under the appropriate heading.)

NOTICE OF HEARINGS

Mr. PELL. Mr. President, our Nation's institutions of higher education have been in the news almost daily for the past few years. The problems being faced by American colleges, universities and junior colleges are myriad, running the gamut from their basic role and structure to the ever-present need for finding funds to finance a college education. With this in mind, I would like to announce that the Subcommittee on Education of the Committee on Labor and Public Welfare plans to commence in-depth hearings on February 4, which are to continue for sometime thereafter.

Persons wishing to be heard should contact the staff of the Subcommittee on Education.

FINANCIAL CRISIS FACING ART AND MUSICAL ORGANIZATIONS—NOTICE OF JOINT HEARINGS

Mr. PELL. Mr. President, Mr. Patrick Hayes of Washington, in his weekly comment on the WGMS good music station, has often spoken most succinctly about the general problems besetting our country's cultural organizations. Last Sunday he made a most telling statement about the financial crisis which many art and

music organizations will be facing in the next year or two.

Stating quite simply that what is needed is money and not a new committee, study, or seminar, Mr. Hayes has correctly assessed what must be done if the cultural life of the Nation is to survive, let alone grow. I ask unanimous consent that his comment be printed at this point in the RECORD.

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

COMMENT BY PATRICK HAYES

(Broadcast over radio station WGMS, Washington, D.C., Sunday, Jan. 18, 1970)

Good afternoon. We are living in an age of experts and specialists. The old-fashioned family doctor is now only the doctor you see first who then sends you on to a specialist. Lawyers are divided into categories of communications, tax, corporation, estate, criminal, transportation and other special fields. Large companies often call in management consultants or management research teams to find out how they are doing, not trusting entirely their own management hierarchy. The Federal government engages experts and specialists by the hundreds, and whenever a new subject comes up a new panel or committee is appointed to research and report—recently we have had surveys of the national problems involving health, air-pollution, water-pollution, the threat of eventual over-population. The sum of it all is that the problem is "identified", clarified, put into sharp focus—and when this is done, there it remains—the problem. Sometimes ideas and ways and means are indicated for the solution of the problem—not always—but even when the way is pointed out, and makes sense, the going is slow or even rough to attain the solution.

Take our field of the arts, for example. If Congress, or a national foundation, or the National Council on the Arts had engaged a management consultant firm or appointed a committee of knowledgeable citizens to survey in depth, as the saying goes, the entire field of the arts today in America, we would end up with the conventional wisdom of problem identification, problem clarification, and problem focus. What to do and how to do it by way of solving the problem would remain as the questions of the day.

As it happens, all this had been done, several times—first there was the Rockefeller Brothers Fund report, called *Problems and Prospects of the Performing Arts*—this was about five years ago. Then about two years ago, there was the Twentieth Century report by the two economics professors at Princeton, Baumol and Bowen, called the *Economic Dilemma of the Performing Arts*. Both reports were parallel in their findings—the arts were great assets in our national life, worthy of full attention and financing, Baumol and Bowen made a statistical projection predicting a cost-price crunch for the big musical budgets of the nation in symphony and opera along about the early 1970's, but left the possible answer to this crunch pretty much up in the air.

During the past twelve months, the predicted crunch was dramatized by the strikes of symphony orchestras and the work-stoppage at the Metropolitan Opera—money, money, money, was the theme. Any arts administrator could prove the point by showing you the balance sheet of his operation—documenting what the Rockefeller Brothers book said, documenting what Baumol and Bowen said, and now finally what was said just last week by the most knowledgeable single source in America, W. McNeil Lowry, head of the arts and humanities division of the Ford Foundation. Any further findings by committees or authors are unnecessary. Any

other source would only duplicate what Mr. Lowry has just said, and would do well to say it so incisively. What has Mr. Lowry just said: "Arts seen in Demand-Cost Squeeze". In other words, the prediction of Baumol and Bowen has arrived—the crunch is here, early in the 1970's.

Howard Taubman writes the Lowry story, which begins "The Ford Foundation has contributed more than \$195 million to the arts since 1957, but on the basis of urgent appeals that it feels deserve attention it would need to distribute a much larger sum in 1970 alone". It is a certainty that every arts organization in America has an application in at the Ford Foundation, and here is the head of the Arts Division at Ford saying that \$195 million would be needed to meet the requests of all of them, for this year alone. As it is the annual sum allotted to the arts by the Ford Foundation is \$20 million, which will amount to 200 million over the next ten years, the same as the past ten years—but the proportions of the total financial problem of the arts in America are so enormous, that the ten-year total is needed now, for one year—and let us remember we are discussing only one source of funds, one foundation, Ford. There are other foundations, there is the American corporate financial structure, there is government at the three levels of local, state and federal, and there are private patrons—in short, the machinery is there for the solution of the financial problem, but somehow it isn't working.

What is the nature of the crunch, the crisis—Mr. Lowry says it is the result of a number of factors: rising costs of labor and material, the pressure to lengthen seasons and increase services, the development of new institutions that desire support and the inability to raise admission prices to sufficiently meet increased costs. This summary grows out of Mr. Lowry's experience of the past ten years in reviewing and approving grants of \$86 million to over 60 symphony orchestras a few years ago, \$25 million to Lincoln Center, and \$84 million to theaters, operas, dance companies, schools and conservatories and to individual performers and creators in all the arts. This is as high a price as one can imagine, \$195 million, for a fact-finding report, an authoritative opinion.

Mr. Lowry says that the costs of labor and materials are rising. This is a fact well known to all of us who read the daily papers and hear the news. Ask the housewife who shops each week—the current price of eggs per dozen compared to a year ago. The other day a steel company announced a 5% rise in its prices. Everything is going up. So that problem is identified.

Mr. Lowry says that there is pressure to lengthen seasons and increase services. True—the public is willing to accept more music and dance and theatre—musicians, dancers and actors want full-time employment—all this makes sense in an affluent society.

Mr. Lowry says that new institutions and organizations have been established for public service in the arts, and it follows that their applications are added to the old ones, increasing the demands on Ford and other foundations and sources.

Mr. Lowry's fourth point is based on nearly 100 years of wisdom—that admission prices cannot be increased sufficiently to meet increased costs? Why—it would take a ticket-price range of \$10 minimum and \$25 top to begin to break even and not require a sustaining fund for orchestras, operas, and ballet companies, and such a high scale would price music out of the market—the general public would simply not be able to afford these prices and would not go to musical events. When Henry Higginson founded the Boston Symphony Orchestra in the 1880's he declared the policy we have all lived by since—that the world's finest music should be made available to the largest number of people, at prices within the reach of all. And

you underline "at prices within the reach of all". As the cost of that world's greatest music goes sky-high, like everything else in modern life, and the prices are kept within the reach of all, it means a deficit, and the deficit gets bigger each year, and as Mr. Lowry says a point is reached, as he said a year ago and repeated last week: "The absolute volume of pent-up financial needs and the hard-pressed social and economic position of the artist continue to overwhelm all existing sources of support."

So there you have a clear picture of the problems of the arts today, from the expert of experts, and you also have the answer to the problem implied in Mr. Lowry's words, where he says that the total needs "overwhelm all existing sources of support". This points one way—toward new and additional sources of support, doesn't it?

What new and additional sources? Clearly, government, and business.

Several Sundays ago I made what seemed to many a whimsical suggestion that the Federal government come in all the way with an appropriation of one billion dollars for the arts, to stabilize and strengthen them over the next few years. I mentioned three years. I was not far off target, since Mr. Lowry's figures show a need of \$200 million for 1970 alone, and five times this for a five-year period is one billion.

I now suggest that the ad hoc committee representing the 77 symphony orchestra leaders who met at Philharmonic Hall several weeks ago take the initiative in requesting President Nixon to call a White House Conference on the Arts, to drive into these figures of Mr. Lowry's and the problems they define so sharply, with the goal in mind of a request for a Congressional action leading to an appropriation of one billion dollars for the arts, channeled through the National Endowment for the Arts, and couple this with a matching-fund challenge to American business for an equal sum, with special tax incentives and deductions if necessary to spur the interest of the corporations in the endeavor. If two billion resulted, one billion could become a permanent endowment the income from which could ride year by year alongside the future annual appropriations of the government and the annual contributions from American business.

We have the experts and we have the specialists for the wise expenditure of such large sums for the arts. Largesse need not eliminate wisdom and prudence. It is a question of the arts having enough money year by year to live, not merely survive. It is a question of the public good, the public happiness, and this high purpose was stated by our President himself in his Message on the Arts to Congress on December 10, 1969—in which he said:

"Americans have long given their first concerns to the protection and enhancement of life and liberty; we have reached the point in our history when we should give equal concern to "the pursuit of happiness."

"This phrase of Jefferson's, enshrined in our Declaration of Independence, is defined today as the "quality of life." It encompasses a fresh dedication to protect and improve our environment, to give added meaning to our leisure and to make it possible for each individual to express himself freely and fully.

"The attention and support we give the arts and humanities—especially as they affect our young people—represent a vital part of our commitment to enhancing the quality of life for all Americans.

"Our creative and performing artists give free and full expression to the American spirit as they illuminate, criticize and celebrate our civilization."

"Celebrate our civilization." If the arts and artists falter, even fail, there will be little to celebrate. The way is clear—it is only money, enough money, on time.

Mr. PELL. Mr. President, an admirable start in Federal support of the arts has been made by the National Endowment for the Arts, which was established by the National Foundation on the Arts and Humanities Act of 1965. This authorizing legislation will lapse on June 30 of this year. Therefore, Mr. President, I should like to announce that the Special Subcommittee on the Arts and Humanities of the Senate Committee on Labor and Public Welfare in conjunction with the Special Subcommittee on Education of the House Education and Labor Committee has scheduled joint hearings on the renewal of the arts and humanities legislation on January 26, 28, and February 3. Persons interested in submitting statements should contact the subcommittee staff.

RECESS APPOINTMENT TO FEDERAL NATIONAL MORTGAGE ASSOCIATION

Mr. SPARKMAN. Mr. President, it is unfortunate that President Nixon has seen fit, in a last minute, quick appointment, to bypass the Senate's right to advise and consent to a nomination for high office in his administration. Yesterday, only a few hours before Congress reconvened, the President made what is technically a recess appointment to the presidency of the Federal National Mortgage Association.

Although no reason was given for such unprecedented action, the effect may be to give permanent status to the appointee without regard to the advice and consent requirement of the Federal statute.

I feel that his appointment throws a heavy cloud over the FNMA operation, which is so vital to the continued stability of the housing industry at this crucial time of tight money and extreme shortage of mortgage credit.

This new action of the President further complicates an already confusing situation at FNMA and jeopardizes its continued effectiveness in shoring up the already weak mortgage market for housing.

When I first learned, in early December, that the President had acted to remove Raymond H. Lapin as president of FNMA, I communicated my concern to him about the effect of this action on the FNMA's operation. Later I wrote to him requesting that no recess appointment be made during the time that litigation was pending over Mr. Lapin's status. Now I learn that he has proceeded to make the appointment and by so doing has not only spread a cloud over the Lapin court case but is effectively circumventing the Senate's advice and consent authority under the law. Mr. President, Federal law permits a recess appointee to remain in office for the full session of Congress and, in this case, the way the FNMA law is written, the appointee can become the permanent FNMA president without regard to the will of the Senate. After May 1, 1970, FNMA can convert to a private corporation and the question of Senate approval of the Presidential appointee becomes moot.

The timing of President Nixon's action is particularly regrettable because it

was only last Friday—literally hours before the recess appointment was made—that the U.S. Court of Appeals for the District of Columbia ruled that Mr. Lapin's case be given speedy treatment in the trial court so as to remove the doubt over the presidency of FNMA.

Under the Appeals Court decision, Mr. President, the validity of Mr. Lapin's removal will be decided on a motion for summary judgment in the trial court. In other words, the litigation is moving along rapidly.

Why should President Nixon decide to make an appointment now, when the court is about to decide once and for all the status of the FNMA presidency?

It was only 18 months ago that the Senate gave prompt and unanimous confirmation to the appointment of Mr. Lapin as President of FNMA. By all accounts, the new quasi-private FNMA has been overwhelmingly successful under the leadership of Mr. Lapin. His efforts have drawn accolades from Secretary Romney, from other members of FNMA's Board of Directors, and from the housing and mortgage industries.

Mr. President, we are at a crucial period in providing housing for the American people primarily because of the lack of adequate mortgage credit. Fortunately, and largely through Mr. Lapin's leadership, FNMA is providing substantial support to the FHA and VA mortgage market. Understandably, I believe, I was greatly concerned at the time that the President removed Mr. Lapin that FNMA would be weakened. I believe subsequent events have shown this fear to be founded in fact. Now he has further complicated the situation by proceeding, without regard to the courts and without regard to the intent of the statute, to name a new president to this organization.

My concern, Mr. President, relates to the impact that all of this confusion in the operations of FNMA may have upon housing so critically needed for American families today.

ARMY CONCEPT FOR USE OF C-5A HEAVY LIFT AIRCRAFT

Mr. GOLDWATER. Mr. President, during the latter part of the first session of this Congress, I placed in the RECORD a speech given by Gen. William Westmoreland before the Association of the U.S. Army.

In his speech, the general touched very briefly on a most important subject; namely, the Army of the future. Recognizing that his thinking is of a more mobile, smaller Army with the job of detection pretty much resting on other than human sources, such an Army would require important changes in supply and logistics.

General Westmoreland sent me a policy statement, a systems description, and a definition of terms covering the Army's concept for the use of the C-5A heavy lift aircraft in the combat service supply role. Because this very important addition to the Air Force inventory has, as usual, been receiving derogatory accusations from the usual uninformed sources, I thought it would

be wise to make this Army concept available for Members of Congress.

I ask unanimous consent that the statement be printed in the RECORD.

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

ARMY CONCEPT FOR USE OF C-5A/HEAVY LIFT AIRCRAFT IN THE COMBAT SERVICE SUPPORT ROLE

POLICY STATEMENT

The principles used in developing this policy statement are based, wherever possible, on approved Army doctrine and joint service regulations or agreements. Analysis of related studies and projects was used as guidance. The basic building block was the present logistic distribution system as modified by the TASTA 70 organizational and operational environment. Moreover, it introduces the concept of INVENTORY IN MOTION. Inventory in motion, a revitalized supply management program, will minimize the requirement for large stock levels at immobile depot activities in the combat zone.

It is recognized from the outset that heavy lift aircraft, a program which the Army supports, do not represent a new mode of transportation. However, they do provide increased lift capacity at reduced tariff rates which are of sufficient magnitude to require examination of the Army logistic system to determine how this capacity can most effectively be used on a routine basis. The Army visualizes using this airlift on three strategic roles; deployment, buildup, and resupply. Each of these phases have distinct and sometimes overlapping characteristics. Deployment pertains to the initial period when troop units and accompanying high priority supplies are being deployed to or towards the objective area. Buildup generally overlaps the deployment phase in moving large numbers of personnel replacements and buildup and resupply of theater stocks to support forces in active operations. Resupply commences on completion of the buildup phase and continues as long as the supported forces remain in an overseas area.

In the deployment phase, a rigidly controlled priority system will be required. This could be relaxed in the other phases when supplies could move routinely on a first-in/first out basis.

Increased air shipments affect all elements of the logistic system. The ratio of air/surface transportation is changed. Improved response should reduce the pipeline, which in turn will affect prepositioning of supplies and equipment.

Transition from peacetime to wartime situations are inevitably accompanied by some changes to the current arrangements. Separate systems for each condition are not acceptable. The adjustments which must be made can be minimized by prior planning, particularly with respect to stockage patterns and levels.

Effective strategic mobility depends primarily on an optimum mix of: force readiness, pre-positioning of war reserve stocks and equipment, and responsive sealift and airlift. This policy statement primarily addresses cargo and equipment movements. It is recognized that movement of personnel will have an impact, particularly as a result of contingency operations. However, use of heavy lift aircraft for the movement of passengers requires the same relative planning effort and movement controls as are currently needed for other types of passenger airlift.

Introduction of heavy airlift capability to the military transport system will require changes or modifications to the current Army combat service support system. Since the introduction of these aircraft is time phased over a two and one-half year period, any corresponding changes in Army logistics will be of an evolutionary nature.

The Army combat service support system can be materially affected by the introduction of the heavy lift capability. The extent and degree of this influence must be developed in anticipation of availability of the resources. Potential impact areas include increased throughput from source of supply to depot, GS, DS, or user, and most significantly, will facilitate and support changes in maintenance and supply operations. Improved and responsive documentation, communications, and automatic data processing systems must be made available to provide improved visibility of shipments. In the transportation system, advances in the use of containers, pallets, mechanized terminal equipment, and improved materials handling equipment will complement the new heavy lift aircraft. Unitization will be accomplished as close as possible to the source of supply. These improvements may require revised organizations and newly designed equipment as well as possible re-orientation of portions of the logistic system.

From a realistic viewpoint, the logistic system is dynamic rather than static. Thus, new concepts made available as a result of on-going and completed studies and projects must be evaluated for possible inclusion in the system as it evolves. Construction or upgrading of Army airfields and other supporting facilities must be planned. The Army school system must respond with training programs which will provide the requisite skills to manage and operate the logistic system. Despite conflicting interactions the new impact may result in a reduction of Army military, civilian, and indigenous employees in overseas areas. This, in turn, should reduce dollar expenditures overseas.

The narrative which follows describes briefly the Army concept. To provide continuity to the narrative, it has been aligned to follow the flow diagram of the system description. The system description (Annex A) contains amplification of concept statements and supporting rationale. Keystones in the system would be a logistic control office (LCO) and a theater oriented Army depot complex (TOADC) both operated by USAMC.

The TOADC would operate both air oriented and surface oriented elements. The LCO and TOADC should be designed to provide responsive logistic support to a theater using both air and surface transportation. They would tie together supply and transportation documentation to achieve theater logistic control and visibility.

As an interim measure, in order to maximize use of the heavy airlift capability when it first becomes available, depot air consolidation points should be considered for establishment. Location of the air consolidation points should be in the vicinity of the selected C-5A air terminals. Initially, these consolidation points would receive, process and consolidate Army cargo for air shipment. The consolidation points should also serve as receiving area/break bulk points for retrograde materiel. Interim measures overseas require provision of Army transportation movement control personnel at APODs. They must have the authority to order and commit allocated Army transportation resources for the rapid clearance of air terminals. Intransit cargo areas must be established adjacent to APODs and equipped with adequate MHE. This may require procurement of non-standard, off the shelf items compatible with Air Force equipment. Throughout this interim period Army use of Air Force containers/pallets can be expected.

Evolutionary changes in Army use of the C-5A capability should result in the following system. Logistic activities supporting overseas theaters would be theater oriented. These activities would include an LCO and the TOADC organized with both air and surface oriented elements. These activities, the TOADC and LCO, should be operated by

USAMC. In CONUS, MTMTS would release material in release units directly to the POEs. Material which does not constitute a release unit is forwarded to MTMTS small shipment consolidating points (SSCPs). There they will be consolidated into release units for shipment to the POEs. The optimum objective of this system is to minimize handling and maximize throughput.

Basically, Army shipments may be classified as routine or emergency and are executed under the DOD priority system. Cargo would normally be generated as a result of MROs which are initiated by the ICP. Cargo movements in CONUS would be managed by MTMTS.

Release units should be containerized or palletized. A DOD family of intermodal modular containers of several sizes should be available so that, whenever possible, shipments can go from source to user with minimum handling. Smaller containers would be consolidated into larger containers for ease of handling. The containers, pallets, and MHE used by the Army for air movements would be compatible with the 463L System.

The Air Force would designate the inter-theater APODs which are normally permanent; however, for contingency operations, temporary intertheater APODs might be selected. Upon arrival at these APODs cargo would be discharged from the aircraft by the Air Force. An Army air terminal movement control team ATMCT(A), located at the APOD, would provide instructions for onward movement. Whenever possible, container lots would be delivered direct to consignee. The following means for onward movement would be available:

1. AF intratheater fixed wing to: (a) Air Force intratheater APODs, (b) Army intratheater APODs.
2. Army air or surface from all APODs to: (a) Intransit cargo area(s), (b) DS/GS area(s), (c) Direct to user unit(s), (d) Theater reserve/oversea depot complex(es).

In addition to the more common means of transportation, Army helicopters would be used as required and available to provide terminal clearance.

Responsive telecommunications and ADEP interface between CONUS and overseas areas would provide timely receipt of management and movement information. Included in this system would be the LCO, APOE/APOD, NIPC, MTMTS, MMC, and MCC. This capability would also provide cargo identification and interface between supply and transportation documentation (intransit cargo accounting).

Intransit cargo areas, operated by the Army should be located in close proximity to APODs. Release units requiring break bulk could be shipped to these intransit cargo areas for stripping and then expeditiously delivered to consignee.

Materiel management within the theater is the responsibility of the theater materiel management center (MMC). In the overseas theaters the LCO functions are performed by the MMC. Traffic management and movement control is the responsibility of the theater movement control center (MCC).

Significant changes in overseas maintenance activities would be supported by the increased availability of retrograde airlift. Increased lift would facilitate integration of Army maintenance capabilities and a consequent realignment within DS/GS. Closed loop operations would be expanded resulting in better asset control. Overall there should be an increase in retrograde shipments by air of repairables and excess supplies. These would constitute the bulk of Army generated retrograde cargo. Personal property would be considered prime second priority cargo.

User, DG/GS, and oversea theater reserve depot complexes generating full release units of retrograde would probably ship to the intra-theater air terminal for subsequent forwarding, or direct to the overseas APOE.

To facilitate ultimate disposition in CONUS, these release units should be compatible by materiel commodity and oriented to the CONUS maintenance/depot receiving points. These movements would be directed by the MCC in coordination with the MMC. Serviceable retrograde might be diverted to other theaters or areas of operation by the ICP.

Less than release units would be shipped from user, DS/GS, and depot to the intransit cargo area for consolidation. Release units would then be forwarded to intra- or inter-theater air terminals as directed by the MCC. Air Force personnel at the overseas APOE would accept cargo at that point for loading and movement to CONUS.

Upon arrival at the CONUS APOD, the MTMTS air terminal movement control team would arrange for the onward movement of release units to consignees as directed by the Army. Release units of consolidated shipments would be directed to the DOD SSCP for break bulk and further forwarding to consignee.

A system description of the foregoing concept is attached.

SYSTEM DESCRIPTION

The Army logistic environment of the 1970s will be characterized by more extensive use of air transport in support of overseas theaters. Responsive logistic supply and maintenance techniques must support this increased use of air lines of communications. Simplified documentation, improved communications, and extensive automatic data processing systems contribute to a more responsive logistic distribution system. This system functions with supporting ADP materiel and movement management systems and is oriented toward throughput of unitized cargo.

The concepts used are considered as having the least impact upon the existing system and can be inserted in the current logistic system within the 1970-1975 time frame. The critical link between the CONUS and overseas materiel distribution systems is the logistic control office (LCO) and the theater oriented Army depot complex (TOADC) which are integrated operationally. The logistic control office is responsible for accomplishing the following: establishes the integration of supply and movement information; provides the supported theater(s) with a single point of contact for all inquiries concerning the status of materiel in the supply and transportation systems; functions as a principal management center for integrating the CONUS and theater logistic management information systems; and performs other functions currently being accomplished by the established LCOs, to include the "Red-ball" procedures. These management information systems will be based on the MILSTANDARD systems and the Automatic Digital Network (AUTODIN) and will provide data for development of a supply manifest document.

The LCO will establish management controls to provide visibility of inventory in motion into and out of a theater.

Theater supply support "push or pull" will be as prescribed by MILSTRIP procedures, with the documentation transmitted via AUTODIN. Requisitions and related documentation will be automatically and concurrently transmitted to the LCO to provide data for a logistic intelligence file (LIF). Release of cargo to transportation as documented by "shipment status," including shipper assigned transportation control number (TCN), flows through the AUTODIN and is automatically and concurrently transmitted to the LCO. Materiel movement and documentation will be as prescribed by MILSTAMP procedures, including the TCN as developed by the shipper and included in the "shipment status" previously dispatched via AUTODIN.

This data record developed by the LCO provides the case data for development of a

supply manifest document. This document will contain the requisition number, FSN, quantity, TCN/sub-TCN, flight/vessel, container/pallet number, APOD/SPOD, ETA (Day/Hour), and a shipment receipt control code. This document will provide MILSTRIP/MILSTAMP interface and precede MILSTEP implementation overseas, in addition to providing the consignee with materiel flow status.

The data record as developed and stored by the LCO (supply and transportation) contains the essential elements to provide visibility of inventory in motion, a supply manifest document for dispatch to the MMC which has an LCO type function and response to supply follow-up or transportation tracer.

The furnishing of a supply manifest document to the MMC provides the capability to the theater to confirm the shipment receipt to the CONUS LCO.

Retrograde supply/transportation document flow will basically follow that procedure as described for cargo inbound to a theater, but in reverse. Materiel will move from DS/GS or depot to an intransit cargo area or direct to the APOE/SPOE under control of the MCC, utilizing the MILSTAMP procedures.

The supply documentation (MILSTRIP) will be prepared or controlled by the LCO element of the MMC. Variation in supply documentation as prescribed for management of excess materiel, Closed Loop, Secondary Items Intensive Management (SIIM), automatic returns, or the weapons systems and management systems, will be controlled on the supply document number, to include FSN and quantity, thereby reflecting the reentry of these materiels in the pipeline for item visibility of inventory in motion.

A retrograde history status file similar to a logistic intelligence file (LIF) will be developed by the MMC, to include transportation data furnished by the document. This document will be transmitted to the CONUS LCO in a timely manner to permit management controls for receipt and onward movement of materiel through a CONUS APOD/SPOD to ultimate CONUS consignee.

The CONUS LCO will transmit advice of receipt of retrograde identified on the retrograde supply manifest document to the MMC.

The theater oriented Army depot complex (TOADC) will store Army managed items. The specific items and stockage levels of TOADC will be managed by the CONUS item manager and will be based, as a minimum, on the theater authorized stockage list(s), (TASL) of the supported theater(s). Upon direction of the item manager, the TOADC will initiate the physical shipment of materiel. Based upon instructions received, these shipments will be prepared for movement by surface or air modes of transportation, and will be oriented toward throughput distribution.

Items designated as air eligible such as major components, assemblies, certain repair parts, and electronic items will be stocked at the air oriented elements of the TOADC. These air oriented elements are concerned with those TASL items which are designated to be routinely shipped by air. These items require different packing specifications and response requirements than those using surface as the normal transportation mode. Accordingly, the TOADC should be a convenient geographic location to the APOE. The TOADC selecting from a family of various sizes modular containers, picks, packs, and marks materiel for shipment to the consignee. Where possible materiel will be prepared to facilitate throughput distribution direct to DSU/GSU and other authorized consignees. The modular containers are, in turn, stowed in inter-modal containers

and shipped to the APOE. Daily deliveries of specific tonnage, programmed in advanced are made in this manner.

Transportation movements control activities (CONUS/overseas) are concerned with planning, coordinating, programming and supervising the allocation and use of available air and surface transportation resources to meet movement requirements. Centralized control of cargo movements overseas and in CONUS is required and must consider the total requirements for mode determination. The MTMTS and the MCC will provide centralized movement control in CONUS and overseas respectively. These agencies must have the capability to interface with each other and with their respective materiel management activities. Air transportation cargo movements addressed below will consider three basic processing routines—forecasting, scheduling and monitoring. The Military Airlift Command (MAC) will provide inter-theater logistical airlift support based on allocations made by the JCS.

The management of air cargo movements will be intensified as airlift capacity increases. Transportation movements management must employ ADP systems, supported by a responsive electronic communication system, which is compatible to and interfaces with overseas and CONUS supply and maintenance systems.

The MTMTS, with respect to air transport, will manage the movement of air cargo from the consignors to the CONUS APOE and the movement management of retrograde cargo (theater export) from the CONUS APODs to its designated consignee.

Overseas, the MCC functions are timely air terminal clearance for the rapid movement of cargo to consignees and movement management of export cargo (retrograde) to theater APOEs for airlift to the CONUS APODs.

Shipping agencies submit movement requirements to MTMTS Eastern or Western area headquarters. Movement forecasts are cyclic and provide a range of forecasts with respect to advance planning down to short range forecasting which constitutes the actual movements program. The movements program provides the basis for the scheduling process accomplished by the operator. The movements program is based on line item priority with a capability to adjust for emergency movements. The scheduling process includes the "call forward" of cargo to the APOE staging area.

Non-programmed emergency shipments generated by consignors will be offered, processed and transported to the APOE in accordance with established procedures. The air movement program includes provisions for the movement of non-programmed cargo. If requirements exceed daily scheduled airlift capability, line item adjustments to the program will be made.

Normally, the air element of the TOADC and the MTMTS SSCP will be located in close proximity to the APOE, and will require responsive surface transport. RUs from depots/manufacturers may require use of LOGAIR/QUICK TRANS type service. Scheduling of the movements program will dictate the mode required to effect timely movement to the APOE.

The theater MCC utilizes the forecast, schedule and monitor processes to insure timely air terminal clearance and the movement of export cargo (retrograde) to theater APOEs. The forecast process provides for transport requirement input to the MCC on a timely basis for the development of the air movements program for onward movement of cargo from inter-theater APODs. This program considers required surface transportation, Air Force fixed wing airlift capability, and Army air transportation. Forecasting movements of retrograde cargo to the theater APOE is also accomplished in this process. The scheduling process is the

implementation of the movements program. Army air and surface transport assets are controlled by the MCC. Air Force intra-theater and inter-theater airlift is an MCC/MAC/TAF coordinated effort.

Emphasis for consolidation of cargo into RUs will be at all levels of cargo preparation. The optimum point for consolidation would be at the originating shipping point.

In CONUS, less than release unit shipments will be consolidated at designated consolidation points. Full release unit shipments from consignors will be ordered directly into the cargo staging areas of the APOE.

In theaters, the intransit cargo areas located in close proximity to the theater APOE/Ds, operated by the Army, will, as required, perform the break bulk mission for incoming cargo and act as a small shipment consolidating point for export cargo. Each theater APOE/D and intransit storage area will have a movements control team with authority to commit allocated transportation assets (Army) to support their assigned mission.

Retrograde cargo designated for movements from the theater will be prepared and offered through the appropriate channels to the MCC. The MCC will program and schedule movement to the overseas APOE/D and intransit cargo area for RU and LRUs respectively. The intransit cargo area will assemble LRUs into RUs for onward movement and the MCC will handle these the same as other RU shipments.

The monitoring process of the movement management activities in coordinating with their respective supply management agencies (LCO/MMC) will provide shipment status.

DEFINITION OF TERMS

APOE/D: Aerial Port of Embarkation/Debarcation.

ATMCT(A): Air Terminal Movement Control Team (Army).

LRU (Milstamp DOD, 4500.32-R): Less than Release Unit—A unit that can be placed in the transportation system without prior positive clearance by a movement control authority.

LOGAIR/QUICK, Trans. System: CONUS contract air movement systems (Intra-CONUS).

MCC: Movements Control Center.

MMC: Materiel Management Center.

Red Ball/999: A logistical system that provides intensive management procedures and expedited requisitioning and delivery of repair parts to maintain designated equipment at acceptable operational readiness rates.

RU (Milstamp DOD, 4500.32-R): Release Unit—A shipment unit which, because of a specific commodity designation, weight, or size or mode of transportation must be offered to a movement control authority for positive action (acceptable as minimum quantity offered for shipment—vehicle, CONEX container, intermodal container, or 463L pallet) before being placed into a transportation system.

SSCP: Small Shipment Consolidation Point—MTMTS established and operated in support of all DOD services.

TOADC: Theater Oriented Army Depot Complex.

TCN: Transportation Control Number.

Throughput: Throughput distribution is the shipment of supplies from points of origin (CONUS and rear depots in the theater) as far forward into the combat zone as possible, bypassing intermediate supply activities. Rehandling and transshipment (transferring) at intermediate locations with the transportation system are avoided whenever practicable.

Deployment: That phase which pertains to the initial period when troop units and accompanying high priority supplies are being deployed to or towards the objective areas. (An example is movement to RVN in 1965/

1966.) During this phase airlift is in short supply.

Buildup: This phase generally overlaps the deployment phase and pertains to the movement of large numbers of personnel replacements and a buildup and resupply of theater stocks to support forces in active operations. The transition from the deployment phase is gradual as in the transition to the resupply phase.

Resupply: This phase commences on completion of the buildup phase and continues as long as the supported forces remain in an overseas area.

SIIM: Secondary Items Intensive Management (SIIM) is designed to provide visibility, control and management of high value and essential/critical items. Implementation will be applied in two increments. The first increment will encompass only repairable items and the second increment will encompass both repairables and consumables.

REPORT OF TOUR OF OKLAHOMA BY SENATOR HARRIS

Mr. HARRIS. Mr. President, I took advantage of the recent adjournment of Congress to make an extensive 10-day, 29-county tour of my home State of Oklahoma.

During that period, I held numerous meetings throughout the State, usually consisting primarily of question-and-answer sessions.

I found Oklahomans very much concerned about continued inflation, high-interest rates, the President's announced intention to veto HEW appropriations, low farm prices, and a good many other subjects.

Most of all, Oklahomans expressed to me their grave concern about the continuing war in Vietnam. As I began the tour on January 9, I issued a statement about the Vietnam war, calling for a more rapid U.S. withdrawal, for greater progress toward broadening the base of the government in the south, and for repeal of the Tonkin Gulf resolution. I ask unanimous consent that the statement be printed in the RECORD at the conclusion of my remarks.

During the tour, marked by the largest crowds and most enthusiastic reception I have had since I came to the Senate, I always discussed these and other aspects of the Vietnam war. I found mounting impatience with the war and increasing sentiment in favor of more rapid disengagement from it.

I hope that this report may be of interest to Senators as we begin this new session of the 91st Congress. I have also brought it to the attention of the chairman of the Committee on Foreign Relations.

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

STATEMENT OF SENATOR HARRIS

The statement of South Vietnam's President Thieu today that all U.S. combat ground troops could not be withdrawn from South Vietnam by the end of this year, as so many of us had hoped and advocated and that substantial numbers of U.S. troops would have to remain in Vietnam for many years, is very disturbing.

I have supported former Secretary of Defense Clark Clifford's plan for removing all U.S. combat ground troops from Vietnam by the end of 1970. On more than one occasion,

President Nixon has indicated that he hopes to beat that schedule.

President Thieu's latest statement shows again the basic problem with the Vietnamization plan; too much depends upon decisions made by the Saigon government, rather than by us.

President Thieu's statement points up the need for the full hearings which are planned soon by the Senate Foreign Relations Committee. I have serious doubts concerning the Vietnamization plan, I am not satisfied with the rate at which U.S. troops are being brought home, and I am concerned about the inadequate progress that is being made toward broadening the base of the government in the South so that it will have wider popular support.

I am glad that all these matters will be fully considered by the Foreign Relations Committee. I hope that, among other things, the Committee will recommend passage of the Church-Hatfield Resolution, of which I am a cosponsor, calling for more rapid U.S. withdrawals. We simply must not allow others to decide how long American boys will have to continue to fight in Vietnam.

I hope the Committee will also decide to recommend repeal of the Tonkin Bay Resolution, so that we will not get in similar situations in Laos or Thailand or elsewhere in the future without the full knowledge and consent of the Congress.

NEW YORK TIMES EDITORIAL CALLS FOR FUNDAMENTAL REFORMS AT THE PENTAGON

Mr. PROXMIRE. Mr. President, the New York Times for Saturday, January 17, contains a most thoughtful and constructively critical editorial concerning the most recent announcement by the Pentagon and Secretary Laird on proposed personnel cutbacks.

While at first glance the proposals to cut the number of men in uniform by 600,000, to reduce Pentagon civilian personnel by 150,000, and to reduce prime contracts affecting 500,000 workers may seem significant, a more detailed analysis indicates that they are very minor indeed.

First of all, these cuts are to take place over the next 18 months. They will not be fully in effect until June 30, 1971.

Second, even by that time the number of men in uniform will still be several hundred thousand above the pre-Vietnam levels. Surely, in a year and a half from now, the number of men and women in uniform should be, at most, at the pre-Vietnam level.

Third, the reduction in civilians at the Pentagon is relatively small. There are now almost 1.3 million civilian employees. About 20,000 per month resign or retire. That is a reduction by those means of 360,000 in the next 18 months. But the total proposed Pentagon cut for its civilian agencies in that period is only 150,000. This means that the Pentagon will fill almost 60 percent of the jobs which would otherwise be lost through attrition during this time.

Finally, as the editorial so ably points out, none of this represents any real increase in efficiency or productivity. What we need is a Defense Department which buys weapons systems for the original estimated price, which sees to it that they are delivered on time, and guarantees that they work.

We need a Defense Department where

a far larger share of our uniform personnel are in combat-ready units rather than in supply and logistics.

We need a system which is more efficient because the military carries a lighter pack and is no longer surfeited with excesses and waste.

None of these fundamental reforms are being made; in fact with the firing of A. E. Fitzgerald, the Pentagon has told both its military and civilian employees that anyone who tries to save money and promote efficiency will get the ax.

What we need is fundamental reform. What we are getting are easy answers.

The New York Times editorial says this in an eloquent way.

I 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:

HOW BIG THE CUTBACK?

The additional cutbacks in defense spending, sketched by Defense Secretary Laird the other day, need to be put in perspective lest they seem larger than they are. They amount only to the reductions in spending to come from a scaling down of operations in Vietnam plus a little more trimmed here and there from a bloated budget. They represent no fundamental shifts in strategy, much less any reordering of priorities.

According to the figures released, the budget cuts to be effected this year and the next will cost 1,250,000 jobs within the military establishment and defense-related industries. A large figure in itself, it requires comparison with larger figures still.

For example, the strength of the armed forces will be trimmed about 600,000, but the cut will still leave 2.8 million Americans in uniform, a figure larger than at the start of the Vietnam war. The 150,000 cut in civilian jobs within the military establishment will still leave more than 1.1 million civilians holding such employment. This size cut, stretched over a period of a year and a half, would be absorbed by simple attrition.

The number of workers in defense-related industries now listed as 3.8 million will drop to 3.3 million. But, given the present tightness of the labor market, the shakeout could be more than offset by expanded domestic employment, especially if the Federal Government gave the kind of encouragement to housing construction and environmental protection that these neglected areas of activity require.

What also needs noting is that, despite these projected cuts, the military budget will continue to hover somewhere between \$70 billion and \$80 billion and that it will continue to absorb a distinctly disproportionate amount of the nation's tax revenues. The cuts connote none of the really hard decisions that still must come; actually, they do not even connote increased efficiency.

The defense establishment continues to rumble along with excessive overseas bases, overkill potentials in many programs, a Navy as large as all the rest of the world's navies put together.

Fortunately, Senator William Proxmire of Wisconsin, chairman of a subcommittee of the Joint Economic Committee, intends to proceed with the line of inquiry he pursued at the last session of the Congress, examining the defense budget in far greater detail than Congress has ever examined it before. The cuts now announced by Secretary Laird are doubtless related to this new Congressional awareness of the need to reorder both military and domestic priorities. More vigilance by Congress will produce additional dividends for America in a stronger, sounder society.

COMMUNIST CRUELTY TO AMERICAN PRISONERS OF WAR IN VIETNAM

Mr. ALLOTT. Mr. President, last weekend the civilized world was angered, shocked, and saddened by reports concerning the discovery of new evidence of Communist cruelty to American prisoners of war in Vietnam.

According to American authorities, the bodies of two American soldiers were recently discovered in a shallow grave in South Vietnam. The bodies were discovered Christmas Eve. The men had been dead a long time, perhaps since 1966. Both men had been executed. And they were executed only after being dragged from village to village and paraded and displayed for Communist propaganda purposes.

Certainly, American behavior in Vietnam has not been faultless. Investigations are now underway to determine the nature and degree of American guilt for the incident at Mylai. Needless to say, the crimes of the enemy in no way excuse any crimes committed by Americans. We have always—and rightly—held ourselves to more exacting standards of conduct than those adopted by our enemies.

Nevertheless, we must not allow our proper indignation about American misdeeds to silence our outrage about the enemy's misdeeds. Nor should we allow the shame we feel for alleged American crimes to blur the crucial distinction between American and Communist crimes.

American crimes are infrequent. They are also the result of individual weakness and instability under the strain of combat. In contrast, the enemy's innumerable crimes, before and after the massacres at Hue, are a matter of coldly calculated policy. The enemy's crimes are the more odious because they are systematic.

This is true of the crimes the enemy commits while waging war in the south. It is also true of the crimes he commits against American prisoners of war.

It has long been apparent that the Vietnamese Communists are uncommonly vicious in their treatment of prisoners. They showed this recently in their ruthless tormenting of American wives who ask—and ask in vain—for nothing more than word as to whether their husbands are alive in North Vietnamese prisoner-of-war camps.

It has long been apparent that the North Vietnamese will not show a decent respect for the opinion of mankind. Their contempt for civilized standards was demonstrated during the Christmas holidays by their mean-minded refusal to receive planeloads of donated American food and medical supplies intended for the American prisoners.

Now comes the grim announcement of the murder of our two soldiers. The public display and parading of prisoners of war is contrary to the rules which civilized nations accept regarding prisoners. The murder of prisoners of war is simply barbaric.

Still, we are not learning at this late date that our enemy in Vietnam is ruthless. We have known that for years. Unfortunately, what we learn from this re-

cent murder of two prisoners is that our enemy still has innovations in cruelty that we have not anticipated.

We have underestimated many things in this war. Every day it becomes more apparent that we especially underestimated the enemy's capacity for reckless inhumanity.

DEATH OF DAVID O. MCKAY, PRESIDENT OF CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS

Mr. BIBLE. Mr. President, one of the world's great spiritual leaders is dead at the age of 96. His passing will be mourned by men of every religious persuasion, for his achievements exerted a creative influence on the entire Christian community as well as providing inspiration to members of his own faith.

David O. McKay, ninth president of the Church of Jesus Christ of Latter-day Saints, was a devoted servant of God. A man of humble origin, he rose to the highest office of a faith whose membership increased more than twentyfold during his long and productive life on earth.

Much of the growth and progress of the Mormon Church is the direct result of President McKay's remarkable leadership. He was a missionary in the most literal sense, a tireless pilgrim who journeyed more than a million miles, at home and abroad, to share the tenets of his faith.

When he assumed the presidency in 1951, church membership was 1.1 million. Today it is 3 million. The number of wards has increased from 1,666 to more than 4,500; the number of stakes from 191 to more than 500. Scores of new chapels and seminaries have risen. Three new temples are at present under construction—one in the Washington, D.C., metropolitan area, the others in Utah.

But while he recognized the value of temporal accomplishments, President McKay repeatedly emphasized the primacy of the spirit. As he once observed during a discussion of the church's holdings:

In my mind, these material things come second. The greatest need in the world is spirituality.

The wisdom of his words should be heeded by all men, everywhere. And we may profit even more by the example of his lifetime. For here, in an age of sophistication and materialism, lived a man of piety and humility who demonstrated that a simple act of faith can do more to shape human destiny than all the armies of the earth. There is a lesson there for each of us.

INFLATION AND THE UNIONS

Mr. GOLDWATER. Mr. President, perhaps the most vexing and troublesome problem that faces our Nation as we move into the decade of the 1970's is inflation.

This is a problem which has concerned me for many years. I was among those who saw it building up in the early years of the last decade, when extravagant Government expenditures caused us to run one Federal deficit after another. It

may be that we who have a background in business and have had to face the problem of meeting a payroll have been more sensitive to factors which aggravate the cost-price phase of inflation.

In all events, my concern over this problem has reached a new plateau. I see real danger ahead of us because of the demands now being raised by large, nationwide unions for exorbitant wage increases which bear no relationship to increased worker productivity or efficiency.

Mr. President, I aired some of my thoughts on that subject recently in an address to the Industrial College of the Armed Forces. I ask unanimous consent that the speech be printed in the RECORD.

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

ADDRESS BY SENATOR GOLDWATER

If I may, I should like to discuss with you this evening a problem which I believe could be the most troublesome that our nation is likely to confront in the decade of the 70's. It is a problem which affects all areas of our lives and our activities and which contains more seeds of disruption than anything which looms today on either the domestic or the foreign horizon. I am not speaking now of the war in Vietnam, or the international arms race, or the crime wave in our cities, the disruption on our campuses or the pollution in our air and in our streams.

No, my reference here is to a disease which ranges over the entire broad aspect of all our endeavors, be they directed at war or peace. It is the problem of inflation. It is the problem of the disappearing dollar. It is the problem of skyrocketing prices. It is the problem which can lead us to insolvency on the one hand or outright depression on the other.

This is a question, among other things, which is perhaps the greatest problem confronting the military of this nation and those leaders among us who are charged with the responsibility of our national defense, the security of our 204 million people, the maintenance of our obligations throughout the world and the honoring of our just commitments in the community of nations.

Your interest, of course, rests primarily with the military. This is a field in which inflation is complicating and interfering with all of procurement, from heavily sophisticated weapons systems right down to the tent pegs for the Army. Inflation is the one big important reason why the critics of defense and the outright enemies of the American military establishment can make great headlines and tremendous noise about the cost factors involved in this nation's maintaining an adequate defense posture to give credibility to its leadership.

These are days when it is difficult to pick up a newspaper without finding another story about cost overruns in the Department of Defense or about inflated costs for new equipment ordered by the Army, the Navy or the Air Force. A large amount of space is devoted these days to inflated government expenditures. Some of this attention comes from members of Congress and from areas of our political system which were the prime movers in the whole process of building a Federal super-government, a welfare state charged with the financial responsibility of doing almost anything that anybody needed or wanted done.

Much of the talk about government economy we hear today comes from the liberals, from the people who gave us a multi-billion dollar, domestic and worldwide responsibility when it wasn't required. It is coming from people who yell like stuck pigs when an overcost is found in the Defense Department but who never raise a peep about the billions

of dollars that have gone down the drain through waste and inefficiency and duplication and favoritism in the administration of domestic education and welfare programs.

In other words, the committees headed by Senators Proxmire and Fulbright that continually complain about the cost of staying even with our adversaries in the business of defense never get around to complaining about wastage of the taxpayers' money in programs which bear the labels health, education and welfare. It almost seems that to these groups the words "defense" or "military" are synonymous with evil and are legitimate prey for any kind of legislative reform or financial pruning, but that programs which have a high-sounding purpose and are listed under words like "welfare" or "education" or "anti-poverty" or "housing" are automatically so noble in their intent that they are above scrutiny by the searchers for waste and certainly above suspicion in the whole field of over-funding.

But my purpose here this evening is the question of inflated prices. It is the question of rising costs which are being met through higher prices to the consumer.

The problem of inflation was not invented by the Republican Party. It did not arrive on the nation's doorstep with the Nixon Administration. It is not susceptible to solution by the waving of a magic wand from the White House. This problem—and I am proud to say it is one that I have been giving my attention to for many years—is a product of governmental foolishness. It has its roots in the economic heresy of the "new economics." It is the result of a deliberate but false national policy of fiscal management.

Perhaps some of you remember the great departure from fiscal responsibility in the name of fiscal inventiveness. It occurred, or rather gathered its great momentum, in the early days of the Kennedy Administration and was accelerated throughout the years that President Johnson occupied the White House. This was the era when people who argued for balanced budgets or for payments on the national debt or for reduction at least of budget deficits were laughed at as old fashioned. A phrase was created called "the puritan ethic." And this was taken to mean that anyone who argued for the old fundamentals of responsible management was an economic "square" and not equal to the great demands and challenges of what we were told was "this changing world."

This was the period when balanced budgets were described as "dangerous." This is the period when we were told by a new breed of economists that the running of consecutive Federal deficits was healthy in an expanding economy. This was the era when the fallacy that "a little inflation" is good for the economic health of the nation got its powerful push. Some of us argued then—but to no avail—that a little inflation was like a woman who was a little bit pregnant.

There was no mystery about the approach that should have been taken by responsible men in a responsible government in a position of world leadership. Every housewife knew what would happen if her income did not even approximate her rate of expenditure. It didn't take a Harvard economic major to figure out that a family budget was drawn up for one important purpose—to maintain a balance between a family's earning power and its spending activity. By the same token, government budgets were drawn up for exactly the same purpose.

It may still be a species of treason in the liberal community to argue for such "square" and "old fashioned" fundamentals of responsible government fiscal policy. If so, the United States bears the distinction of being the only enlightened, sophisticated, up-to-date and "in" nation in the world.

This is true because in Europe, in the Far East, in Latin America, wherever na-

tions are operated, the requirements of fiscal responsibility are unchanging. They rule in Europe just as rigidly as they rule in the affairs of the Jones family down the street.

Much of our trouble with foreign nations when it comes to problems such as our balance of payments and international monetary affairs is that the United States dollar is called into question because the United States Government for so long showed no attempt to balance its budget and put an end to deficit financing. Throughout much of the last decade this nation's leaders disregarded the broad hints and open advice of other nations with whom we had dealings that they would be much happier if our government were to exercise more facets of fiscal responsibility and economic restraint.

And what we have today is an administration which is struggling mightily with a tremendous task. What the President and his advisors are up against is an effort to slow down a juggernaut of inflation which has been rolling unchecked for so long that it has gained a momentum that nobody can accurately gauge. It was felt in the beginning that heroic efforts of the administration in turning an estimated \$25 billion deficit into a budgetary surplus and a reduction of some \$7 billion in expenditures estimated by outgoing President Johnson would slow things down. It is apparent now that these steps, while they are important and have helped to an extent, are not enough. It is apparent also that the President's courageous tax recommendations and his threat to veto the extravagant Health, Education and Welfare package which the Democratic Congress laid on this desk also will not be sufficient to the task.

The government, in its maintenance through the Federal Reserve Board of a tight money policy plus the actions of the new administration, perhaps has done almost everything it could be expected to do in a mechanical way at this stage. And perhaps it is entirely correct that the economy is at last beginning to cool down and that indications are beginning to show that the tight credit and high interest rates are beginning to dampen overall business activities. But here we must of necessity ask ourselves if we are sure that a dampening of business activity will lead to a dampening of price inflation. The prominent economist and writer, Dr. Arthur O. Dahlberg, insists that this is not necessarily the case. He points to the credit crunch of 1966 and says that tight credit then dampened business activities so effectively that the Federal Reserve index of industrial production dropped four points. Yet the rate of price inflation did not recede.

The reason for this is the problem that we are running right smack into in the year 1970. And that problem is the great unmentioned factor in the whole inflation picture. It is the inflationary aspect of higher and higher union wage hikes. It is the problem of wrestling with unions so powerful that they can demand and obtain from management wage increases which have no relation to increased productivity. It is the problem of union privilege distorting a nation's economy. It is the problem of unions becoming so powerful that they can force management and employers to disregard all the lessons of the past and all the historic applications of economic principles and grant wage increases far in excess of what is justified by the amount of labor performed.

This is the big one of the 70s. For we are moving from an inflation in which excess demand pulls up prices into an inflation in which big wage increases push up prices. Financial writers say that 1970 will be a year of whopping wage increases. Their estimate is based on the fact that some 5 million workers in heavily organized American industry, including workers in the trucking, auto, rubber, meat packing, clothing and construction industries will present management

with new record-breaking demands in the next 12 months. Historically, wage increases are supposed to bear at least some comparison to an increased rate of worker productivity. However, favoritism and special privileges granted to the big unions in this country have effectively destroyed this historical ratio.

Since the late 1940s, wage costs in industry have risen more rapidly than efficiency. The result has been that employers have had no productivity cushion left after paying for wage increases. This means they have been unable to cut prices. Instead they have had to raise prices steadily in order to obtain a margin for profit.

The disparity between increased productivity and increased wages set something of a record in 1969. Government figures show that productivity increased approximately 3 per cent during the year, but the union wage increases ran between 7 per cent and 9 per cent for the year.

To give you some idea of what we are facing, let me point out that one big union—the Teamsters—whose contracts expire in March is demanding benefits which will approximate a 62 per cent increase over a three-year period.

We can see then that the wide and growing gap between annual wage rate increases and annual per manhour output increases is the root cause of the present price inflation. This is almost beyond argument, but it gets very little attention in the proper circles. I have been one of those who has been arguing for many years against the special privileges which we have granted the large labor unions through Federal law. I have, time and again, warned that we would someday reach a time of reckoning. I argued that in our great zeal to equalize the forces of capital and labor in the early 30s (a correction of power balance which I believed correct and overdue) we allowed the pendulum to swing too far; that we had invested union leaders with unjustified power over the economic well-being of the nation; that management and the public were not equal partners with labor before the law in this equation. As early as 1961, I wrote a paper which was titled "The Forgotten American" in which I pointed to the squeeze that was being put on the average American taxpayer and consumer because of special preferences granted the union bosses.

Now I believe that day of reckoning is at hand, and I don't believe that we are going to attack the root causes of this debilitating and discouraging price inflation until Congress develops some guts. Not until Congress takes action to cut down on the powers, the liberties, the immunities and the privileges of our large labor unions will we make the kind of progress which is needed.

And I can only cite to you the greater power exercised by the union bosses in the Senate action in rejecting the nomination of Judge Clement Haynsworth for appointment to the Supreme Court as an example of their continuing influence. Many knowledgeable observers chalked up this administration defeat as a direct victory for union pressure.

This being the case, I believe that the people most directly involved—called the "Forgotten Americans," "The Silent Majority," the "Unheard Consumers," or what you will—must be informed of the stakes involved in bringing this union power under some kind of reasonable management. We need, in short, an informed public. We need more and more spokesmen who know the root causes of inflation. It is the simple mathematical fact that a small percentage increase in the huge sum paid to organized workers looms large in the price inflation. The public must be made to understand that liberal spokesmen who blame the entire inflation problem on increased corporate profits are playing the role of the demagogue.

I have a great confidence in the ability of the majority of the American people to reach

the right conclusion once the facts are presented to them. Our current trouble is that we have not been diligent enough or determined enough to explain the economic facts of life in a fashion which can be readily understood.

Now I believe is the time to develop a public so well informed that it will overpower the influence of the union bosses in the halls of Congress. We now have an administration which is dedicated to sound fiscal policy. President Nixon has adequately proven his determination to cut down on unnecessary Federal spending and to strive to achieve the budget balance so necessary in the fight against inflation. It is time for unions and their leaders to display a degree of responsibility. And it is time for the Congress to make these powerful and integral segments of the national economy accountable for their actions.

THE PORTSMOUTH NAVAL SHIPYARD SCORES AGAIN

Mr. McINTYRE. Mr. President, the Portsmouth Naval Shipyard, an installation of immense pride in New Hampshire, has once again been recognized for its efficiency by its receipt of the Navy Achievement Award for outstanding support of the cost reduction program for this year.

The award came from Adm. Ignatius J. Galantin, chief of naval materiel, and from Rear Adm. Nathan Sonenshein, commander, Naval Ship Systems Command.

As reported by the shipyard's newspaper, the Portsmouth Periscope, the shipyard has been applauded for its 124.7-percent achievement of an assigned reduction of \$1,696,000. In other words, the shipyard exceeded its goal of saving funds by nearly $\frac{1}{2}$ million.

In this day of cost overruns and other mounting costs, this is an enormous accomplishment. It places Portsmouth among the top four naval shipyards in the country in achieving lower costs.

I wish personally to commend the commanding officer of the shipyard, Capt. Donald H. Kern, and particularly each and every one of the men and women at the shipyard who contributed so much to making this award possible.

The shipyard has once again proved its place as one of the top naval installations in the Nation, making great contributions to our defense effort.

The nuclear submarine *Tinosa*, the conversion of the Polaris submarine *Sam Rayburn*, the continuing work on the nuclear submarine *Sand Lance*, which was just launched at the shipyard, and the performance on the experimental submarine *Albacore*, and on the research submarine *Dolphin* are vital projects to our Nation's naval strength.

I hope that Senators are as much impressed as I am with this latest achievement of the Portsmouth shipyard and that they join with me in assuring that this vital installation will not be closed.

LETTER FROM A BEREAVED FATHER TO THE PRESIDENT OF NORTH VIETNAM

Mr. SAXBE. Mr. President, I recently received a copy of a letter from a friend of mine in Ohio whose son died from wounds suffered in Vietnam. The letter

was sent to the President of North Vietnam and is an eloquent testimonial of the agony only a parent can feel over such a tragedy. My heart went out to William G. Woolard, Sr., and Mrs. Woolard, as it does to anyone who lost a loved one in that tragic war.

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:

THE MANCHESTER SIGNAL,
Manchester, Ohio, December 21, 1969.
OFFICE OF THE PRESIDENT,
Democratic Republic of Vietnam,
Hanoi, North Vietnam.

DEAR SIR: As we approach the holiday season, supposed to be a time of joy and rejoicing all over the world, there's nothing but sorrow in our home. You see this is the first Christmas in the Woolard home dating back 20 years that our son, Sp/4 James Harry Woolard, won't be with us to share in the gift giving and other happiness that has always been traditional with us.

Earlier this year one of your soldiers caused the death of our son, a boy that we loved better than our own lives. That's probably pretty difficult for you to understand, but it's a true statement. Before he left for Vietnam, on numerous occasions and letters I had tried to volunteer and save him from facing war, something he knew little about. During World War I his grandfather served in the trenches in Europe to stop the threat of the Kaiser. During World War II, I did a tiny part during the three years in the U.S. Army to wipe out the world domination plans Hitler had fantastically dreamed about.

What your side doesn't seem to realize, you can never win. For every Jim your soldiers are able to kill, there's a hundred American boys being raised in small communities, just like Manchester. Like Jim, their Dads and Moms will offer them all the opportunities in the world to stay out of this war. They can attend college, hoping in time the hostilities will cease by the time their studies are completed; they can become members of the National Guard, with better than even odds they'll never see foreign soil. But, of the hundreds mentioned, most will choose, just like our son, to respond when their Government calls, to undergo the change from a peace-loving young man to one who is willing to slay those who oppose the type of world in which he has been reared.

We know it must give your government heads satisfaction to read and be informed about the peace moratoriums, see published articles and pictures of those who gain publicity by burning their draft cards, or refusing to bathe. I admit they cause some concern within the borders of the United States, but what you apparently don't realize, those types of individuals are actually boys without a country to call their own, and constitute such a tiny segment that their presence in America should afford you very little hope or comfort. In fact, I know you wouldn't want that type individual, even in your North Vietnam society. And, after a few days under your type of rule, it's a certainty in my mind, they'd be glad to wash, shave, put your flags in trash cans and start a sincere appreciation of the freedom we and they enjoy under our democratic system of government.

So, by killing young American soldiers like my son, Jim, you actually accomplish nothing to further your cause. You wiped out a life that was precious, one of a young man who like every other true American boy, dreamed of driving a brand new car when he fulfilled his military obligation; possibly meeting a girl in the future, marrying, and rearing children who also would have been taught how precious freedom really is.

For every soldier like Jim slain, there'll be a dozen to step into the boots, willing to spill life's blood in South Vietnam or any other place in the world where some group or organization threatens to thrust a type of government on people that isn't of their own choosing.

In the short time that Jim read about the Vietnam War, both while in high school and before he went into the service, he knew anyone who would treat prisoners of war and members of their families the way your side has chosen to do, couldn't be a government controlled by persons with any feelings at all for mankind. Permitting hundreds of families in the United States to spend sleepless days and nights, wondering if their sons, husbands and relatives are alive or dead. It's difficult to realize even during wartime persons exist who are so inhumane. This, also, doesn't do a single thing to advance your cause. It merely has helped unite Americans to eliminate people and heads of government who can be so barbaric.

As we close this letter, we repeat when your side killed our son, Jim, it was an act that just merely made the present happy holiday season in our home one of sadness. But, also, a time of fierce pride that we were able to rear a boy that was willing to forfeit his life and all the bright dreams he had for the future in the cause of freedom.

By this time, a dozen young men, bright-eyed and full of the same hopes he had, have filled his boots, and will respond to the call, if and when they're asked to climb on a plane which will take them to Vietnam. Like Jim, once there, they'll follow orders of their superior officers, and even sacrifice their lives, also, if it becomes necessary.

America is full of Jim's. Don't be misled by the metropolitan news media whose front pages and television cameras devote more time to the tiny segment of trouble-makers than they do the average young man from the country who knows it's his duty to protect and preserve the cause of freedom.

You can never win.

WILLIAM G. WOOLARD, Sr.
Jim's dad.

TIME FOR RECONCILIATION IN NIGERIA

Mr. ALLOTT. Mr. President, in recent years American foreign policy has often been a source of much divisiveness in the country.

Thus we should be thankful that all Americans will applaud the President's swift and generous actions with regard to the situation in Nigeria.

That young nation is now emerging from the nightmare of civil war. We Americans understand the horror of such war, and the bitterness that lingers after the guns fall silent.

While the war raged between Nigeria and Biafra, there was little we could do except nourish the humanitarian hope that the conflict would quickly end. We abstained from interfering in the conflict. We remembered how we resented outsiders' intrusions into our own Civil War.

Now the time has come for reconciliation. We know the tortuous problems involved in healing the spiritual wounds of civil war. There is little we can do to expedite the healing process.

But under the President's leadership we are poised and ready to contribute food and medical supplies to victor and vanquished alike.

All Americans can take pride in the fact that, hopefully, soon there will be

American planes flying in a troubled part of the world, and these planes will not be bombers. Nor will they be carrying combat troops. Hopefully Nigeria will soon see an airlift of mercy maintained by American cargo planes bearing life-protecting, rather than life-destroying material.

Unhappily, the Nigerian leaders, for reasons that are not clear, seem reluctant to accept the offered supplies. This reluctance spreads anxiety across the watching world, and lends support to the darkest rumors about the fate in store for the defeated Biafrans.

The Nigerian Government can help dispell this anxiety by the simple act of encouraging the generosity which America is anxious to demonstrate.

In this regard, we Americans can offer something more than material aid. We can offer the example of Abraham Lincoln. Lincoln was a great war leader in a grim civil war. He was also a magnanimous victor.

We commend to the Nigerian leaders the example of Lincoln and Grant who, having received Lee's surrender, immediately began sharing provisions with the defeated enemies. Lincoln realized that to behave otherwise would be to deny the purpose of the war. The war was fought to keep the Nation united. The defeat of the South meant that the enemies were enemies no longer. They were once again fellow citizens.

Thus we respectfully suggest that the Nigerian leaders consult Lincoln's magnificent second inaugural address, which Lincoln delivered on the eve of victory. We trust the Nigerian leaders will find it possible to act "with malice toward none; with charity for all" and that they will allow America's offered aid to help them "bind up the nation's wounds, to care for him who shall have borne the battle and for his widow and his orphan."

DELPHIAN CLUB OF COMMERCE, TEX., FAVORS S. 4, THE BIG THICKET NATIONAL PARK BILL

Mr. YARBOROUGH. Mr. President, I am honored to present to the Senate a resolution adopted by the Delphian Club of Commerce, Tex., supporting my bill, S. 4, which would create a 100,000-acre Big Thicket National Park in southeast Texas.

Over the past 4 years I have worked to create a natural park in the Big Thicket area so that at least a portion of this scenic wilderness will be preserved for the benefit and enjoyment of future generations. During these years numerous civic and conservation groups from all parts of the country have endorsed this proposal. These public-spirited organizations realize that action must be taken soon if the Big Thicket is to be saved. This beautiful area, which is the home of many species of rare wildlife, is being exploited daily by large lumber and real estate interests. Each day another 50 acres of the Big Thicket is destroyed by the bulldozer and the chain saw.

S. 4 would establish a 100,000-acre national park in the Big Thicket and thus save this area and the natural wonders found in it from destruction. I am proud

to have the support of the Delphian Club of Commerce, Tex., in this effort.

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

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

We, the following members of the Delphian Club, a part of the Texas Federation of Women's Clubs declare that

Whereas: Park officials throughout our country proclaim an overstrain on park facilities—due to the awesome increase of our nation's population—and plead for acquisition of additional land suitable for park use while such land is still procurable; and

Whereas: the area of East Texas known as the Big Thicket, by nature of its unique ecology, great natural beauty, multifarious plant and animal life, and abundant fresh water supplies, has since 1938 been successively approved by the National Park Service as a highly desirable site for a National Park; and

Whereas: such a park at this site offers the certainty of many benefits—esthetic, scientific and economic—to nation, state and region; and

Whereas: preservation of the Big Thicket has been declared a special project for the Texas Federation of Women's Clubs;

Therefore be it resolved that the members of the Delphian Club of Commerce, Texas, federated with the Texas Federation of Women's Clubs go on record as requesting the Congress to pass immediately S. 4 and set aside 100,000 acres of East Texas as a Big Thicket National Park.

Mrs. Hal O'Neal, Mrs. C. H. Lyon, Mrs. W. L. Dorries, Mrs. Grady Gibson, Mrs. T. K. O'Neal, Mrs. R. A. Rix, Mrs. W. E. Truax, Mrs. B. P. Bickham, Mrs. R. W. Williams, Mrs. Frank Young, Mrs. L. M. Stone, Mrs. J. M. Bledsoe, Mrs. D. C. Butler, Mrs. Noble Arthur, Mrs. J. G. Smith, Mrs. Acevest, Mrs. El Yarbrow, Mrs. Robert L. Titus, Mrs. Frank B. Jackson, Mrs. C. V. Hall, Mrs. Graham Johnson.

DEMOCRATIC FANTASYLAND

Mr. GOLDWATER. Mr. President, Democratic National Chairman FRED R. HARRIS recently announced plans to use the issue of inflation against President Nixon during the 1970 election campaign. This constitutes something of a record even for the subtle art of political hogwash.

If Chairman HARRIS and the liberal Democrats for whom he speaks plan to mount a drive against inflation in the coming year, let me say that we who have been fighting the battle through successive Democratic administrations welcome them to the fray.

It should be fascinating to see Chairman HARRIS and his men standing against the great, extravagant wage demands of the huge labor unions in defense of the hard-pressed American consumer. It should also be interesting to watch the liberal Democrats fighting to hold the budget for the Department of Health, Education, and Welfare down to anti-inflationary levels. It will be good to see the liberals recognize how inflationary have been their poorly planned welfare engineering projects of the past. It will be interesting to see if they recommend dissolution of the so-called war on poverty and the Office of Economic Opportunity.

There are many ways to fight inflation, but it is a battle for which the American liberals have heretofore had little taste and absolutely no stomach. To do the job properly, the liberals would have to bring under control the Government excesses fostered by liberals. My hometown newspaper, the Arizona Republic, does not believe there is much chance that the liberals will take up this problem in any serious way. In fact, that newspaper recently pointed out that HARRIS' declaration that his party plans to use the issue of inflation against Richard Nixon "is about like Nasser threatening to charge Golda Meir with anti-Semitism."

I ask unanimous consent that the Arizona Republic article be printed in the RECORD.

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

SINCE WHEN HAVE LIBERALS FOUGHT INFLATION?

For the leader of the Democrats to say that his party plans to use the inflation issue against Richard Nixon during the 1970 election campaign is about like Nasser threatening to charge Golda Meir with anti-Semitism. . . .

More than a year ago, just as President Nixon was about to take office, economist Milton Friedman wrote of the economic mess the Democratic administration had bequeathed to Mr. Nixon.

For example, when JFK took office, the consumer price rise—which had risen an average of 1.4 per cent per year from 1952 to 1960—had been slowing down. When the GOP took office, the creeping inflation that began in 1964, had already turned into a trot of 5 per cent per year.

In addition, in 1960 the federal government took in \$3.6 billion more than it spent. In the first six months of 1968, the LBJ Administration spent almost as much as did the Eisenhower Administration in all 12 months of 1960: \$92.1 billion, compared with \$94.7 billion. But it took in much less: \$86.4 billion, compared with \$98.3 billion.

Worse, many programs implemented on a small scale under JFK and LBJ require large increases in expenditures with each passing year. . . .

For the fact is undeniable that the Democrats, particularly liberal Democrats, have for many years urged ever larger public spending programs—programs of large and little value, but all of which contributed to our present inflationary spiral.

That is why it is almost comical that Sen. Fred R. Harris, Democratic national chairman, now hopes to hang the albatross of inflation around the neck of the Republicans. Not only that, but he has pointed to the fact that because of high interest rates, "a family now under \$13,000 income cannot build or buy a house."

But interest rates are high because of the inflationary spiral. And the principal stumbling block to home buying is that the cost of homes is being pushed out of sight by the practices and demands of the construction trades unions—unions whose monopoly position was underwritten and is sustained by Democratic congressional majorities.

Inflation is a major problem in the U.S., a cruel deceiver which penalizes particularly those on fixed incomes.

But if the Democratic party plans to use inflation as a major election issue, it better either hope the public has a short memory, or else do something to alter the outlook of those liberal Democrats in Congress who have assured us for years that there is nothing the U.S. can't afford here and now.

STATE OF AGITATION IN GEORGIA
SCHOOL SYSTEMS

Mr. TALMADGE. Mr. President, I wish to report to the Senate that during the congressional adjournment I found many of the school systems in Georgia in a great state of agitation.

This is particularly true of schools in Macon, Bibb County; Houston County; and in the city of Atlanta—but the impact of court rulings ordering virtually instant and arbitrary assignment of students and teachers to schools against their wishes is being felt with devastating results throughout the State.

It is all the more devastating to force this upon the people—children, teachers, and parents, regardless of their race—in the middle of a school term.

We should at no time make children go to school where they do not want to go to school, or the faculty to teach where it does not want to teach. But to break into a school year with such a preposterous proposal underscores the extremity of the situation.

I have never seen public education in such turmoil. I have never seen children and their parents so dissatisfied with public schools. I have never seen teachers so unhappy or disillusioned with their profession—and I happen to regard the education of children as one of the most important professions of all.

Young boys and girls are threatening to leave school. Teachers are threatening to go to another State or abandon their profession altogether. I hope students will stay in school and continue to pursue their education. I hope teachers will continue to teach.

But—at the same time—I also share the hope of an overwhelming majority of students and teachers that some semblance of sanity can and will be restored to the school situation. I believe this hope is shared by white and black citizens alike who are concerned with the future of public education, not only in the South but all across the Nation.

This matter has gone far beyond the question of desegregation of schools under the law.

It has become a political adventure. Schools have become vehicles for social reform. Federal courts, in keeping with the decisions of the U.S. Supreme Court, have been cast in the role of school administrators and educational policymakers.

Racial balance in the schools has become more important to the courts, the Federal bureaucracy, and, unfortunately, most of the Congress, than education itself. The teaching and learning of young people have become bogged down in a morass of rapid-fire court orders that bear little relevance to what is in the best interests of education and what is in the best interests of the children themselves. And again I say that I am referring to both white and black.

Teachers are being assigned to teach in schools where they do not want to teach.

Students are being sent to schools they do not want to attend.

This has virtually destroyed morale. It has created discipline problems. It undermines the efficacy of education. This,

after all, is the real reason for the existence of schools in the first place.

Even the Supreme Court put education foremost in its Brown decision of 1954, holding that children were deprived of an adequate education by being assigned to schools on the basis of race.

Now school systems are being told that they must assign children on the basis of race.

Questions are raised about whether there will be massive busing of faculty and students—or whether there will be token busing.

There should be neither. I submit that neither busing nor the destruction of neighborhood schools was contemplated by the Brown decision or any other ruling handed down since.

Busing is specifically prohibited by the Civil Rights Act of 1964. Yet, we have students, black and white, being taken away from their neighborhoods. We have them being transported to school in other parts of town, when the one they should be attending is just a few blocks away or even next door. Teachers are likewise being uprooted. All this, at the whim and caprice of some Federal court or bureaucrat bent upon achieving racial balance.

What we have taking place in just a few carefully selected States of the South constitutes the rankest sort of hypocrisy. This ill-advised doctrine of social reform now appears to be the order of the day in the South—but only in the South.

Nowhere else in the country is it being enforced. In no other section are school boards being dictated to by the courts or the Federal Government on how to desegregate their schools—in spite of the fact that the Department of Health, Education, and Welfare itself admits many of them have higher rates of racial segregation.

I repeat, this is hypocrisy. It is a double standard that sticks in the craw of the people of Georgia and other Southern States who fear that their schools are about to be wrecked.

Yet, people are counseled to be moderate and reasonable in meeting this controversy.

Georgia has traditionally been a law-abiding State. I am convinced that Georgians will continue to seek—and I hope secure—a redress of grievances through lawful processes.

Georgians also have a right to expect moderation and reason on the part of Federal courts, from the Supreme Court on down. This is what I believe Georgians ask.

If we are going to preserve public education as we know it today;

If we are going to maintain order and discipline;

And if we are going to strengthen our schools instead of turning them into political pawns;

Then moderation and reason is what we must have.

We all recognize the Supreme Court decision of 1954 as an accomplished fact. I know of no school system in the South that assigns pupils on the basis of race or denies them the right to attend the school of their choice because of race.

I know of none—except for those that are now being ordered to do so by judicial

decree of bureaucratic arm-twisting. And this, I believe, exceeds the letter and the spirit of the Constitution and established law.

I happen to believe in local control of education. Local people—whether they be in the State of Georgia or the State of Illinois—are best qualified to conduct the operations of their schools.

I have stood for this principle as long as I have been in public service. I have fought unwarranted Federal encroachments into the affairs of local education with every resource at my command as one Member of the Senate.

So long as I know that public education is dear to our people and vital to the future of our Nation, I will continue to do so.

SINGAPORE SUNDAY MAIL LAUDS
THE VICE PRESIDENT

Mr. FANNIN. Mr. President, Vice President AGNEW returned yesterday from a round-the-world trip notable for its good will and success. I am aware that as a partisan supporter of the President and his administration, my judgment in this respect could be susceptible to the charge of bias. However, I point out that this evaluation of the Vice President's visit is shared by many of independent views and totally without any political affiliation.

As one evidence of this aura of good will which has been fostered by the Vice President, I invite the Senate's attention to an editorial published on January 11 in the Sunday Mail, a newspaper published in Singapore.

The editorial writer speaks of the Vice President's "emergence as an astute politician of national stature." He praises the Vice President's handling of delicate international relations by reserving talk about the future role of America in the defense of that part of the world to private talks with Asian leaders.

Mr. President, this is an entirely unsolicited and well deserved evaluation of Vice President AGNEW's Asian tour. I 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:

AGNEW'S MISSION TO SOUTHEAST ASIA

Vice-President Spiro Agnew's visits to Malaysia and Singapore, and the assurances he gave to both countries, were most welcome as they came at a time when America's graduated withdrawal of forces from Vietnam caused considerable apprehension regarding the future security of the independent countries of South-East Asia.

President Nixon himself had said that his administration would honour its defence commitments and America would not stand idly by if the region were threatened by enemies, but there was nothing like explaining her attitude at first hand—a task which he wisely entrusted to his righthand man.

During Mr. Eisenhower's two terms at the White House Mr. Nixon himself as Vice-President had several times fulfilled admirably a similar role—elaborating Presidential policies. In fact he earned a great reputation for this sort of diplomacy, and it pushed up his political stock when he stood against Mr. John Kennedy in the 1962 election.

Mr. Nixon's nomination of the Vice-President for his current tour of Asian coun-

tries was well timed. It came soon after Mr. Agnew became the most talked about political figure in America as the result of his scathing criticisms of anti-Vietnam war demonstrators and news media which had covered the events with imbalance.

Before the Presidential election and even long after it, he was practically unknown, even in the United States. But his hard hitting speeches, and the common sense it contained, changed his image overnight and did much to swing popular feeling in America on the side of President Nixon for the manner in which he is handling the Vietnam war issue.

SUCCESSFUL

When Mr. Nixon chose Mr. Agnew as his running mate in last year's presidential election many political observers thought he had made a mistake. But he had faith in the consummate ability of the former Maryland governor. Mr. Agnew's emergence as an astute politician of national stature has proved Mr. Nixon right.

The Vice-President's tour of Asian countries, which is mainly to enhance American good will and of which the presentation of moon rocks brought back by the Apollo astronauts is a part, has been highly successful so far.

Mr. Agnew has not said much in public concerning America's role in the future defence of the Pacific region and South-East Asia—he left that to his private talks with Asian leaders. Instead, he chose the public functions to exude American good will and cement the ties of friendship existing between his country and those he was visiting.

In this aspect of his mission the Vice-President has done very well. His handsome tribute to Tengku Abdul Rahman at Thursday's State banquet was an example. He described the Malaysian Prime Minister as "the father of a grouping from which evolved the Association of South-East Asian Nations (Asean)."

And in Singapore he hit the right note when he mentioned the magnificent progress which the island republic had achieved since independence and the part Mr. Lee Kuan Yew's leadership played in it.

The tribute was well deserved and coming from an American leader of Mr. Agnew's standing it went down very well. There is no doubt President Nixon will entrust more of such good will missions to his deputy.

THE INTERNATIONAL GRAINS ARRANGEMENT

Mr. SPARKMAN. Mr. President, on June 13, 1969, the Senate approved the International Grains Arrangement, which in effect continued U.S. participation in the international effort to stabilize the world market for wheat. An ad hoc subcommittee of the Foreign Relations Committee, of which I was chairman, had held hearings on the arrangement which had then been reported favorably by the full committee to the Senate on June 6, 1968.

Our participation in this effort dates back to 1949 when the first International Wheat Agreement took effect. During that period, U.S. exports of wheat rose from 302,848,000 bushels in 1949 to a record high of 867,351,000 bushels in 1965. This increase can certainly not be attributed wholly to the existence of a wheat agreement, but, overall, the agreement has provided a climate that has been conducive to an expansion of trade and to relative stability in the wheat market.

The earlier wheat agreements, like most similar efforts, were not perfect. They

placed heavy burdens of restraint on the largest exporters, and their continued operation required the close cooperation of the United States and other major world wheat suppliers. The range of maximum and minimum prices was, from time to time, difficult to maintain; the mechanisms for reaching agreement on prices were at times too weak to hold the line against the periodic fluctuations that characterize world trade in wheat.

In spite of these shortcomings, the United States continued to participate in wheat agreements, and the Senate approved agreements in 1953, 1956, 1959, and 1962. The 1962 agreement was renewed in 1965 and 1966.

When the present International Grains Arrangement was negotiated, attempts were made to improve its operation. The Wheat Trade Convention, one part of the International Grains Arrangement, followed generally the administrative and structural provisions of the International Wheat Agreement but included a new schedule of prices as well as provisions which, it was hoped, could make possible quick adjustments in the minimum price levels, should such action be necessary.

We know now that the new Wheat Trade Convention, like its predecessors, has not, in this most recent period, been able to hold the price of wheat traded in world markets above the minimums set out in the arrangement. There are several factors which account for this situation, the most important of which is the fact that in the past year world production and exportable supplies have risen to record levels. Particularly important is the distribution of this increase in production of wheat, for large increases have come about in some areas which only a year or two ago were grain-deficit areas. As production increases in these areas, there is a concomitant decline in their need for our exports.

The Foreign Relations Committee has, over the past 6 months, received numerous inquiries from farmers and organizations concerned with the wheat trade asking the committee to investigate operations under the arrangement or, in some cases, calling on the committee to take up the matter of U.S. withdrawal from the arrangement. The committee's concern for the present situation in the world market prompted Chairman FULBRIGHT to ask the Secretary of Agriculture a number of questions concerning U.S. participation in the arrangement. I ask unanimous consent that Chairman FULBRIGHT's letter of September 24, 1969, to the Secretary of Agriculture be printed at this point in the RECORD.

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

SEPTEMBER 23, 1969.

HON. CLIFFORD M. HARDIN,
Secretary of Agriculture,
Washington, D.C.

DEAR MR. SECRETARY: In recent months, the International Grains Arrangement, which the Senate approved over a year ago, has been the subject of a number of complaints addressed to the Committee on Foreign Relations. Some of these communications have asked that the Committee undertake a review of the "failure" of the Arrangement with a view toward determining how the United States can best withdraw from it.

As I recall, the Arrangement provided that signatories pledged themselves to observe a specified price range for wheat moving in the commercial export trade, and to assure importing nations of specified percentages of their commercial wheat requirements by the major exporting member nations—the United States, Canada, Australia, Argentina, and the European Economic Community. Moreover, I recall that the Arrangement provided for continuous surveillance of price factors, to the end that the convention's consultative processes could be brought into effect to ward off the disastrous price effects flowing from unrestrained exports of surplus wheat.

The Committee is disturbed at recent price-cutting decisions of the major wheat-exporting member nations, decisions which appear to be of a unilateral nature in the light of the obligation of member nations to observe the terms of the convention which call for a cooperative effort in maintaining prices consistent with the agreed range.

During hearings on the Arrangement in March and April 1968, the Committee was given to understand that, when one or more prices of wheat threatened the minimum price level of the Arrangement, the Prices Review Committee would be called upon to make suitable adjustments. In brief, we understood from the testimony of witnesses that the consultative features of the Arrangement insured that a cooperative effort among member nations would preclude such unilateral decisions as have occurred in the past few months with respect to prices.

Accordingly, I wish that you would inform me, as fully as possible, of the problems encountered by the Department of Agriculture in administering the convention and the reasons for taking such actions as have been taken by the Department with respect to the Arrangement. In addition, will you please reply to the following questions:

1. Has the U.S. insisted on a meeting of the signatories of the IGA for the purpose of implementing the full structure of the Agreement which provides for adjustments in the pricing system?
2. Has the U.S. insisted on its right as a signatory to call for implementation of the Agreement with respect to the appointment of a Prices Review Committee?
3. Has the U.S. exercised its right to submit its case before the arbitration processes set out in the Arrangement before taking action to reduce export prices of wheat?
4. Has the administration considered asking the Wheat Council to suspend the pricing provisions set out in the Arrangement?
5. Has the administration considered withdrawing from the terms of the Arrangement?
6. Is it fair to say that, since the administration has not withdrawn from the Arrangement, you consider the present situation preferable to having no such Arrangement in effect?

Sincerely yours,

J. W. FULBRIGHT,
Chairman.

Mr. SPARKMAN. Mr. President, the Secretary of Agriculture replied some 2 months later in a letter dated November 17, 1969. His response was lengthy. The gist of it, I think it fair to say, is that the United States has so far been unable to persuade other large wheat-exporting countries to support us in our efforts either to maintain the minimum price for wheat in the world market or to attempt to take the matter before the Wheat Council to obtain an adjustment in minimum prices.

In his letter, the Secretary alludes to "structural deficiencies" in the arrangement which preclude effective operation of minimum price levels. The Secretary goes on to say that these were recognized by the negotiators of the arrangement

who provided for adjustment in price relationships when the convention was drafted. These adjustment mechanisms have, in fact, not worked out, the Secretary says. Nevertheless, he maintains that he hopes that current discussions among major exporters will eventually resolve the present difficulty.

Finally, the Secretary's letter notes that he does not believe that U.S. withdrawal from the arrangement would serve our best interests and that, in the present situation, the arrangement is preferable to having no agreement in effect.

Mr. President, I have touched only the highlights of Secretary Hardin's response to the committee's request for information on the International Grains Agreement. So that other interested Senators may read the Secretary's letter, I ask unanimous consent that it be printed in the RECORD.

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

DEPARTMENT OF AGRICULTURE,
Washington, November 17, 1969.

HON. J. W. FULBRIGHT,
Chairman, Committee on Foreign Relations,
U.S. Senate.

DEAR MR. CHAIRMAN: This is in reply to your letter of September 23, 1969, concerning United States participation in the International Grains Arrangement.

We have reviewed the testimony before the Sub-Committee of the Committee on Foreign Relations and generally agree with your understanding of the provisions of the Arrangement. The only exception concerns the "percentage undertakings" on commercial imports; rather than a responsibility of exporters, this is an obligation of importers, designed to assure that at least a specified minimum percentage of their total commercial imports be purchased from exporter members.

As you are aware, there have been important changes in the world wheat supply-demand situation since the Grains Arrangement was developed. World production and exportable supplies have climbed to record levels, but import needs have fallen. These changes have been of sufficient magnitude to cause extreme downward pressure upon world wheat prices. Thus the price provisions of the new Arrangement were immediately put to the severest possible test.

Among the problems encountered with the Wheat Trade Convention are a number of structural deficiencies which tended to distort trade patterns and weakened confidence in the fairness and workability of the Arrangement. The Convention sets forth a schedule of minimum prices, expressed at export positions at the Gulf of Mexico and the Pacific Coasts of North America. For other export positions around the world, the equivalent minimum prices fluctuate according to changes in freight rates, thus creating a situation where minimums applicable at those positions tend to be less rigid or precise. Implementation at such points, therefore, must also be less precise. This difference has also made it possible for some exporters to make special freight rate arrangements which result in actual freight costs lower than those used in calculating the minimums. This feature of the basing point system tends to work to our disadvantage.

Another difficulty with the basing point system is that, as it applies to Canada, Australia, Argentina and the United States, it distorts competitive conditions in certain markets when prices are at the minimum. For example, a minimum fixed for Argentina or Australia by using a European destination

point may leave the U.S. unable to maintain a normal outlet in a country nearby to Argentina, such as Brazil, or in markets close to Australia.

The European Community and other European exporters are not subject to this particular handicap as they have the benefit of a special provision, carried over from the International Wheat Agreement, which enables them to compete with wheat of like quality originating from either the U.S. Gulf or Pacific Coasts—the two basing point origins employed by the system—in any market.

A further problem relates to the minimum price relationship themselves, as distinct from the problems of the basing point system. It was recognized that the basic Gulf position price relationships, which attempt to make allowance for normal or average differences in market value between different types and qualities of wheat, would not necessarily reflect actual market conditions prevailing at any particular time or in any particular market. Provision was therefore made for adjustments of these price relations through a consultation procedure.

In reviewing the record, the development of structural weaknesses was not unexpected, but it was anticipated that the consultative procedures and the willingness of exporters to cooperate would be adequate to meet problems. It is clear that too much faith has been placed in the consultative provisions of the Arrangement, and that the degree of cooperation has not been adequate to cope with the problems that have arisen.

Apart from structural weaknesses, early operations under the Convention were inhibited by the fact that the basic market price level for wheat to be delivered during the early months of 1968/69 had already established itself at a relatively low level some months before the Arrangement became effective. In the spring of 1968, before the Senate acted on the Arrangement, the United States took action to preclude sales for delivery beyond June 30, 1968, since U.S. export prices at that time were well below the minimums provided in the Arrangement. Efforts were made to convince other major exporter members of the Arrangement—Argentina, Australia, Canada, and the European Economic Community—to adopt a similar policy, but almost without exception, sales were being made by others well into the fall months of 1968. Thus, to avoid sales losses, the U.S. had no choice but to extend its sales period beyond June 30, even though at prices well below the new minimums. As a result, significant quantities of U.S. wheat and wheat from other suppliers were moving into export after the Grains Arrangement came into force on July 1, 1968, at prices generally below the levels of the Arrangement and in some instances well below. Immediately after the Senate completed action on the Grains Arrangement on June 13, 1968, U.S. export prices were raised to the IGA minimum levels.

The problem of transition as the Arrangement came into effect, the structural weaknesses, and the pressures of world wheat supplies combined to create serious difficulty for the United States in its attempt to maintain a satisfactory volume of exports in the first year of the Arrangement. A serious decline in forward sales early in the year led the U.S. to propose a meeting of the major exporter members which was held in Canberra in September 1968. At that meeting the U.S. discussed the export performance of various suppliers in terms of the minimum price provisions of the Arrangement and sought the support of other exporters for action to be taken under the Arrangement to review the schedule of minimum prices and make adjustments in the differentials in order that the U.S. could achieve a satisfactory volume of business. The other exporters generally felt that the Arrangement had

not been in effect for a long enough period of time to be conclusive and therefore the U.S. proposal was not implemented.

Your Committee has raised an important question as to why decisions were taken unilaterally to reduce export prices below the Grains Arrangement scheduled minimums in view of the obligation of members to observe the price provisions of the Convention and to follow prescribed procedures for adjustment of differentials. (Questions 1 to 4 in your letter.)

Action to adjust minimum prices according to the procedures of the Arrangement would be taken under Article 8 of the Wheat Trade Convention. Article 8 provides that if a situation of instability in the wheat market is brought to the attention of the Secretariat of the Wheat Council, the Executive Secretary must call a special session of the Prices Review Committee. A full Council session is then convened if the PRC fails, within a prescribed time, to reach unanimous agreement on "action required" among those parties "having a direct interest in the matter." Either the Secretariat or any member country has the right to activate the Article 8 process.

It is our understanding from this review that, with the tremendous pressure on world wheat markets stemming from the record supplies of wheat available for export, it was believed action under Article 8 initiated by the U.S. without the full support of at least one other major exporter would have been futile and would have adversely affected relationships with both importing and other exporting countries. Thus, since neither the PRC nor the Council could have agreed upon action satisfactory to the U.S. without such exporter support, it was decided to activate Article 8 only if the necessary support were obtained.

This Administration, after taking office in January, immediately made plans for a meeting of the major exporters which was held in Washington on April 3 and 4. Difficulties with the Grains Arrangement were discussed in detail and a number of specific problems were identified. Ways and means of resolving these were explored and it was agreed that the necessary adjustments would be made collectively and individually by the exporting countries to overcome them and to foster effective operations of the Arrangement. Subsequent to that meeting, in carrying out the agreement to make necessary adjustments, we found, as had been the case in Canberra, that exporters were still not prepared for complete cooperation. In view of this and the deterioration in U.S. export performance, it was again decided to consider action under Article 8.

In developing its position the U.S. considered the extreme oversupply situation and the fact that the inherent structural problems of the Arrangement could not be remedied by a technical adjustment of prices such as is provided for under Article 8. This left suspension of the price provisions of the Arrangement as the only other action which could be taken under the Arrangement. The U.S., therefore, requested the support of other major exporters at a June meeting in London for a proposal to be made under Article 8 for the suspension of the price provisions. The U.S. indicated at that time that, in the absence of support for action under Article 8, it would have no choice but to adjust its prices in order to keep its wheats fully competitive with wheats from other suppliers.

While support for suspension of minimum prices under Article 8 was not forthcoming, the Government of Australia requested on an urgent basis the convening of a meeting of Ministers to discuss the U.S. policy and to attempt to develop cooperation to overcome the problems facing wheat exporters. At the meeting, which was held on July 10

and 11, 1969 in Washington, the U.S. stated that it preferred to act under the provisions of the Arrangement, but, in view of the lack of support by other exporters, was adopting the pricing policy for its wheat as presented in London.

The Ministers' discussions dealt with several proposed emergency actions which might serve to avert a more general departure from the Arrangement's price level. In the days immediately following, it developed that certain countries were unable to accept the burden which the proposed emergency actions would have placed upon them. Thus, in line with the understandings the meeting had reached to cover such an eventuality, it was recognized by all concerned that "corrective action would be taken—to bring prices into proper competitive relationship." At this point the U.S. adjusted its prices and began a process of making its wheats competitive with those of other suppliers which continued over a period of several weeks.

By early September, all major exporters had made varying price adjustments which had brought the general level of world prices to a point substantially below the minimums of the Arrangement. Following this, major exporters convened again to work toward improved communication and preventing further deterioration in price levels. These efforts are continuing at this time, and it appears that a degree of progress toward price stabilization is resulting.

The 5th and 6th questions in your letter are concerned with this Administration's attitude toward the International Grains Arrangement and whether consideration has been given to withdrawal. Although we clearly view the present situation as less than fully satisfactory, we maintain hopes that the current discussions among the major exporters will lead to a course of action whereby the price situation can be more fully aligned with the terms of the Wheat Trade Convention. It is quite fair to say, as suggested in your letter, that we regard the present situation preferable to having no Arrangement in effect at all. This being the case, it has not been felt that withdrawal from the Arrangement would serve the best interests of the United States. It is our intention working with other countries to continue our support for the objectives of the Grains Arrangement and to strengthen its operations. This attitude may change as agricultural legislation effective for the 1971 crop is developed.

Sincerely,

CLIFFORD M. HARDIN,
Secretary of Agriculture.

RESOLUTION ON U.S. POLICY IN THE MIDDLE EAST

Mr. GOODELL. Mr. President, next week I shall submit a resolution regarding our policies in the Middle East.

The resolution expresses a sense of Congress that:

First. Any readjustment of disputed Arab-Israeli borders, and any settlement of other outstanding Arab-Israeli differences—including the status of refugees, the status of the eastern sector of Jerusalem, and the rights of navigation in the area—should take place only in the context of direct negotiations between Israel and the Arab States.

Second. The United States should concentrate its diplomatic efforts on encouraging direct negotiations between Israel and the Arab States and promoting agreement among the Big Powers for the control of the arms traffic into the Middle East.

Third. The United States should

henceforth refrain from proposing or attempting to impose, prior to or outside the context of direct negotiations between Israel and the Arab States, any specific readjustment of disputed borders or any specific settlement of other outstanding Arab-Israeli differences.

Fourth. The United States should break off the Big Four and Big Two Middle East talks, while continuing vigorous diplomatic efforts through regular diplomatic channels to encourage direct Arab-Israeli negotiations and promote arms control agreement for the Middle East.

The resolution would have the effect of expressing grave congressional concern over recent State Department proposals on the Middle East.

While purporting to be balanced these State Department proposals actually favor the Arab States.

They call for no form of negotiations between the Arab States and Israel that would entail clear acceptance by Arab governments of Israel's right to exist as a nation.

The State Department plan would require Israel to make major territorial and other concessions that could seriously compromise her security, and receive nothing in exchange other than a doubtful guarantee of protection from the four great powers, two of whom are openly hostile, one of whom is at best neutral and the last of which, our Nation, is immersed in other problems in Vietnam and at home.

With such tenuous guarantees, it is naive to expect Israel to return to her pre-1967 frontiers—where Syria can fire down upon her from the Golan heights, where Jordanian artillery can bombard her 12-mile waist, and where Egypt can block the Straits of Tiran.

Ostensibly, the State Department proposals are designed to encourage moderation in the Arab world by showing the United States willingness to make concessions. I fear, however, that they will have just the opposite effect—of encouraging extremism.

The fundamental danger of the Rogers plan is that it cannot help but arouse false hopes, dangerous hopes, on the very part of those whose illusions we ought to dispel—the hard-line elements in the Arab world that are bent on the annihilation of Israel.

The Big Four and Big Two talks on the Middle East have by now become definitely counterproductive. My resolution proposes that they be terminated at once.

When the talks were initiated, it was hoped they would be a vehicle for bringing Arab and Israeli leaders to the conference table and developing a workable plan for the control of the arms traffic into the Middle East.

It has now become apparent that the Soviet Union has not the slightest interest in bringing the Arab leaders to bargain directly with Israel or in promoting any sort of Mideast arms control scheme.

In these circumstances, the continuation of the Big Four and Big Two talks is contrary to the interests of peace in the Middle East. The talks merely encourage the Arab world in the belief that

somehow the big powers will intervene and impose a settlement favorable to the Arabs without direct negotiations by the parties concerned.

For these reasons, I urged the termination of the talks after my visit to Israel last summer. Termination is still more important at the present time—if for no other reason than to dispel the false impressions conveyed to the Arab world by our recent policies.

Mr. President, I shall submit the resolution next week. At present, however, I ask unanimous consent that the language of the resolution be printed in the Record.

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

S. CON. RES. —

Whereas, peace can be achieved in the Middle East, and the legitimate grievances of Arab and Israeli peoples rectified, only if Arab states recognize Israel's right to exist as a nation and enter into direct negotiations with Israel concerning disputed borders and other outstanding differences pursuant to the Resolution of the United Nations Security Council dated November 22, 1967;

Whereas, the United States can most effectively contribute to such peace by encouraging such direct negotiations between Israel and the Arab states and by promoting agreement among the major powers for effective control of the traffic of arms into the Middle East;

Whereas, the United States, by proposing or attempting to impose any specific adjustment of such disputed borders or any specific settlement of such other outstanding differences between Israel and the Arab states prior to or outside the context of such direct negotiations, will clearly diminish the prospects of peace in the Middle East by reducing the incentive of the Arab states to enter into such direct negotiations;

Whereas, the current special four-power negotiations among the United States, the United Kingdom, France and the Soviet Union on the Middle East, as well as the special two-power negotiations between the United States and the Soviet Union on that subject, were initiated for the purpose of encouraging such direct negotiations between Israel and the Arab states and of promoting such arms control agreement;

Whereas, the Soviet Union has shown no interest whatsoever in encouraging such direct negotiations or in promoting such arms control agreement;

Whereas, the continuation of such special four-power and two-power negotiations in these circumstances is contrary to the interests of peace as it merely encourages the Arab states in the belief its settlement favorable to them will be imposed by the major powers and that they have no reason to negotiate directly with Israel; and

Whereas, the United States can continue to undertake vigorous diplomatic efforts to secure such direct negotiations and such arms control agreement through regular diplomatic channels;

Now, therefore, be it Resolved by the Senate (the House of Representatives concurring) that it is the sense of the Congress that—

(1) any readjustment of disputed borders between Israel and Arab states, and any settlement of other outstanding differences between Israel and the Arab states (including but not limited to the status of Arab refugees, the status of the eastern sector of the City of Jerusalem and the rights of navigation in the area), take place only in the context of direct negotiations between Israel and the Arab states;

(2) the United States concentrate its dip-

lomatic efforts upon encouraging such direct negotiations between Israel and the Arab states and upon promoting agreement among the major powers for effective control of the traffic of arms into the Middle East;

(3) the United States henceforth refrain from proposing or attempting to impose, prior to or outside the context of such direct negotiations, any specific readjustment of such disputed borders or any specific settlement or such other outstanding differences between Israel and the Arab states; and

(4) the United States, while continuing vigorous diplomatic efforts through regular diplomatic channels to encourage such direct negotiations and promote such arms control agreement, terminate the current special four-power negotiations among the United States, the United Kingdom, France, and the Soviet Union on the Middle East, as well as the special two-power negotiations between the United States and the Soviet Union on that subject.

BRINGING HUMAN RIGHTS DOWN TO EARTH

Mr. PROXMIRE. Mr. President, I have repeatedly discussed the failure of this body to ratify the human rights conventions dealing with political rights for women, genocide, and the abolition of forced labor. I have traced the development of these conventions from their inception, through the United Nations, to their ratification by numerous nations. I have thoroughly explored each convention and found the contents to be in full accord with those basic principles of human dignity that form the fabric of our society.

There is no doubt that every Senator subscribes to these principles; but still the Senate delays favorable action on the conventions.

Perhaps it would be helpful to consider the human rights conventions apart from the ponderous setting of international organizations and formal treaties and examine them in the context of individual personal values.

The concept of genocide is abhorrent and unthinkable. Instinctively I am revolted by it and automatically seek to do all within my power to eliminate it from our world. All in this Chamber must have similar feelings; yet the Senate has not ratified the Genocide Convention.

I cannot condone the existence of forced labor anywhere in the world. I deplore in particular the Soviet Union's refusal to abolish forced labor within its borders. As a country, the United States even prohibits the import of products made by forced, slave, or convict labor. Surely every Member of this body deplores forced labor as much as I do; yet the Senate has not ratified the convention outlawing forced labor.

Long ago the United States gave women equal voting rights and we have moved on every front to assure complete equality between the sexes. We recognize that women are entitled to equal job opportunities and equal pay. We recognize no barrier to women holding any position in public or private life. No individual Member of the Senate can dispute this; yet the Senate has not ratified the Convention on the Political Rights for Women.

Perhaps now is the time for the Members of this body to transform our private

convictions into public action. Perhaps now is the time to ratify these three human rights conventions.

PROPOSED REPLACEMENT OF OIL IMPORT PROGRAM WITH A TARIFF SYSTEM

Mr. McGEE. Mr. President, reports have been widely circulated that President Nixon's Cabinet Task Force on Oil Import Control has recommended that the existing mandatory oil import program be replaced by a tariff system which would have the effect of lowering the price of domestic crude oil from about \$3.50 a barrel to around \$3 a barrel. The adverse effect such a change would have on our domestic oil industry has been carefully documented. However, insufficient attention has been given to the severe impact such a departure from the mandatory oil import program would have on the Nation's natural gas consumers.

About 140 million of our population are served directly by natural gas distribution companies. Over 30 percent of the electric power in this country is generated by natural gas. In short, more than one-third of our Nation's total energy requirements are provided by natural gas.

It took 20 trillion cubic feet of natural gas to meet this demand in 1968, and the Nation's demand is expected to increase at a rate of 5.5 percent per year through 1985. This means that consumption should increase over 145 percent in the next 15 years as contrasted with 107.9 percent increase between 1956 and 1968.

To accommodate this growth, long-distance pipelines and local distribution mains for delivering gas to consumers are expected to expand by over 700,000 miles to about 1.5 million miles while total investment in gas transmission and distribution facilities will increase from \$35 to \$75 billion. Stated simply, if there is an actual shortage of gas supplies—even a temporary one—and this tremendous fixed investment in facilities is not used at near 100-percent efficiency—as it is now—the cost to consumers could go up sharply. So there is the prospect of denial of a desirable fuel and the prospect of unnecessarily higher prices even if we can get it.

Ironically, however, as we watch the demand for this premium fuel grow, the ratio of proven reserves of natural gas to demand has declined steadily. While in 1956 the developed and proven reserves were 21 times the annual demand, the reserves of 290 trillion cubic feet developed or proved in 1968 were less than 15 times annual production for gas that year. In 1968, for the first time, gas consumption exceeded new reserve additions—and by 40 percent. Yet that same year demand hit a peak annual increase of 8 percent. Natural gas distribution companies were experiencing great difficulty in contracting for necessary gas supplies at the end of 1968 when the reserve-production ratio was at 14.6. The Federal Power Commission staff has estimated that the ratio will be down to 12.8 by the end of 1970.

This reserve margin is entirely too low

because we cannot economically rely on foreign imports, gas reserves will not be increased by conventional secondary recovery projects as will oil wells, and the lack of flexible means of transportation means that gas must move through high-cost fixed facilities amortized over reasonable periods, usually 20 years. The gas industry must have a fully adequate long-term gas supply in order to attract and amortize the tremendous amounts of new capital required for the construction of facilities.

The sharp decline in drilling and exploration trends of the domestic petroleum industry is responsible for these inadequate gas reserves. Wildcat drilling and geophysical activity, which are considered the most sensitive measure of exploratory operations, are down 40 percent and 56 percent respectively since 1956. Total wells drilled have declined 43 percent while the number of active rotary rigs is off 55 percent. There has also been a drastic drop in exploratory wells completed as gas producers from 909 in 1959 to 429 in 1968, a decrease of 53 percent.

Any change in the mandatory oil import program which lowers the price of foreign oil will immediately have a dampening effect on domestic petroleum exploration and development. This would in turn have a significant impact on natural gas. An obvious and direct effect would be the reduction in the amount of gas found in association with crude oil. About one-third of our natural gas supplies are found in conjunction with oil, either as gas caps of oil reservoirs or as gas dissolved in oil. It should be pointed out that while proved gas reserves declined from 292.9 to 287.4 trillion cubic feet during 1968, nonassociated gas reserves declined only slightly—from 221.8 to 221.0 trillion cubic feet. The greatest decline in reserves occurred in gas associated with oil.

A second effect will be the reduction in the amount of nonassociated gas that is either found while looking for oil or is made economical to produce through its association with oil activities. It has been estimated that under current oil and gas incentives the amount of non-associated gas found through the search for oil is in the range of 15 percent. Also, since the average gas reservoir volume is only worth 15 to 20 percent of an equivalent oil reservoir volume, most all high cost exploration in extremely deep water or arctic environments is done for oil. An excellent example is the North Slope of Alaska where the Potential Gas Committee, an independent agency sponsored by the Mineral Resources Institute of the Colorado School of Mines and financed by the American Gas Association, the American Petroleum Institute and Independent Natural Gas Association of America, has estimated that there may be as much as 400 trillion cubic feet, or 33 percent of the future potential gas reserves in this Nation. However, without active exploration for oil and a large base of oil operations, a great deal of this gas may never be sold or even found.

All of these declining natural gas supply trends look senseless when compared with the estimated potential reserves in

this country. The U.S. Department of Interior and the Potential Gas Committee have agreed that the physical reserve potential for natural gas in the United States is entirely adequate. It has been estimated that there are 1,227 trillion cubic feet of undiscovered natural gas in the United States. The Nation's consumers should not be needlessly deprived or their prices needlessly increased by a natural gas shortage which is avoidable.

To translate this potential into usable reserve, there must be adequate economic incentive. Existing incentives have already been eroded by the reduction of the percentage depletion allowance for natural gas from 27½ to 22 percent. Any further decrease could not come at a worse time. Not only are our normal energy demands constantly increasing, but with adequate supplies, natural gas, which is a sulphur-free fuel, can also make a major contribution to the battle against environmental pollution.

As the Federal Power Commission's Bureau of Natural Gas summarized in its report on National Gas Supply and Demand:

U.S. natural gas requirements will continue to increase through 1973 at an average rate of 6.0 percent . . . the undiscovered natural gas reserves of the contiguous states of the U.S. are estimated to be from two and a half to five times the current proven reserve inventory of 282 trillion cubic feet . . . A major new government-industry program is needed immediately to insure the continued growth of gas service during the next decade . . . Basic elements for consideration should include exploration incentives . . .

I urge that careful consideration be given to the adverse impact any modification of the mandatory oil import program would have on our national gas supply and 140 million natural gas consumers.

THE APPLICATION OF SPACE-AGE TECHNOLOGY TO WASHINGTON, D.C.

Mr. MONDALE. Mr. President, our fantastic success in space—two trips to the moon and back within the last year—is a vivid demonstration of what American technology can do when focused upon a goal and committed to its realization.

It is time to use some of what we have learned in advanced technology and computerized decisionmaking for the solution of our more earthly problems.

So far, we have only tinkered with technology in searching for the solutions and long-range goals to revitalize our cities. Mr. Robert Sarnoff recently called for us to concentrate a massive effort in the Washington, D.C., area for application of space-age technology to the problem of our cities.

I think that a recent Washington Post editorial put this matter in excellent perspective, calling for the commitment and identifying the long-range objectives, but wisely cautioning us on the magnitude of the task ahead of us.

I ask unanimous consent that the editorial be printed in the RECORD.

There being no objection, the editorial

was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Dec. 2, 1969]

ONE OF THE GREAT TESTS OF OUR HISTORY

The suggestion that Washington be chosen for a "full-scale pilot program" which would use space technology for the "complete and systematic rehabilitation of Washington, D.C." deserves serious attention. Washington, of course, needs all the help it can get. But even more important—and that may be why Robert W. Sarnoff, president of RCA, made the suggestion—the nation needs to know whether the computer-age technology that sent us to the moon twice can be used to solve the problems of American cities. That question in a slightly different form has been plaguing the space community. Are vital national resources needed to meet the crisis at home being diverted to the moon and beyond?

Mr. Sarnoff's speech to the National Industrial Conference Board's computer conference picks up from a series of addresses by Dr. Thomas O. Paine, administrator of the National Aeronautics and Space Administration, suggesting that modern technology can assist in solving the problems of cities, provided there is a national commitment to do so. Thus, finding the technology, in Dr. Paine's view, was less of a problem than securing the national commitment to go to the moon. And we were vastly assisted by the successes of the Soviet Sputniks. Mr. Sarnoff agrees with the need to provide the commitment and considers the ability to do so "one of the great tests of our history." His hope is that a discussion can be started to generate that commitment. Both he and Dr. Paine cite such national efforts as the ones that produced the Tennessee Valley Authority, the Marshall Plan to save Western Europe from Communist domination, and the space program as possible prototypes.

The Sarnoff program will be costly and take a long time. He would build a computer model of the Washington region and set out to learn "the real costs, in terms of taxes and lost revenues, of an impaired environment." A "systems analysis" approach would use existing planning agencies which would be authorized to contract for "the services of managers and specialists from government, the universities and industry, as well as those agencies, both public and private, with special knowledge of urban problems." A first phase of the program would be completed by 1976 in time to celebrate the nation's 200th birthday.

Obviously, there are defects in the Sarnoff program. The working model of the area will provide, on paper, possible answers to problems of housing, highways, and other planning questions. But it will not tell how to solve countless human equations including the key one of amassing the political strength to get the job done.

According to Dr. Paine, "cities . . . have their report card marked against wobbly success standards involving prejudice, special interests, wishful thinking, conflicting values, loose rhetoric, prophesy and revelation, or, in the current vernacular—*soul*." He adds that "improved urban decisionmaking in the public sector is a major unsolved problem in today's society." In part, he sees the problem as one of overall management which must consider all the activities going on within the urban complex. The urban manager, Dr. Paine feels, must decide "what he can manage and where he can lead," and he must be prepared to encourage experimentation and innovation.

These are some of the questions that must be answered, in Dr. Paine's view: What are the important human values, urban goals, and public expectations here? What new institutional patterns can best achieve the various objectives? What resources will be required over what period? How can the

contributions of universities, industry and government be organized? What approach from the spectrum of management is best for each component? How will the required new scientific understanding be acquired through theory and experiment? What technological advances should be fostered and utilized? As the work progresses, how are the experimental results to be fed back to the action controllers?

Mr. Sarnoff has done better defining the Washington need than in suggesting how it might be met, but it is to his credit that he is prepared to face the need. He called for "a large-scale program of regeneration that would go beyond physical planning" and deal with interacting problems of housing, transportation, race, employment, health, welfare, education, communications, and law enforcement as well as water and air pollution. Like most good ideas that are tossed out before public forums, this one will depend on the reaction.

Mr. Sarnoff puts it this way: "We have now reached the day of reckoning. We must decide whether our way of life is worth the necessary commitment to our cities and our environment. I am convinced that Americans, especially our young people, possess the mind and motivation to undertake such a commitment."

ENVIRONMENTAL QUALITY: OUR COASTAL ZONES: THE NEED TO PLAN AND PROTECT

Mr. TYDINGS. Mr. President, last December it was my pleasure to speak to the MIT Alumni Association of Washington and Baltimore. The topic of my remarks was the coastal zones of the United States, a key geographic feature of our country.

I ask unanimous consent that my speech be printed in the RECORD.

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

ADDRESS BY SENATOR TYDINGS

I am delighted to be with you this evening and am deeply honored by the kind invitation to be your guest speaker.

I'd like to talk with you tonight about a conservation issue that has not yet received great public attention. It is, nevertheless, an issue of considerable importance to our country and one that has, fortunately, received serious consideration by scientists both in and out of government.

The issue is the protection and proper development of our estuaries and of the coastal zones in which they're found.

An estuary is that body of water where the salt water of the ocean mixes with the fresh water of the rivers. It is water that is influenced by both the tidal effects of the sea and the flowing currents of streams and rivers.

Just some ten miles to the east of us here we have one of the greatest estuaries in the world, the Chesapeake Bay.

Estuaries are valuable components of what scientists are now calling the Coastal Zone. This can be defined as the margin where land and water meet and interact. It is not just the sea itself, nor the land either, but rather the broad area where they join together and directly influence each other. The Coastal Zone includes bays, marshland, river deltas, harbors, estuaries, and even parts of the continental shelf.

It is thus an exceedingly important, if not the key feature of our geography.

The coastline of the United States is 88,633 miles long, 99,613 if you include the Great Lakes. The 30 states that comprise the Coastal Zone contain 75% of our population. In an increasingly urban society, 45% of our urban

population live in coastal counties. Twenty-five percent of our entire population live within fifty miles of the coast.

But the Coastal Zone has more than most of the people, it also has most of the fish.

The Bureau of Commercial Fisheries reports that seven out of the ten most valuable species of commercial fish spend important parts of their life cycle in estuarine waters. The Marine Science Council tells us that the Coastal Zone is probably the most important source of commercial fish—supplying ninety percent of the total U.S. catch. The waters off our shore are thus among the most biologically productive regions of the nation.

The Coastal Zone is also an area rich in mineral resources. Sand and limestone, magnesium compounds, salt and bromides, oil, natural gas and sulfur all now come from the water and seabed. The offshore waters presently contain more than 6,000 oil wells that each year produce petroleum products worth over a billion dollars.

The Coastal Zone, of course, is the area where much of the nation's heavy industry and maritime commerce is concentrated. With ready access to raw materials and world markets, the Coastal Zone, is a perfect site for competitive, energetic industries to locate. Being the juncture point of land and sea, much of the nation's trade and industry takes place within the Zone.

It is also the perfect location for people to play as our society finds itself with more and more leisure time. Boating, swimming, hunting, and fishing are all sporting activities that are enjoyed by an evergrowing number of people within the Coastal Zone. It is a major area of recreation.

To put it in the modern idiom, the Coastal Zone is where it's at.

Yet the size and importance of the Coastal Zone is not what determines its impact on our society. What really matters is how we treat it; how we manage—politically, economically, socially, and biologically—this key natural resource.

As Thomas Huxley has noted:

"I cannot say that I am in the slightest degree impressed by your bigness or your material resources as such. Size is not grandeur, and territory does not make a nation. The great issue . . . is, what are you going to do with these things?"

What we have done so far is not encouraging.

I do not want to sound like a scientific Cassandra seeking to warn the nation of impending doom. But there is no doubt that our coastal zones are in danger. This situation, however, should not surprise us.

We are, after all, a violent society. Each day in the newspapers we see evidence of this violence as serious crimes are committed in our homes, businesses, and streets. The rising rate of crime is an issue that most alarms the average American citizen, and rightly so.

Yet the violence is not limited to other people. We do violence to our environment as well.

Throughout our history, we have committed crimes against our natural resources. We have treated our air, land, and water resources with abuse rather than care. The pollution that we are all familiar with is the inevitable result.

We have spoiled rivers, soiled air, and scoured our land.

And our coastal zones have not been spared the inevitable result of such treatment. They have been abused as well.

At the present time there are at least six major problems confronting the Coastal Zone. Each by itself is doing great harm. Taken together, and left unsolved, they could well destroy the utility of this key geographic zone.

The first problem, and the most obvious, is the pollution of both the air and water in the Coastal Zone. The latter is particularly destructive for water quality is essential for marine life. Water pollution presents serious

economic consequences. The Marine Science Council estimates that 8 percent or 1.2 million acres of the nation's shellfish grounds have been declared unsafe for human consumption due to pollution.

This absence of clean water is felt right here in Maryland. The Federal Water Pollution Control Administration has estimated that the State loses \$3 million annually in commercial fishing due to water pollution.

And beaches that you could once swim in are now often closed. The loss in recreational potential from water pollution throughout the nation is considerable.

What particularly disturbs me about this situation is that we presently have the technology necessary to clean up our waters. We know what to do, but we seem unwilling to do it. The continued pollution of every major river system in the country is the result. We have the know-how, we even have the money. What we lack is the will.

The second problem confronting the Coastal Zone is the rapid rise in the number of people who live there. The nation's seven largest metropolitan areas are located along our coastline. This is a large number of people for a space that is relatively small, and many of the 90 million people by which our population is expected to increase in the next three decades will settle in the Coastal Zone.

Patterns of development along the shoreline vary widely from area to area depending upon economic interests and local topography. The tremendous growth of our population has brought dramatic pressures on limited shoreline space. This pressure has been heightened by a rising standard of living that permits people to locate in the many desirable locations that exist within the Zone.

In many areas the Coastal Zone is already saturated. Too many people place too many demands upon a limited resource. These demands often conflict and bring insurmountable pressures to bear. The result is a rapid decline in the basic well-being of the Coastal Zone resource.

As succinctly stated by the Marine Science Council's Task Force on Coastal Zone Authorities, chaired by Under Secretary of the Interior Russell E. Train:

Increasing and conflicting demands on the finite resources of the Coastal Zone for commercial and industrial development, transportation, residential housing, recreation, and other uses result in: loss of wildlife and nutrient rich areas, permanent adverse ecological changes, decreasing open space for public use, and shoreline erosion. These results are caused by: rapid urban and suburban development, heavy industrial growth, inefficient use and location of industrial sites, increase in population in the area and in upstream zones. Also by unplanned and unregulated alteration and modification of the Coastal Zone, especially by dredge and fill operations mostly brought about by the private sector.

The third major problem confronting the Coastal Zone is the failure to set aside sufficient space for public use. Although 8,000 acres of coastal land were set aside pursuant to Federal programs in FY 1968, this was clearly insufficient to meet our ever increasing requirements. Only 3% of our ocean and Great Lakes coastline has been set aside for public use or conservation in spite of rapidly growing demands for such areas. Yet in Great Britain the Crown owns all beaches and public use of the shorelines resource is thus ensured.

The Land and Water Conservation Funds which provides matching grants to states for the purchase of park land, is severely underfunded. For Fiscal Year 1970 the Nixon Administration requested only a \$124 million appropriation when Congress had authorized \$200 million. The effect of this drastic reduction is to cripple our efforts to secure sufficient and essential recreational areas. If we

can afford a \$2 billion cost overrun of the C-5A military transport plane, we can surely afford \$200 million, one-tenth of the overrun, to be spent on parks.

More people and more leisure time make it imperative that enough space within the Coastal Zone is now set aside and developed for recreation, before skyrocketing land prices make sufficient acquisition impossible. What we need is a few more Assateague National Seashores.

Another problem facing the Coastal Zone is the rapid destruction of wetlands. The marsh area is exceedingly valuable as marine and wildlife habitat. Yet it is equally important as new sites for homes and commercial development. Construction, however, has overwhelmed conservation and the loss of wetlands is proceeding at an alarming pace.

The 1965 Report of the Environmental Pollution Panel of the President's Science Advisory Council has termed the draining of our wetlands as an important kind of pollution. And it is exactly that.

In typical but not inevitable fashion, man has fouled a part of nature which has served him well and which is vital to his existence. Our wetlands are slowly and irrevocably being ruined. With bulldozer and dredge, pump and power shovel, man has destroyed wetlands and replaced them with industrial plants, clusters of summer cottages, shopping centers, boat marinas, deep-water harbors, jet runways and all the other hallmarks of a sophisticated, affluent society.

The prestigious report of the National Commission on Marine Science, Engineering and Resources reported that "In the past 20 years, dredging and filling have destroyed seven percent (more than a half million acres) of the Nation's important fish and wildlife estuarine habitats." In 1959, a survey of Long Island wetlands by the New York State Conservation Department and the U.S. Fish and Wildlife Service revealed that 12.5 percent of high and moderate value wetland habitat areas had been destroyed since 1954.

Maryland, where wetlands are particularly important, has lost an estimated 7% of its wetlands since 1952 and could lose an additional 147,000 acres—nearly one-half of the State's remaining total—in the next decade.

I will soon write Secretary of Interior Hickel urging that the Land and Water Conservation Fund be more fully utilized to acquire wetlands, a specific recommendation of the National Commission on Marine Science, Engineering and Resources. An opportunity now exists in Maryland where certain wetlands may be available at reasonable cost.

The fifth problem facing the Coastal Zone is one of the most difficult. It is ensuring that, to the fullest degree possible, the concept of multiple use is employed in the management of the Coastal Zone.

Too often in the past a single purpose has destroyed the utility of the resource for other uses. With multiple use, compromises are introduced in order to permit competing purposes to coexist. Harbors and healthy oysters can coexist, for example, if pollution levels are held down. Similarly, a swimming facility and a properly designed sewage treatment plant can exist in the same area.

Given the tremendous demands now placed on the Coastal Zone, and their limited ability to absorb further abuse, multiple use is an absolute necessity in Coastal Zone management.

But it is much easier to speak about than achieve.

This leads us to the sixth and perhaps most difficult problem confronting the Coastal Zone. The problem has been clearly stated by the National Commission:

"The rapidly intensifying use of coastal areas already has outrun the capabilities of local governments to plan their orderly development and to resolve conflicts. The division of responsibilities among the several levels of government is unclear, and the

knowledge and procedures for formulating sound decisions are lacking."

The responsibility to develop plans for the Coastal Zones that reconcile conflicting demands is the responsibility of all governments: federal, state, and local. Yet at the present time effective management has been hampered by the variety of governmental jurisdictions involved, the low priority afforded marine matters by state governments, the diffusion of responsibilities among state agencies, and the failure of state agencies to develop and implement long-range plans.

Unless we achieve an orderly, balanced and effective coastal management system, the Coastal Zones of the United States will not be protected. Haphazard development will continue, benefits will be allocated to a few, and the destruction will continue.

A priceless natural and national resource—and the last real chance to protect and develop it in the national interest will be lost.

In order to prevent this, we first must know a lot more than we do about our Coastal Zones.

For this reason, I introduced and Congress enacted in 1966 legislation directing the Secretary of Interior to undertake a comprehensive three-year study of pollution in our estuaries. The measure was purposefully drafted so that a wide ranging analysis of our Coastal Zones could be made.

It was, for the report, which has just been released, is over 1500 pages long and represents a major analysis of our estuaries and the Coastal Zone.

The report includes an inventory of all the nation's estuaries, a discussion of their economic and social importance, and an analysis of the major social, ecological, and economic trends occurring in the Coastal Zone. Most importantly, the report calls for the recommendation of a national program for the preservation, study, and development of the nation's estuaries.

It also presents the respective responsibilities which should be assumed by Federal, State, and local governments, and by public and private interests, in the management of our Coastal Zones. This is most important, given the failure of our present institutional arrangement to protect these areas.

I have not yet had the opportunity to review this study in depth. Legislation based on it was very recently introduced in Congress. While I have not yet decided if this bill is exactly what we need, I would like to suggest briefly before closing, some considerations which must be accepted in any legislative effort to obtain a workable and effective coastal management system:

1. The state must be recognized as having the primary role in coastal zone management. It can provide the link between Federal incentives and research, and local requirements and desires. The state is neither too close to the coastal resource, nor too distant.

2. The state must possess the institutional arrangements sufficient to protect the coastal zone. This means adequate financial resources, administrative machinery and enforcement authority. It means a single agency, that is not merely a conglomeration of other agencies, but one with power to deal with overlapping jurisdictions and to develop and regulate a master plan for the state's Coastal Zone.

3. At the same time, the federal government has a definite role in the coastal zone. It has the specific responsibility for national security and navigation. It should as well develop goals and criteria for resource management. And it should encourage, if not force, the states to act in protecting our Coastal Zones.

4. The Federal Government must also coordinate and place in focus its own activity relating to the Coastal Zone. The Marine Science Council has detailed the vastness of this activity. The Council should be up-

graded to ensure that a federal policy exists and is effected.

5. The large scale destruction of our wetlands must stop. They are too valuable ecologically and too important recreationally for the present drainage rate to continue. A better balance is needed in this area.

6. Generally, the multiple-use philosophy must prevail for present and future planning. The exploitation of a single resource or use that is contrary to, or irreversibly precludes other desired uses, must be discouraged. At certain times it cannot be avoided. In these instances counterbalancing uses of similar resources must be ensured.

7. Certain small areas of the Coastal Zone must be fenced off as ecological preserves. We must provide our scientists with conditions for long-term analysis of the coastal zone under natural condition.

If these considerations are implemented in a national, state-federal cooperative effort to develop our Coastal Zone, this important natural resource can be protected. We can reverse the degradation of our limited shoreline and realize the full benefit of being a coastal nation.

RISE IN MEDICARE FEES

Mr. MONDALE. Mr. President, since the first announcement of my intention to resist the rise in medicare fees, I have received a great deal of support as well as many personal testimonials regarding the burden which these added costs would place upon our senior citizens.

I ask unanimous consent that a few illustrative items be printed in the RECORD.

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

MONDALE IS CORRECT

TO THE EDITOR:

I was glad to read of Sen. Mondale's interest in medicare fees. With a raise of 15 per cent in monthly benefits and medicare fees raised to \$5.30, minimum check recipients wouldn't benefit much.

My Social Security check now is \$48.70, plus 15 per cent more would be \$56. Taking off the \$5.30 for medicare would leave \$54.70, less 10 cents for cashing the check leaves \$54.60.

In case of hospitalization the first \$52 would have to be paid, which would leave only \$2.60.

Many older folks (through no fault of their own) have their savings used up. Higher taxes, higher prices for everything necessary, are still with us. Hope Sen. Mondale will have success in bringing about a change.

(Name withheld by request.)

[From the Little Falls (Minn.) Daily Transcript, Jan. 8, 1970]

MEDICARE FEE HIKE MEETS OPPOSITION

In a United Press International news story yesterday Sen. Walter Mondale reported that he was "encouraged by the support shown for his proposal to put a \$4 per month ceiling on payments old people must pay for Medicare." The senator said he will introduce a bill to keep payments at \$4 per month when Congress reconvenes later this month.

"This is a cruel increase and it will hit many citizens who already are in a desperate situation," he said. "Also, it may force many to drop out of Medicare and it is essential that we keep these people in the program."

The Minnesota senator suggested that the additional money needed to finance the program—some \$300,000,000—could come out of general revenue.

Medicare has been under-financed since it began in July 1966. The monthly premium

then was \$3 and the government matched it with an equal amount. The premium was raised to \$4 in 1968.

An attempt to raise it again, when it was still found to be running behind, was rejected by then Secretary of Health, Education and Welfare Wilbur J. Cohen, who issued orders aimed at holding the line on payments for doctors' charges.

Robert H. Finch, who now heads the department, has raised the monthly fee to \$5.30, beginning July 1. With the government's matching share, this would bring the total monthly cost of medical coverage for the 19.3 million Americans covered by the program to \$10.60.

As probably could be expected, the action by Secretary Finch already has aroused congressional intervention. There also has been some sentiment for scrapping the Medicare premium plan and combining Medicare with hospitalization. The elderly then would be covered under Social Security.

The average Social Security retirement check now is \$116 per month for a single person under terms of the new law although increased pension checks will not be in the mail until April. The average retirement check for a couple is \$170 per month. While these amounts provide for only a subsistence level of living for the elderly, there are many others who receive considerably less with the result that a \$5.30 or \$10.60 monthly Medicare bill makes a big hole in an already pitifully small check.

The result many times is that the elderly are forced on the welfare rolls and a consequent heavy burden on property taxpayers. The government may save some money but the rest of us will have to fight that much harder to pay our property tax bills. In other words, the action by the administration is much in the order of "robbing Peter to pay Paul."

MONDALE SEEKS LIMIT ON MEDICARE CHARGES

Legislation to prohibit any increase in the present \$4-a-month premium charged to the aged participating in the nation's Medicare program will be introduced shortly in the Senate by Minnesota's Walter F. Mondale. The \$4 premiums are scheduled to be raised to \$5.30 beginning July 1, 1970, by the present administration.

Senator Mondale was highly critical of the proposed \$1.30 per month raise in Medicare premiums. His reasoning is that most senior citizens are losing in the battle with inflation.

"At a time when inflation is robbing our senior citizens of their hard-earned retirement benefits, it is unfair to require them to pay higher fees for the medical care they so desperately need," said the Senator.

Mondale further pointed out that it is inconsistent on the part of the present administration in Washington to request a 15 per cent across-the-board increase in Social Security benefits on the one hand and a 33 per cent increase in contributions to Medicare by the aged on the other hand.

In view of the widespread abuses of the Medicare program uncovered during the past year, the position of Senator Mondale seems eminently reasonable. Rather than taxing the already severely limited purchasing power of retired people with fixed income, some effort to eliminate gouging by medical people should assume first priority.

Other than tightening administrative procedures to insure that there is no overcharging of patients receiving help under Medicare, it seems not fair to expect Medicare to be self-supporting or even largely self-supporting.

Medicare was intended as an aid to relieve the elderly of a prime worry of their declining years, the worry of financing medical bills at a time in life when medical care is most often needed and the ability to pay is at its lowest.

Senator Mondale's bill not only provides for a freeze of the monthly fee at its present \$4 level but provides for a systematic reduction in the fee over the next several years. The slack in the cost of the program would be taken up by increased contributions from general revenues as well as contributions from the Social Security payroll tax.

POLLUTION—A PRIME PROBLEM

Mr. MONDALE. Mr. President, pollution takes center stage as a prime problem as we enter the 1970's. The threat that man might soil his nest to such an extent as to make it almost uninhabitable becomes more credible with each passing day.

But there is still time to stop the trend toward destroying our environment and with it the quality of our lives. Despite the activities in recent years of certain legislators, such as my colleague Senator GAYLORD NELSON, Congress has come to recognize pollution as a matter of national concern only in the past few months.

That recognition is being fostered and heightened by the work of our communications media. I shall cite one outstanding example: A series of articles by Roberta Hornig and James Welsh which appeared in the Washington Evening Star from January 11, 1970 through January 18. The thoroughly researched and dramatically written articles describe the Atlantic Ocean as a sewer—in the words of adventurer Thor Heyerdahl—and America as a trash can. It quotes an expert as saying man is in danger of becoming a vanishing species.

I ask unanimous consent that the series of articles be printed in the RECORD.

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

A WORLD IN DANGER—1: THE ENVIRONMENT: IS IT PROBLEM NO. 1?

(By Roberta Hornig and James Welsh)

(NOTE.—Many scientists concerned with environmental pollution fear that the 1970s will be the dawn of Doomsday. This is the first of seven articles examining what man has done to his world, and what he can do to save it.)

John Heritage's job begins to close in on him long before he gets to the office.

As a 31-year-old staff aide to Wisconsin's Sen. Gaylord Nelson, Heritage specializes in the environment. On a typical workday, he hasn't driven far from his home in Alexandria when these troubles begin coming at him, one after another.

His car inches through a crowded interchange onto Shirley Highway. It is a gray, heavy day. The cars stop, inch forward, stop. The fumes hang over the highway.

The cars, thousands of them, sputter through Arlington's apartment wonderland, past the Pentagon and toward the 14th Street Bridge.

As he approaches the bridge, a jet swings into its landing approach to National Airport. It approaches from upriver.

Heritage knows that as he crosses the bridge, the plane—perhaps even two—will pass not far overhead, engines screaming and dumping oily black grit on top of the exhaust-laden air he is breathing.

The Washington skyline should be clearly in view now. Some days it is, but today it is not. The accumulation of smoke from cars, buses, trucks, planes and smokestacks is too heavy; the skyline is blurred in a pastel haze.

Beneath the bridge, the Potomac flows dirty

and sluggish, logs and dead fish floating in the murky brown.

Heritage crosses the bridge and the traffic passes a densely built-up urban area. There is construction nearly everywhere—buildings and highways.

The noise and confusion reach a peak as he nears the Rayburn House Office Building. There, a pile driver is banging away at full steam.

John Heritage has driven from a famous suburb to the Capitol of the United States. The trip is past, but not forgotten. He has to drive home tonight, and back to work tomorrow morning, and he wonders what Washington will do to right man's wrongs against nature.

"You have to wonder what's happening to people," he observes "Call it irritation if you want, but anyone can sense on a trip like this what is meant by the contention that our quality of life is going down.

"The environmental problem is no longer an issue of saving trees, of conserving natural resources. It's part of daily life. To go from one place to another in our cities is to pass through an unhealthy cross-section of pollution."

Heritage and his fellow Washingtonians are far from alone. Countless thousands across the country are wondering and worrying about their own communities—not just the big towns of New York and Los Angeles, but also the middle-sized cities of Oakland, Salt Lake City, Denver, Wilmington, Providence, Buffalo, Chattanooga, plus smaller towns and even rural areas.

And if other Americans remain relatively unconcerned, the sweep of current developments and trends may be giving them second thoughts.

People in Cleveland apparently had decided they could live with the Cuyahoga River. But one day last June the river caught fire. The blaze from an ignited oil slick soared five stories high and caused \$50,000 damage to two railroad trestles. Clevelanders are more "aware" now.

Around San Francisco, a city justifiably proud of its good looks, it has been fashionable to look down on Los Angeles as a monument to tastelessness. Northern Californians like to think of LA's air pollution, which has set off 71 emergency alerts since 1955, as typical of the kind of mess Southern Californians are capable of making. But now in the San Francisco Bay area, the smog is so thick that the Northern Californians can't see across the bay.

Lake Erie was murdered, the victim of industrial and municipal waste disposal. It now harbors new life—a mutant of carp which lives off poisons.

Death is also coming to more of the nation's once clear waters.

So much sewage from upstream communities is coming down the Eagle River in the Colorado Rockies that trout fishermen, if they still go there, catch toilet paper, not fish.

In Northeastern Pennsylvania not too long ago, acid drainage from a mining operation leaked into some abandoned, uncapped gas wells, eventually polluting the underground water serving seven counties. In some parts of the area, the only way to get water was to truck it in.

Incidents and problems like this are piling one atop the other.

The days are gone when concern for the land, the air, the water was the sole province of the conservationists, the wilderness enthusiasts, the bird watchers and a few far-seeing scientists, authors and public officials.

Last spring the National Wildlife Federation arranged for a public opinion poll, on the subject of conservation. It showed 85 percent of the American people worried about the state of the environment.

The problems they worry about, of course, vary in severity from place to place.

Washington, for instance, is about average for a city of 800,000 and a metropolitan area of nearly 3 million. Like similar areas, it suffers from air pollution caused chiefly by auto exhausts and burning fuels.

But Washington is not too typical because, as a government town, it has little industry to add to air and water wastes.

A good question then is why the Nation's Capital stands in the middle rather than the low end of the pollution index.

But solutions are as elusive as the air, and relatively little has been done.

As an issue, the environment began gathering true momentum in 1969. This year, it could well elbow its way to the top of the list of issues of major national concern, perhaps overshadowing the war in Vietnam. Students are planning protests; President Nixon is planning new programs.

There are reasons.

Everyday pollution is becoming more evident to the senses. As Heritage puts it: "It's real because you can smell it, touch it, see it, hear it."

Beer cans and other debris float by boaters far down the Chesapeake Bay. Signs warning "No Swimming—Polluted Water Not Recommended for Bathing" crop up in more and more places.

Airline passengers can spot metropolitan areas ahead by the banks of smog enveloping them. If they don't notice, their pilots, who are increasingly hampered by lowered visibility, are likely to tell them about it.

Besides commonplace pollution, dramatic "accidents" and attention-getting examples of pollution dangers are occurring more frequently.

The Cuyahoga River fire is just one example. Its effect was small in comparison to the breakup of the American tanker *Torrey Canyon* off the coast of England, leaving oil smeared across miles of British and French coasts, and killing tens of thousands of birds and fish.

More recent environmental "happenings" range from oil spills from a drilling platform off the Santa Barbara coast, to scientists' reports that human mothers' milk contains more DDT than the federal government permits in cow's milk sold for human consumption, to the death of 6,400 sheep on isolated Utah rangeways from nerve gas the Army was testing.

Evidence has piled up that no corner of the world is safe from pollution.

Poisonous pesticide residues have been found in penguins in the Antarctic.

Thor Heyerdahl, who sailed across the Atlantic last year, said the ocean "looked like a sewer."

In Greenland, traces of lead from industry and gasoline have been found in cores taken from the ice.

In Europe, acid rain frequently falls as far north as Sweden.

The Rhine is a contender for the world's most polluted river. Athenians call their air "Marshall Plan smog" for the fumes pouring from industry. In Venice, it's a tossup whether air pollutants or the flooding caused by excessive landfill operations will destroy a good part of the city's art treasures.

And as the pollution mounts, journalism is putting a higher news value on the environment.

Bigger headlines are going on stories like oil spills and smog alerts. Scientists' reports get into print and over the airwaves. There is a new breed of reporter's "beat"—the environment.

Newspapers are devoting long stories and series to the over-all problem. Time magazine now runs an environment section. Last year Look magazine devoted much of a whole issue to the environment. Newsweek has something similar in the works. So does Fortune.

Partly because of this kind of coverage, and partly because they are better organized,

scientists are getting the message across as never before. And it is a sober message.

Increasing credibility is going to people once regarded as extremists for warning that the human species could become extinct unless it learns to live in harmony with nature.

Dr. Barry Commoner of Washington University in St. Louis is now considered a prophet for the doom-crying he has done for years—that "it's a matter of survival to be scared."

And ecologist LaMont Cole of Cornell University is now getting audiences besides other ecologists when he warns that pollution, because it kills forest and water plants supplying the world its oxygen supply, amounts to a time-bomb that may be impossible to defuse.

In a curious way, the Apollo space flights have helped galvanize public opinion. Mail to the White House on the environment doubled after last year's first moon landing.

To many, the flights raised the question of where technological priorities should be directed—into space or back on the earth?

The critics weren't alone. Astronauts joined them, some of them saying that from space, air pollution was so visible it cut into the joy of seeing Mother Earth from hundreds or thousands of miles away.

And the warnings are coming across. In New York, mini-skirted women are picketing shops that sell coats made from the skins of leopards, a diminishing species.

In Minnesota, a Mothers' Day protest march on the site of a planned nuclear-powered generating plant on the Mississippi.

In fairly conservative Santa Barbara, residents led by a former state senator formed GOO (Get Oil Out), and with power and sailboats moved to block an oil company from setting up an oil-drilling platform like the one that earlier had blackened their beaches.

Students are forming environmental "action groups" on campuses across the country.

At Berkeley and Minneapolis, they held mock funerals for internal-combustion engines to protest auto air pollution.

At Richmond two weeks ago, students from Maryland to North Carolina met to protest the pollution of Virginia's rivers. The federal government sponsored their meeting.

None of this has been lost on the politicians.

It's a far different climate than a few years ago when Maine's Sen. Edmund S. Muskie was quietly cranking out landmark air and water pollution legislation or when Wisconsin's Gaylord Nelson was practically alone in talking of alternatives to the gasoline-powered internal combustion engine.

Now, Interior Secretary Walter J. Hickel put it, the environment has joined motherhood and the flag as good politics. In legislation passed last year—and more legislation now in the works—various members of Congress are outdoing themselves over who becomes identified with the push to save the environment.

President Nixon was slow off the mark on this issue but he is trying to catch up.

"There are more people in the White House now working on the environment than on any single issue, and that includes Vietnam," says one of the President's staffers.

The President will devote a major part of his State-of-the-Union message Jan. 22 to the environment. He has said it will be among top-priority items in his 1970 programs.

In the broadest sense, the problems of pollution tie directly to the march of civilization, to the many forces at work in industrial society, each heightening the effects of the others, all of them accelerating in intensity.

The first force is people—the sheer numbers of them.

As long as man's numbers were few, and his way of life simple, he could live compatibly with the world around him.

But the world's 3 billion people, which took millennia to produce, will double by the end of the century. The U.S. may add its third 100 million people by that time. As a result, the relationship between men and nature will change radically.

It wouldn't be too bad if the population were distributed more evenly across the land. But the economics of industrialized society doesn't work that way. Industry congregates in urban areas where it can draw upon a wide range of resources, knowledge and skills. People migrate to the cities for more money and a wide choice in the employment market. Service industries follow the people. The urban areas grow bigger.

But as industry and people become more concentrated, so do their wastes—to the point that it becomes extremely difficult and expensive to keep the air and water clean, to dispose of the trash, to preserve any open space.

Prosperity only aggravates the problem. On the one hand, it provides increased leisure time and the mobility to get away from it all.

But the more people try to get away from it all, the more they run into each other. Today, in what were once remote vacation spots, it is often tent-pole to tent-pole, boat to boat, bumper to bumper. And because of so much use, some vacation areas themselves have become pollution trouble spots.

More important, western civilization's unprecedented prosperity is dependent on an increasingly high order of technology. Man has become the super consumer, demanding more resources, more products. Some of these products, autos especially, add to pollution. And the technology that underpins our prosperity cannot continue to grow in quality and quantity without giving off larger amounts of waste products.

Today's technology is turning out new orders of pollutants—plastics that don't corrode but continue to pile up, and synthetic chemicals that are what the scientists call "non-biodegradable" in that they do not break down easily.

The advance of knowledge and techniques has led to the 100,000-ton tanker and the giant pipelines that can be, and probably will be, laid across the fragile tundra of northern Alaska.

New knowledge and technology have enabled the exploiters to become more efficient.

As just one example, European fishing fleets, after discovering the major migratory route of the Atlantic salmon off Greenland, have so depleted this great sport fish that spawning grounds in Canada, Maine, Norway, Scotland and Ireland are now almost empty.

Even with the best of intentions, the application of technology often is preceded by little or no calculation of its environmental consequences. And so what Dr. Commoner calls "ecological backlash" is a growing phenomenon.

Perhaps the most vivid example of this backlash can be found in Egypt, where the giant Aswan Dam controls the Nile River, holding back a reservoir of water some 300 miles long.

Because the Nile's downstream flow has been slowed, waters of the Mediterranean Sea are now flooding the Nile Delta 600 miles below the dam, covering thousands of acres of fertile farmland. Because rich nutrients no longer flow below the dam, Egypt's fishing industry is collapsing. On mammoth Lake Nasser behind the dam, evaporation may claim as much water as the Nile was supposed to send downstream for irrigation. And medical specialists fear that snails that carry schistosomiasis will invade the lake and irrigation canals, eventually infecting thousands of peasants with that painful and crippling disease.

In its conception and construction, the Aswan Dam was seen as providing enormous benefits to the Egyptian people and econ-

omy. It may become a monument to environmental disaster.

If technologists have been short-sighted, so has government at every level.

In this country, for instance, two decades of housing, and transportation policy led to the suburban sprawl evident now in every metropolitan area, to dependence on the auto, to the great amounts of smog that autos produce.

On other fronts, while the Interior Department was trying to save northern wetland breeding grounds for waterfowl, the Agriculture Department was subsidizing their drainage for farming.

Over the years the federal, state and local governments have spent a lot of money in pollution abatement. But in the prevention of pollution, the record is a dismal one. In one area after another where the pressures for "progress" have confronted concern for the environment the environment has lost.

To put it another way, one agency after another created to help protect the environment gets caught up in a bureaucratic conflict of interest. As Muskie put it in a recent speech:

"The Congress has assigned responsibilities for pesticide control to the Department of Agriculture, which also promotes the use of pesticides for increased agricultural production.

"The Atomic Energy Commission supervises radiological protection from the uses of nuclear energy, which the commission promotes.

"The Corps of Engineers is responsible for some pollution control on navigable rivers, which the Corps dredges and into which it authorizes the dumping of spoil."

But now the situation has become so serious that practices and policies—a whole way of life—are being questioned sharply. People are beginning to care, and beginning to hope it's not too late.

A WORLD IN DANGER—2: POLLUTION TOTALS TON A YEAR FOR EACH OF US

(By Roberta Hornig and James Welsh)

While in orbit during the Apollo 7 flight, astronaut Walter Schirra should have been able to see Southern California 124 miles beneath him.

He could see a portion of its coastline. But then California disappeared in a shroud of smog that extended for about 100 miles eastward.

As soon as he got back, Schirra sent pictures he had taken to the National Air Pollution Control Administration—and to Gov. Ronald Reagan.

Schirra's three space voyages have made him militant on pollution control: "The moon is not hospitable. Venus is not hospitable. Mars is not hospitable. We'd better do what we can to clean up Earth, because this is where we're going to be."

Astronaut Donn Eisele was on Apollo 7 flight with Schirra. His reaction: "Earth generally is very pretty, but you can see smog in the clouds. It was pretty evident that there is considerable air pollution. It's most discouraging."

Col. Frank Borman's Apollo 8 orbit of the moon at Christmas 1968 had a similar effect on him: "There is no question in my mind that regardless of the economic considerations, we must take immediate steps to preserve our atmosphere."

The astronauts had a special view of planet Earth. But people back on the ground are getting worried, too.

A Gallup poll conducted a year ago for the National Wildlife Federation showed that of all forms of pollution, air is the one people care about most.

And for good reason. Man must have decent air in order to live. But he is mistreating his air—as he can tell just by looking at it, or smelling it in many

areas—and science doesn't know just what that mistreatment is going to do to man.

Air is made up roughly of one-fifth oxygen, four-fifths nitrogen, a bit of argon, minute traces of other gases and water vapor in varying amounts. It is a delicate mixture.

Each year, in the United States alone, 173 million tons of man-made waste products are released into the air. That's close to a ton for each man, woman and child. Worldwide, the estimated figure is 800 million tons.

The National Air Pollution Control Administration officially recognizes nine pollutants in the air: Sulphur, dust particles, carbon monoxide, "photochemical oxidant" (the gases loosely called smog), hydrocarbons, nitrogen oxides, lead and pesticides. It has also let out a contract to study 30 other air pollutants, including asbestos and cadmium.

Scientists know only some of the things these pollutants do.

They corrode metals; they soil clothing and curtains; they make stockings run; they injure and kill crops and flowers, they reduce visibility, endangering air and highway transportation, and they blight man's surroundings, making life less enjoyable.

But more importantly, air pollution affects health. At its worst, it can kill.

Its potential became apparent in London in 1952. Four thousand more persons than the normal died that year because of a three-day blanket of killer fog.

The comparable American pollution horror tale came in 1948 in Donora, Pa., a small steel and chemical plant town. A four-day "fog" killed 19 and sickened almost half of the 14,000 townspeople.

The same thing happened in each case: Normal fog, heavy with moisture, trapped poisonous chemicals—pollutants which normally drift off into the atmosphere. In London, fog trapped sulphur caused by coal-burning; in Donora, it blanketed the town with a chemical mixture from the industrial smokestacks.

In normal conditions, air pollution's effects on health are less easy to document. But more and more, scientists are warning that there is a relationship between dirty air and what happens to people.

As Dr. Jesse L. Steinfeld, deputy assistant secretary of the health, education and welfare, put it:

"Its full impact on our health is not known, but there is abundant scientific evidence that exposure to polluted air is associated with the occurrence and worsening of chronic respiratory diseases, such as emphysema, bronchitis, asthma, and even lung cancer."

While not so dramatic as the London and Donora episodes, air pollution reached such high levels in the New York area three Thanksgivings ago that it was later found to have at least shortened, if not claimed, the lives of 168 persons, mostly old people or those prone to respiratory illnesses.

There were no "body counts," but last August in the St. Louis area and in November in the Chicago area, air pollution reached seriously high levels.

The increasing concern over air pollution as a health hazard last year led the Los Angeles County Medical Association to recommend that "students through high school . . . should be excused from strenuous indoor and outdoor activity" when smog concentrations rise above certain levels.

And in the same county, the smog capital of the nation, physicians are estimated to have told some 10,000 persons suffering from respiratory ailments to move elsewhere last year.

What makes air pollution even more insidious, though, are the things scientists don't know about it.

No one knows what will happen if man continues to haphazardly pour compounds into the atmospheric test tube, permitting them to accumulate. Many results are feared.

The weather is affected, studies show.

Tulsa, Okla., has grown from a town to a city since 1900. With its growth has come a steady increase of dust particles in the air. And with that growth, there has been an increase in the annual rainfall.

In Louisville, Pittsburgh and Buffalo, it doesn't rain as often when industries are shut down. The snow pattern in Toronto is similar.

In LaPorte, Ind., 30 miles downwind from the heavy industrial complex around Chicago, precipitation has increased significantly since 1925. And the precipitation peaks have coincided with peaks in steel production in the Chicago area.

In America alone, about 12 million tons of simple dust are put into the sky every year. And scientists are concluding that it amounts to a virtual and involuntary cloud-seeding.

But air pollution also can have an opposite effect.

In some cases, the dirtier the air gets, the less rain falls. Clouds get so overseeded that moisture can't grow to raindrop size.

This weather-backlash in scattered locations has led meteorologists to wonder what dirty air is doing to our global climate.

Some say it's cooling the Earth's temperatures—a process that could lead to a new ice age. Others argue that it has a "greenhouse effect," raising the world's temperature at a rate fast enough to melt the polar ice caps and flood the coasts of the continents.

But all this seems rather academic to the busy urban dweller who notices air pollution only casually.

He more likely thinks about the way the air smells and looks. He may notice that when he's in a traffic jam he gets a headache, that his responses aren't as good as they might be, and that when there's smog, his eyes smart.

He is becoming more aware of air pollution, past the point where he cracks jokes about Los Angeles' smog.

Federal air pollution officials have even gotten up a dubiously distinctive "Top 10" list, headed by New York, then followed by Chicago, Philadelphia, Los Angeles, Cleveland, Pittsburgh, Boston, Newark, Detroit and St. Louis.

Washington made the second "Big 10" out of the list of 65, falling just behind Jersey City.

But dirty air seems to be everywhere. Even in New Mexico the Weather Bureau is issuing air pollution forecasts.

As a consequence, people are asking hard, central questions: What and who is responsible for air pollution and what's being done about it?

Almost all dirty air comes from some kind of burning or combustion—from gasoline in auto engines; from coal, oil and other fuels in industrial, generating and heating plants; from garbage and trash incineration and from jet airplane exhausts.

The "what" and "who" of it depends on where you live.

In Bishop, Md., population 500, for example, the offender was a single rendering plant. In the New York-Newark area, the polluters are a mixture of industrial plants, utilities, oil refineries, municipal incinerators and the fuels used to heat homes and apartment buildings.

Way out in front, though, is "transportation." It accounts for 94.6 percent of the country's bad air.

This is pollution caused by cars, planes, buses, trucks and other vehicles. Its effect varies according to location.

The automobile, for example, accounts for an average of 60 percent of the air pollution nationwide, but its effect goes as high as 90 percent in Southern California, and as low as 25 percent in Buffalo, where industries do the job.

And the automobile is now the No. 1 tar-

get of the scientists, technicians and politicians who are fighting air pollution.

Cars dump 90 million tons of pollutants into the air each year, double the amount of any other single contributor.

The 4 million motor vehicles in Los Angeles basically cause that city's smog. And the 1.1 million vehicle trips here in Washington daily don't do much for the air in the Nation's Capital. And unlike other cities of its size, Washington doesn't have heavy industry to blame.

It was not Washington but Los Angeles that fingered the car as the chief culprit.

After several air pollution scares in the early 1940s—including a day in September 1943, cited by the Los Angeles Times as a "daylight dimout"—Los Angeles clamped down on just about every air pollution source it could control. It went after domestic, commercial, industrial and municipal incinerators, and all open burning.

Afterward, there was little left to account for the growing smog except the growing number of cars and other motor vehicles.

California has, in fact, always been ahead of the nation in trying to cope with auto air pollution. By the early to mid-60s, however, other states were in the act, and so was the federal government.

Out of all this came federal requirements that Detroit beginning with '69 models build in devices to limit hydrocarbons and carbon monoxide emitted by new cars sold across the country. California went further, insisting that the devices should also control nitrogen emissions.

Yet in its war on cars, California has met with just about the same kind of success as the rest of the nation: Not much.

One of the reasons is that the 1965 law regulating automobile emissions only applies to about a fifth of the cars being driven on the nation's roadways now—the 1969 and '70 models.

Another reason is the testing procedure on the control devices set up by the National Air Pollution Control Administration. At its Ypsilanti, Mich., lab, prototype automobiles undergo tests under very favorable circumstances. They "move" standing still, and the assumption is that the prototypes are like all the cars Detroit is producing. Critics say this test has little relation to actual driving conditions.

More importantly, the law controlling the car devices has no provision for testing after the cars are sold and on the road.

The New York Scientists' Committee for Public Information states flatly that the control devices are not reliable.

The committee, set up to inform the public on the conditions of the environment in general, says that 63 percent of a sample of cars equipped with pollution control devices in California in 1966 "failed to meet . . . the standards . . . after only 2000 miles of driving." They're supposed to work for 50,000 miles.

Many say the solution is to find an alternative to the internal combustion engine.

This seems to be the route the Nixon administration is taking. The President's Council on Environment Quality last month announced it will spend \$45 million to look into a different kind of car. New York City and California already are.

Plenty of publicity has gone to some of these alternatives—the steam engine car, the electric car, the car powered by natural gas, or cleaner gasoline.

But none yet provides the answer. Meanwhile, Detroit is sticking with the internal combustion engine. It would take untold millions for the automakers to tool up for any other kind of propulsion unit.

A spokesman for Ford said his company thinks the internal combustion engine is still the best bet. Ford, he said, has 24 virtually "smog-free" cars "in the concept stage on the test tracks," and that's the route Ford will take.

Critics, led by Sen. Edmund S. Muskie, D-Maine, contend that Detroit is interested in keeping a "status quo (that) may run counter to the public interest."

The struggle to find a non-polluting car is shaping up as one of the big research races in the 70s—Detroit versus outsiders, with government incentives probably going to both.

Another big industry, the airlines and manufacturers, has committed itself to the best pollution control devices on the market so far—after the state of New Jersey took seven airlines to court last fall.

Until then, the airplane industry had denied it was an important polluter. Its argument was that, nationwide, airplanes' particulate emissions account for only 1 percent, or 78 million tons, of the nation's air pollution by weight.

But these figures don't impress people living near airports. In New York, for example, planes pump 1½ tons of pollutants a day. In Los Angeles, it's almost a ton a day and in Washington, the filthy particles come to 1,200 pounds a day, or 602,000 pounds a year.

The new devices should cut some of this down. But it's only part of the solution.

Considering that it was pretty apparent the air was dirty, and getting more so in more places, the federal government was late getting into the air pollution field.

The landmark law, the Air Quality Act devised by Muskie, didn't come until 1967. It is a combined federal, state and local approach setting up air quality regions nationwide—the first one was the Washington metropolitan area—on the grounds that air doesn't neatly confine itself to political boundaries.

The law also for the first time hit at "stationary" sources, such as industry and power plants, that belch black smoke into the sky.

On the books the law looks good. It gives the federal government a handle in getting after states that aren't policing the air.

But the legislation also has serious drawbacks. The most important one is that it has built-in time-lags. For all practical purposes, it gives polluters, and the states going after them, as well as federal institutions, a five-year break.

It will be two years yet before its results can be seen.

And, at this point, with the environment so spotlighted, it's questionable whether the results will be sufficient.

To make the air fit to breathe, it's going to take money, for research and new technology, tighter laws and enforcement.

Ironically, as forms of pollution go, and particularly compared with the costs of clean water, it will not take all that much money to restore our air, the experts say.

Federal air pollution officials estimate they could get it back in shape within the next five years for less than \$5 billion.

But, they point out, even with all the attention being paid to air pollution these days, Congress in the last session appropriated only \$88 million for air pollution. About the same time, it authorized \$85 million for the supersonic transport plane—which conceivably could have some insidious side effects on the atmosphere.

A WORLD IN DANGER—3: OUR RIVERS ARE GOING DOWN THE DRAIN

(By Roberta Hornig and James Welsh)

The nation's waterways run in not-so-glorious color. Name your color; it's there.

On the Potomac, beginning not far below Washington and extending for miles, the surface can turn a thick blue-green, the color of the algae that thrive on nutrient chemicals rushing from the metro area's big Blue Plains treatment plant.

Out on the Chesapeake Bay and in some of its small tributaries, the same concentrates of nutrients feed plants called dinoflagellates.

In this case the color spreading across the water is bright red.

For white, try some of the Southern rivers where textile and carpet mills pour milky wastes that float lazily downstream.

For black, try the goo that spills from oil companies on the Delaware.

Yellow is the color of mine acid. You can see it on the headwaters of the Monongahela and some of the streams that feed into the Potomac and Susquehanna. Rusty red also is the color of mine acid. In the Ohio-pyle section of southwestern Pennsylvania not long ago, mine acid got into a stream, and a place called Cucumber Falls ran red for a year and a half.

Blue? Sure. In Clarion County, Pa., a printing plant reprocesses used paper. As a result, the Clarion River runs inky blue.

Where industry pours a variety of wastes into the water—the Buffalo on its way to Lake Erie, the Calumet near Chicago, the Ohio at Memphis, Tenn.—the colors run the spectrum.

Then, too, a river can look perfectly clear, but be filled with a pollutant such as oil-well brine, which is so strong it can corrode ship bottoms.

Are there no clean rivers?

Asked to name one relatively clean major river system in the United States, federal officials just shake their heads. There is none.

American rivers generally fall into three categories—dirty, very dirty and dirtiest.

Staffers at the Federal Water Pollution Control Agency (FWPCA) prepared this list of the nation's 10 dirtiest rivers: The Ohio; the Houston Ship Canal; the Cuyahoga in Ohio; the River Rouge in Michigan; the Buffalo; the Passaic in New Jersey; the Arthur Kill near New York City; the Merrimack in New Hampshire and Massachusetts; the Androscoggin in Maine, and the Escambia in Alabama and Florida.

A runner-up list of 10 very dirty rivers also is available. The Potomac made this list. So did the Mississippi, the Missouri, the Hudson and the Connecticut.

All this is not to say that every American river is getting progressively more polluted, or that nothing is being done about cleaning up the rivers and lakes.

Water pollution is an old story in this country, and so is the fight to stem it. Over the last dozen years, governments at all levels have spent \$5.4 billion to attack water pollution, and industry has spent billions more. And the effort has achieved a measure of success.

The Potomac is one example of a river that is cleaner than it used to be. At the turn of the century, the Potomac was the source of typhoid infection. Just a few years ago the Blue Plains treatment plant, which serves the District and suburban Maryland, was removing only 40 percent of organic pollutants. Now it's removing 60 percent.

But this kind of progress brings little comfort to the nation's water-pollution specialists. They look instead at the mountains of waste still pouring into U.S. waterways, at the backlog of treatment-plant construction, at new breeds and sources of pollutants, and at the increased amounts and concentration of pollution that will accompany future growth.

The complexity of the task facing the experts can be illustrated in this oversimplified example:

Putting up a better sewage treatment plant in a city might cut the amount of pollutants going into the river by half. But if, after a number of years, the increase of municipal and industrial wastes doubles, that city's river is just about as polluted as it was before.

Then, too, water pollution is spreading to new and dangerous battlefronts.

A river might very well be more free than in decades of such traditional pollutants as sewage.

But American industry, it has been estimated, turns out a new chemical compound every 20 minutes. Some of these substances are highly toxic and difficult to treat.

Industry also turns out that modern wash-day miracle, the detergent, which depends on the nutrient chemicals phosphate and nitrogen. In the water, they serve as food for plant life—and eventually can choke waterways. Scientists call this eutrophication.

On top of this comes the threat of pesticides in the water—and radiological emissions from atomic-generated plants.

A further threat to water quality comes not from a waste but from heat, or what is known as thermal pollution. Heated water used for industrial cooling is returned to the nearest waterway, often disrupting the balance of aquatic life.

Pollution is no longer limited to surface waters. Only in the last year have the scare stories begun to spread of what's happening to the underground water supply. Deep disposal wells leaked, or "blew out," sending their contents—brine in Texas and Kansas, cyanide near Buffalo, a variety of chemicals near Denver—into the water supply.

And pollution is no longer limited to inland waterways. Oil spills, offshore dumping, and pesticides carried by winds have raised a new spectre—pollution of the world's oceans.

David Dominick, the young chief of the FWPCA, is alternately gloomy and optimistic over the water-pollution problem.

He sees little or no progress having been made in the last decade, but with a greater commitment by all concerned, believes the nation's waters could be significantly improved in the '70s.

But with no greater commitment than the nation is now making, he believes the most serious consequences would follow.

"We could get to the point where water no longer would be an economic resource," said Dominick. "Our industry would be crippled, our municipalities would be crippled."

In terms of what worries scientists, public officials and the public, water and air pollution are the big two of the environmental problems. But the two cannot be equated.

In one sense, polluted air is more insidious because it is impossible to contain. The reverse of that proposition is that water, since it is more contained, can get incredibly dirty. No given volume of air is poisoned to the extent that Lake Erie is poisoned.

Then, too, the sources of water pollution are numerous, disparate and frequently indirect in nature as to defy coordinated attack.

For example, a chemical firm might install waste-treatment devices at its plant along a California river, and the river would not be polluted. But that company's products are sold across the country and, after used, may end up being discarded in thousands of rivers and lakes.

Pesticides and detergents are the most obvious examples of this form of indirect pollution.

A final distinction between air and water pollution boils down to one word: Money.

Up to now, government and industry have spent far more money on water pollution than on all other forms of pollution combined. And if the nation makes a commitment to clean up the environment, by far the greatest part of the money involved will have to go to the water program.

Two years ago the FWPCA, which is part of the Interior Department, put out a document saying that to bring our waterways up to federal standards by 1973, it would cost some \$20 billion. This estimate, now perhaps too low, included only municipal and industrial waste treatment. It excluded the costs of controlling a wide range of other contaminants such as sediment, animal feedlot runoff and acid mine drainage. (Just to halt mine acid runoff, other studies have shown, might cost \$6 billion.)

And the report ignored the cost of separating sewage lines from storm drainage lines in the many cities where they are combined. This cost never has been calculated, but its enormity is indicated by one estimate for Washington alone—\$1 billion.

Whatever the grand total, it is formidable. Certainly, the nation has not shown it has been willing to spend anything close to that amount.

Partly because of that, partly because the environment has become such a visible issue, and partly because of sheer political antagonisms, water pollution promises to shape up next year as one long fight over money.

Congress passed the landmark Water Quality Act of 1965. It directed the states to draw up water quality standards for their municipalities and industries, and promised these states steadily increasing amounts of money to help finance waste treatment plants.

Some of the states—Maryland, New York and Michigan among others—took Uncle Sam at full faith and charged ahead with ambitious antipollution programs.

But the promised federal money failed to come along.

For fiscal 1968, Congress had authorized a prior authorization of \$450 million, three times what had been spent the year before. But with the Vietnam war and other budgetary strictures, the Johnson administration asked for, and Congress appropriated, only \$200 million.

The advance authorization for fiscal 1969 was \$750 million. All that came along was \$214 million. For this fiscal year, the advance authorization was \$1 billion. But both the outgoing Johnson administration and the new Nixon administration chose to hold the line. They asked for only \$214 million.

But this year, with the White House and congressional leadership split along party lines, the revolt came.

Congress appropriated \$800 million for water pollution grants, far more than the President wanted to spend. A question now is how much of this money the administration will release, or how much it will seek to hold back in the campaign against inflation.

If Congress' actions were in part motivated by politics, they also came in response to growing pressures back home. The failure of federal funding promises in the last several years had triggered bitter reactions at the state level, particularly in those states that had jumped out ahead in water-pollution programs.

Maryland, for instance, had launched a 4-year, \$150 million program making one guarantee after another to local communities for the construction of treatment plants. Under the federal legislation, it had counted on up to 55 percent federal matching grants. But the federal subsidies so far have run about 10 percent.

Not yet through its third year, the program is just about out of money.

There's little secret about what the President wants to do for his 1971 program. With no elbow room in the budget, with inflation yet unconquered, the war not yet ended, he wants to replace direct cash grants with the promise to help pay off bonds for sewage treatment works over a long period of time.

Under this plan, municipalities would float some \$10 billion in bonds, with Washington paying off all the principal but none of the interest, over 20 years.

The argument for it is that communities throughout the nation could begin work now on the facilities they need. Moreover, by spreading out its obligation, the federal government would spend at most \$500 million a year, far less than that in the first year or two.

But even before the plan is announced, arguments are building up against it. A number of congressmen, including Maine's Sen. Edmund Muskie, chief architect of the Water

Quality Act, are poised to fight it, and to go for big cash-grant appropriations.

From the states, the reaction to the tentative federal plan is far from enthusiastic.

"It's unrealistic to expect the locals to play banker for the federal government," said James Coulter, deputy chief of Maryland's Department of Natural Resources.

The smaller and poorer the community, the more trouble it will have trying to enter today's tight bond market, argued Coulter. He further said such a plan would about cut in half the 55 percent federal subsidies promised under the Water Quality Act.

Meanwhile, until more money comes along, and as the bond market tightens, the backlog is growing.

Two years ago, according to FWPCA, 44 percent of the nation's urban population was served by less than adequate treatment facilities, or no facilities at all. For many states, the figure was far higher—New Jersey, at 75 percent, Michigan at 79 percent, Maine at 93 percent.

"I think we're even worse off now," said Dominick.

The FWPCA chief is pinning some hope on new technology—notably a method of treating municipal wastes through activated carbon and other chemicals. It will be given a try at Washington's Blue Plains plant.

Said Dominick: "If it works, it should be much simpler and cheaper than the usual secondary treatment process. It should do for waste treatment plants what transistors did for radios."

But it will be 18 months before results can be properly assessed. Meanwhile, Dominick reports running into resistance, in Washington and elsewhere, from the waste-treatment industry.

"I think what we've got on our hands is a sewage-industrial complex," he said.

But for all the debate to come over big sums of money, many of the people directly concerned, from top federal officials to men like Coulter and a growing number of local officials, realize that money alone won't eradicate water pollution.

First, there is good reason to believe that money now going into waste treatment plants across the country could be spent far more efficiently.

Two months ago, in a tough report, the General Accounting Office told Congress that the benefits from billions of dollars of spending on some 9,400 treatment plants in the last 12 years "have not been as great as they could have been."

GAO's reasoning gets to the heart of the traditional grant-in-aid process.

Consider a river lined by two dozen communities and a lot of industry. Administrators in possibly five of those communities know the bureaucratic application route well enough to get money for treatment works. But the river remains dirty because all the other communities and the industry continue to pour untreated waste into the river.

Said the GAO report: "The program to date has been administered for the most part using a shotgun approach—awarding construction grants on a first-come, first-served or readiness-to-proceed basis. Little consideration has been given to the immediate benefits to be attained by the construction of individual treatment plants."

Ralph Widner is director of the Appalachian Regional Commission, serving an area sorely beset by both water and air pollution. He puts it this way: "What we have is the accidental consequences of the grant-in-aid approach. There has been no systematic attack."

If Congress listens to GAO and other critics, it may insist on the application of systems techniques, leading to treatment systems serving large areas.

Said Maryland's Coulter: "It has to come. Just as we have state highways and inter-

state highways, we'll have the state-run sewage system and regional purification works."

"But none of this will come cheaply. It will cost enormous amounts of money."

The GAO report didn't say so, but there are other reasons why money for cleaner water can go down the drain.

One is that the agencies of government often work at cross purposes.

What happened on the Ohio River is a case in point. With a population of 24 million and some 38,000 industrial plants in its 10-state drainage area, the Ohio has been the target of the biggest cleanup effort ever directed at a major American river. Nearly \$1 billion has been spent in the last 20 years.

But over the years, too, the Army Corps of Engineers has been busy improving the river for navigation. In effect, the Ohio has been turned into a series of reservoirs.

These reservoirs were given little flushing capacity. Waste, along with heat from thermal pollution, builds up. Aeration is low.

Over-all, these projects have offset a good part of what the clean-water program promised to accomplish.

Water pollution specialists also agree that beyond money, enforcement of tough standards is the key to cleaning up the waters.

In the past, the federal government has for the most part relied upon the states to "get tough" with local governments and industry.

One federal official describes why this so often hasn't worked:

"At the state government level, industry can be politically potent. Often the biggest firms, maybe the biggest polluters, are the biggest contributors. What's more, the states traditionally have competed for new industry. They're more scared of driving industry away than they are of water pollution."

Lately, on interstate waterways, the federal government has shown a willingness to bear down. After extensive hearings last year, it threatened to sue the city of Toledo and four industries in Toledo and Cleveland for not taking steps to end the pollution of Lake Erie. It remains to be seen whether Toledo and the four firms comply with clean-water standards—and if not, whether the FWPCA refers the matter to the Justice Department.

Dominick and his aides say that among each of the major industrial groupings—steel, chemicals, oil, forest products—there are good guys and bad guys, firms that get plus ratings, and firms that act with what one official calls "19th Century abandon."

In the steel industry, for example, U.S. Steel gets good marks. It's not perfect, but it spends money and tries hard. Republic Steel is on the other end of the FWPCA scorecard. One of the four Ohio firms the agency threatened to sue last year, Republic refused to testify at the hearings on grounds the issue was strictly a state matter. (Interestingly, the state of Ohio refused to testify on the same grounds.)

Dominick is seeking legislation that will make it simpler to crack down on violators. But even if that comes, the question is how much farther Washington will go to crack down, to play the heavy. Said Dominick:

"If we get the type of national priority commitment that cleaning up the water deserves, it will be a clear mandate to go after the offenders."

As a whole, industry is spending just about the amount called for in the Water Quality Act goals. At last count, it was on the order of \$600 million a year.

Industry no doubt will be called on to spend more in one way or another. Public pressure is growing. Congressional pressure is growing. Wisconsin's Sen. William Proxmire, for example, following on the heels of the GAO report, introduced legislation that would place a user tax on industry, depending on the amount of waste it dumped in the water.

Higher product prices? We're already paying them—not only for what industry invests to treat its own wastes but also what some firms, notably in the medical and food fields, must invest to treat dirty water even before they use it.

As the nation's water pollution fighters go about their business, they face the prevailing problem of setting priorities. What should come first?

Widner, thinking of Appalachia with its strip-mine runoff and acid-laden abandoned deep mines, its old industry and impoverished towns still pouring untreated wastes into the river, talks of the issue in these terms:

"We have this tremendous legacy of neglect, all the problems from the past, that are still with us. It would take more resources than we have to eliminate them. And even if we tried, there are all the new problems coming along."

For Interior Secretary Walter J. Hickel, Dominick and their aides, many of these problems are pressing in more swiftly than anyone could anticipate even a year or two ago.

Consider the eutrophication menace, only recently recognized by scientists.

Last month, Rep. Henry Reuss, D-Wisc., held a series of hearings that wound up with a scolding of scientists, both in government and industry, for failure to find a pollution-free detergent. Now FWPCA is stepping up its research efforts in that field.

The pollution of underground waters is something else. It will not be solved by research. It will be solved by regulation.

"It's a treacherous problem—out of sight, out of mind," says Dominick.

Now this form of pollution is growing more visible—and so are demands to do something about it.

Until now, the federal government has largely ignored it, permitting industry and the military to multiply the number of deep wells for disposing of poisonous wastes.

Dominick now promises that a strong federal policy will be coming along soon.

Ocean pollution is something else again. No one nation can deal with it. It's a problem with scientific, diplomatic and legal implications that environment specialists and public officials are only beginning to come to grips with.

A MEASURE OF POLLUTION: BLACK RING MEANS POTOMAC SEAGULL

Donald Lear knows a Potomac seagull when he sees one; it has a black ring around its middle.

"It dips down only so far for food," he said. "The muck on the surface collects in the same place on its body."

Lear notices any number of things like that. He is chief of the ecology section of the Federal Water Pollution Control Administration's Chesapeake Field Station.

Not long ago, at The Evening Star's request, he was out on the Potomac, at Tanttallon about a dozen miles below downtown Washington, trawling for fish. The purpose of the venture was simple—to test the effects on fish of polluted water in the Washington area, particularly at summer temperatures. Lear looked around him.

"You know, what's hard to measure around here is what we don't have, forms of life we used to have."

SWANS DISAPPEAR

Swans used to come to the Potomac, said Lear. The underwater grass they fed on is dying.

Fish life is less abundant in the Chesapeake Bay tributaries than it used to be. This is particularly true of the Potomac near Washington.

Among the species that have declined in recent years are the Atlantic croaker, the spot, the American shad, the bluefish, the

Atlantic sturgeon, the menhaden and the sheephead.

Other species are hardier, some of them tolerant of pollution. They include the white perch, which is what Lear eventually caught—several dozens of them, alive and well.

The test water came from two places upstream—off Kennedy Center, near the confluence of Rock Creek, and from the channel just below the Blue Plains treatment plant. At both places, with favorable winter temperatures, measurement showed enough oxygen in the water to support fish life.

Back at the field station in Annapolis, it was a different story. Lear knew what would happen. The fish weren't all that hardy.

He put about four fish each in various containers, with water from each of the two sources at both winter and summer temperatures, and with some of the water forcibly aerated and some of the water left alone.

After 14 hours, all four fish were dead in the tanks where water from both the Kennedy Center and Blue Plains had been raised to summerlike 82 degree temperature.

"It was simply lack of oxygen," Lear reported.

The effect of raising the temperature of water is to reduce the solubility of gases, thus lowering the amount of dissolved oxygen that water life needs. At the same time, the need of organisms for oxygen increases. Pollution hurts, since it raises what is called the biological oxygen demand, a measure of the demand on the water oxygen to break down organic wastes.

ABSOLUTE MINIMUM

Biologists consider four parts of dissolved oxygen per million parts of water a standard of what fish require. Two parts per million, they say, is an absolute minimum.

When Lear began the test, the Kennedy Center water contained 8.5 parts of dissolved oxygen, the Blue Plains water 5.9 parts. Fourteen hours after the water was heated, both tanks of water tested at less than one part of dissolved oxygen per million part water.

Some of the other fish died, too. For instance, in the tank with heated but aerated water, with the dissolved-oxygen rating still at 5.5, two of the four fish died after 21 hours. Why? That's uncertain.

According to Lear, for the last several years, fish kills have occurred in the lower Potomac in the third week of May. He expects another one this year.

"We still don't know why," said Lear. "One year we suspected pesticides, another year we had the fish tested for disease. All the lab tests proved negative."

Fish can die, even in large numbers, through natural as well as man-made causes. For this reason, dead fish are not always the evidence of polluted waters.

But Lear and his fellow scientists are the first to say that cleaning up the water is the key to keeping more waterlife healthy and to permit fish to populate waters, like the Potomac through Washington, where they no longer live.

THE WARY ALLIES IN THE POLLUTION FIGHT (By Mary McGrory)

The White House and the campus youth are a little surprised to find themselves on the same side of a question. On the matter of clean air and clean water, however, they are agreed—although neither expects too much of the other.

The White House is naturally gratified that anti-war demonstrations no longer constitute a real and present danger. Their fear is that their prospective efforts in pollution control will be considered insufficient by their new allies, who will quit the field in frustration.

The young people suspect that President Nixon may be more inclined to talk than to

act in what they regard as an emergency, but they think the issue may help to reduce the antagonism between the generations and give students a more positive reputation.

NOT JUST A PROTEST

The young say they are in the anti-pollution field to stay.

"This is not just a protest movement," says Wellesley senior Joan Entmacher, who mimographed speeches for Sen. Eugene McCarthy, D-Minn., during the 1968 campaign. "A lot of us are going into law, engineering and business school and intend to make careers out of improving our environment."

The White House, which has always been dubious about the commitment of youth, except on the war, thinks that ecology may be a passing fancy.

"Pollution today is like poverty in 1964," says a cautious White House aide. "Everybody was against it, and they thought community action was the answer. I hope they don't make the same mistake on pollution. If it has to be irate mothers and students marching on a paper factory, government is not adequate. We've got to have regulations that will enable the industrialist to change his ways and still not be at a disadvantage with his competitor."

POGO IS QUOTED

Both sides agree there is no clear enemy in pollution.

Miss Entmacher quotes Pogo to make the point: "We have met the enemy, and they are us. We all drive cars and we are all consumers, and we've all bought the idea we have to keep increasing our Gross National Product."

A "statement of purpose" from "Environment!" a New York-based young people's organization, and one of many, puts it this way:

"The only natural resource left on this planet that man seems unable to reduce to the disaster level is the capacity for discontent. Our organization is designed to harvest this resource and apply it to the complex problems of survival . . . We are sophisticated enough to know that Vietnam, civil rights, Biafra and all of the other apparently consuming problems of our time will be academic if the environments our planet lose their integrity and their power to support the lives of men."

The young people are using the skills acquired in 1968, organizing, canvassing and petitioning teams, speakers' bureaus and leafletting squads to meet what one Boston group calls "this grave ecological crisis." "Dump-ins" to dramatize bad trash collection and the non-returnable bottle problem are planned.

All activity is pointed toward the April 22 teach-in, a nationwide, nonpartisan effort initiated by Sen. Gaylord Nelson, D-Wis. Rep. Richard Ottinger, D-N.Y., a pioneer "ecofreak," as the new activists call themselves, is organizing his whole state for participation.

He has contacted about 4,000 students, urged them to take "pollution inventories" in their districts and encouraged law students to take down existing anti-pollution statutes with a view to bringing action against polluting factories. He himself successfully sued the Pennsylvania Central Railroad and the Corps of Engineers for pouring oil in the Hudson River under an 1888 law.

In his first newsletter to campus workers, Ottinger said, "Most organized abatement efforts so far have tended to deal with the broad issues in a 'statesmanlike manner'; no name-calling; no direct action." The fact is that, in spite of laws and good intentions, most of the polluters, public and private, will go right on polluting until someone blows the whistle on them individually and makes it either too expensive or too embarrassing for them to continue."

The youth and the President will now be watching each other to see which of them has the muscle and the commitment for the long haul to make the country habitable.

A WORLD IN DANGER—4: GARBAGE PILES UP AND UP, AND UP, AND—

(By Roberta Hornig and James Welsh)

Before affluence, people did not have much to throw away. Last year, Americans threw away 7.6 million television sets.

Housewives used to find a use for coffee cans, jelly jars, and other containers. Last year, with so many containers on store shelves that even the most economy-minded were overwhelmed, Americans threw away 50 billion cans, 30 billion bottles and jars and about 4 million tons of plastics.

During World War II days, old cars went to the scrap yards and the metal was salvaged. Last year, Americans junked 7 million cars and trucks. In New York City alone, about 1,000 vehicles a day were simply abandoned.

America is not just a consumer economy. It is a throw-away economy, which by its very nature is creating problems of avalanche proportions.

It was officially recognized by Congress in 1965 as the "third pollution," following water and air pollution. And because no one can think of a better name for it, it is called "solid wastes."

These are the solid discards that are neither liquid nor gas. Besides everyday garbage and trash, these range from old refrigerators to dead animals, to the immense amount of scrap and wastes that industry and farmers no longer want.

What happens to them? After they're thrown away, left for the municipalities to pick up, the municipalities usually throw them away too—into dumps.

It is old fashioned, but open dumping still accounts for 85 percent of the way this country is "disposing" of its wastes.

People do not think about garbage very much. They don't want too; they don't like to see it around.

But, dumping uses up a lot of land. Experts say garbage has damaged about 7,000 square miles of the country—a country in which land is becoming scarcer, particularly in the metropolitan areas.

And as metropolitan areas grow, dumping grounds get farther away—making trash transportation cost more than it does already.

What are the alternatives?

Burning is the most common one.

Some communities still permit "open burning" at dump sites, but there is increasing pressure to stop it because it contributes to air pollution.

Incineration appears a more logical step, but even incinerators are undergoing a rash of criticism. Between 8 and 10 percent of the nation's garbage is burned in incinerators. A study by the Public Health Service in 1967 revealed that 75 percent of these are unsatisfactory because they dirty the air.

Many of them don't do a very good job, either. Gerald F. O'Leary, president of Boston's City Council, told a Senate committee recently that in his city "You can put a telephone book in the incinerators and come out and read it."

Larger metropolitan areas are turning to burying garbage. It is called "sanitary landfill," which is a refinement of the open dump. In some places, including Washington, these are fairly sophisticated.

Properly planned, landfills cover each day's garbage load with six inches or more of compacted earth and in such a way as to prevent ground and water pollution.

Washington went this way, and now it has one of the model landfills in the nation.

Just two years ago, the Kenilworth Dump, located about four miles from the Capitol,

was rated by the Public Health Service as the worst air-polluting, open-burning dump in the nation.

Today, after being filled in with a half million tons of trash and with the help of a federal grant Kenilworth is about to become converted into a 300-acre park.

Washington is already on its second landfill, at Oxon Hill. In about two years, it will become a golf course.

But landfills, which handle about 5 percent of the nation's garbage, cannot be considered a final solution. Besides posing a possible water pollution threat, they are a land-gobbler.

New York, Philadelphia, San Francisco and Boston will be running out of garbage burial grounds within the next five to 10 years.

Washington is going to have to turn to Prince William County, at least 20 miles down the Potomac River, for its next landfill operation. This one will be the most up-to-date of its kind, with garbage baled, then barged, to burial.

Some garbage already is barged for burial at sea. A recent study by an oceanographer at the Stony Brook Marine Resources Center on Long Island says that 8.6 million tons of material are thrown annually into the Atlantic Ocean, up to five miles out to sea from the New York area. The effects of this practice are as yet unknown, but frowned on by federal officials.

At the present rate, this country is throwing out 3.6 billion tons of solid wastes a year.

On the average, every man, woman and child in America generates 5.3 pounds of garbage a day. The rate in the 1920s was 2.75 pounds per person, and experts predict that in 10 years, the figure will leap to 8 pounds each.

This is a faster growth rate than our population. In fact, the U.S. garbage growth is double its population growth.

Much of the reason for the garbage heap is the nation's new affluence: More money equals more goods equals more trash—and more complicated trash at that.

Some of the goods and gadgets finding themselves on supermarket shelves are not for burning. They won't burn.

And some of what people buy won't deteriorate under any normal circumstances. Throw a cardboard carton away and it eventually disappears through natural biological processes. Try the same thing with some of the plastics and they will be there almost forever.

Garbage is a problem everywhere in the country.

Where people are poorer, and the communities poorer, different orders of garbage problems appear.

The report of the National Advisory Commission on Civil Disorders to President Johnson in 1968 pointed to the effects of garbage—which mostly amounts to food wastes—on the inner cities.

"It must be concluded that slum sanitation is a serious problem in the minds of the urban poor," the report states, pointing to the "peculiarly intense needs of ghetto areas for sanitation services."

But country areas have their garbage problems as well.

In Kentucky, for example, the local municipal units are so small that there is no standard trash collection. So people dump anywhere.

A few years ago, following the lead of Mrs. Lyndon B. Johnson's beautification program, Kentucky started a "beauty program" of its own, and created roadside rests with litter barrels.

The public's assumption was that litter barrels were placed for trash. Soon after the program began, so much trash accumulated that the litter barrels were hidden.

Nationwide, trash collection is an extremely expensive proposition.

John F. Collins, former president of the

National League of Cities and one-time mayor of Boston, puts municipal waste disposal costs at \$3.5 billion annually.

This would make solid wastes the third largest municipal expenditure, behind education and highway construction.

It took a long time for Congress to become concerned with it because, like other people, garbage was not uppermost in the mind.

Garbage caught the attention of Sen. Edmund Muskie's air and water pollution subcommittee when it was discovered that garbage burning in open dumps and incinerators was causing much of the nation's air pollution.

Almost as an afterthought, prodded by Muskie, Congress added the Solid Waste Disposal Act of 1965 to the Clean Air Act.

It called for finding and developing better ways of handling garbage and for grants to states through 1970. The authorization was for \$100 million. But the Vietnam war costs got in the way and less than \$20 million was actually appropriated.

Muskie's subcommittee has drafted a much more sophisticated law—the Resource Recovery Act—which will come up this new session of Congress.

If passed, this legislation would earmark \$800 million over five years for research and construction grants to come up with new technology to recover, reuse and recycle what now is just thrown away.

The general theory behind the proposed law is that in its inefficient methods of disposing of wastes, the country is wasting valuable national resources.

Richard D. Vaughan, director of the Department of Health, Education and Welfare's Bureau of Solid Waste Management, goes along with the general philosophy behind the new Muskie proposal.

For the last few years, waste-equipment manufacturers have been rushing into production with garbage shredders, pulverizers, grinders, compressors, compactors, balers and collection trucks with new gadgets.

The Reynolds Metal Co. has a highly successful project going on in Los Angeles and Miami, and is paying 1/2 cent a can for the return of beverage cans. These cans, which cause problems when dumped because they don't "degrade," are then "recycled" by the company and converted into a new use as secondary aluminum products. The project will be expanded soon.

Paper companies are trying to recycle their wastes. The Crown-Zellerbach Corp. reports that about 20 percent of corrugated boards are returned to the manufacturing process.

Glass technologists have also been experimenting with several ideas for using scrap glass.

One of the problems facing industry is that there are not many secondary industries around to buy, and reuse, products.

The Solid Waste Management Bureau has recently let out a contract to the Midwest Research Institute in Kansas City to look at available and potential markets.

In New York, the bureau is testing a "vacuum collection system" in an apartment house. This device picks up garbage like a vacuum cleaner, eliminating the need for collection.

Other research involves a super-incinerator that could produce electricity while it burns garbage at even, high temperatures. The most modern incinerator in the world—in Dusseldorf, Germany—generates electricity.

At Clemson University, work is underway on a new kind of bottle that dissolves in water.

The bureau also is trying to come up with ways to use wastes. For example, it is throwing old tires into the Atlantic for fish breeding beds.

The Interior Department's Bureau of Mines also is in the solid wastes research business.

Among its projects is making building blocks out of garbage, a scheme similar to one in Japan. Under the Japanese method, raw garbage is compressed into a block under pressure.

Some experts are dubious about this scheme, however, and are warning that it is possible the garbage-blocks could build up methane gas and explode.

Thus far, though, Vaughan's answers to the nation's junkpiles boil down to the necessity for moving on many fronts at once.

An obvious one is an attempt to improve trash collection methods to get away from the trash-and-carry method. Research contracts are being let to this end.

Another is better incineration. Incinerators will probably be around for a long time. Sanitary engineers are working toward getting ones that burn trash better and that have a secondary use, reclaiming some of the energy the burning gives off.

Another answer, Vaughan believes, is recycling products—that is, getting trash, such as metals and paper, back to a base state and finding a new, secondary use for them.

Alternatives to the "non-biodegradables," like plastics, that don't break down naturally also should be found, he says.

Ultimately, Vaughan says, the housewife may have to change her habits and learn to separate trash, keeping bottles and papers, say, separate from food wastes.

But most important of all, Vaughan says, is to cut down the sheer volume of wastes.

The war on garbage may also ultimately require reusing everything from milk bottles to equipment on old cars, or even a tax on the amount of wastes the consumer generates.

All the answers add up to greater costs—to someone. The question is: will the consumer get caught in the middle?

SOME GARBAGE IS UNTOUCHABLE

Sometimes, trash comes to Washington's O Street Incinerator in portfolios and briefcases.

Call it America's super-secret disposal. It cuts down slightly on solid wastes; it adds slightly to air pollution.

Ever since World War II one of the burners at the 1st and O Street SE Incinerator has been reserved pretty much for hush-hush stuff—at least the stuff that isn't filed somewhere.

It's one of the public services Washington provides in a city that's full of agencies with secrets.

Almost everyday, limousines, private cars or government trucks drive up—sometimes with armed guards—and deliver trash. It comes by portfolio and briefcases, in paper bags, even cardboard cartons.

The delivery man, often dressed in a business suit, "checks in," then sits by the fire to make sure the trash burns.

The fire-watching can last anywhere from a half-hour to most of the day.

The incinerator's biggest customer now is the State Department, Foreman Charles Brown says.

But customers also include military agencies, the Federal Bureau of Investigation and, at times, the Central Intelligence Agency—although the latter has its own "self-destruct" unit.

Besides the government sources, the trash burner is also used at times by lawyers and private firms, most of them dealing in research.

"I guess they don't want the other fellow to know what they're doing," Brown surmises.

At one time, embassies used to make use of the hush-hush burner, but now they use it rarely—and then it's only by the British.

Some countries, of course, want to make sure their garbage doesn't fall into enemy hands. The Russian Embassy, for example, is believed to have its own incinerator at the embassy. But this is hard to confirm; the

Russians don't want to talk about what they do with their trash.

Brown says that the Washington secret trash load has gone down considerably since the great war, although he doesn't keep a tonnage count.

People sometimes have to stand in line now, but not too long, he says.

But in World War II days, the line often went around the block.

Once during the war, Brown recalls, the Washington city government got a complaint that sugar, then being rationed, was being burned.

What caused the rumpus, he says, is that the old OSS used to deliver its secrets for burning in sugar sacks.

A WORLD IN DANGER—5: THE DAY LBJ WAS ALMOST SPEECHLESS

(By Roberta Hornig and James Welsh)

Not long after he died in 1967, poet Carl Sandburg was honored at a ceremony at the Lincoln Memorial.

President Johnson sat there while one dignitary after another rose to speak. Johnson couldn't hear much of what they said. Almost all he could hear was the jets overhead, coming down the Potomac on their landing run to National Airport.

As his own turn to speak approached, Johnson turned to Interior Secretary Stewart Udall.

"Get rid of those jets," he ordered.

A startled Udall spoke to the nearest Secret Service man, who quickly telephoned the presidential command to the airport. By the time Johnson rose to speak the noise had stopped. And throughout his address, the jets remained miles upriver, circling.

As the story goes, this is a big reason Washington became as involved as it now is in trying to curb excessive noise. It wasn't long after the Sandburg ceremony that federal officials began speaking out much more strongly about "noise pollution" than they had in the past.

More substantial reasons aren't difficult to find. Largely they stem from the widespread introduction of jet aircraft to places like National Airport, and the fact that if a citizen is bothered by the sound, he can't order the jets turned around like Johnson did.

Protests and lawsuits over noise have been on the rise. Major lawsuits are under way contesting airport noise in New York, Chicago and Atlanta.

And so noise has become the latest environmental hazard to get the federal government's seal of disapproval. Springing from 1968 legislation, a new noise-abatement office is operating from the Department of Transportation. And a few of the states have similar offices.

But should noise, which is usually defined as unwanted sound, be equated with the widely prevalent and publicized forms of pollution?

Yes, say some specialists. They cite the warning of Nobel Laureate Robert Koch some 60 years ago: "The day will come when man will have to fight merciless noise as the worst enemy of his health." They warn that if noise levels continue to rise as they have in the recent past, what is now a threat could be lethal.

No, say others. In order of magnitude and concern, noise is not in the same class as what's happening to the air and water, they say. And it is not, in a technical sense, a pollutant, since to pollute means to soil or dirty. Noise does not soil or dirty, nor does it accumulate as waste accumulates.

Yet there is general agreement that excessive noise, if not pollution, nevertheless can be a menace to health and well-being.

Moreover, if it does not threaten the environment, it lowers the quality of the environment.

The same thing is often said of other by-products of modern life, especially urban life.

The billboards protrude; the power lines and freeways cut across the land; roadside commercial blight spreads; open land diminishes; ugliness prevails.

All of these things relate to the question of what can be done to make urban living more pleasant. It's a question that can lead to endless debate.

The answers are not easy. For example, if highway construction is halted, it creates greater traffic congestion. Or if housing development is blocked over a huge area, it drives prices up and contributes to the density of other areas.

One thing is certain: Concern for the amenities is assuming greater importance. It is inseparable from the over-all environmental issue.

Noise, unlike ugliness and blight, can be measured with great precision. For purposes, it is measured in decibels (db), which are units of acoustic pressure levels.

The numbers can be deceptive. The sounds inside a quiet residential home might average 40 db, the sounds of a busy downtown street 80 db, the sound of a pneumatic air hammer 120 db.

But this doesn't mean the street is twice as noisy or the air hammer three times as noisy as the home.

Decibels rise by logarithmic ratios, so that a 50 db noise is 10 times as intense as a 40 db noise. For each additional 10 db, multiply by 10. The busy street, then, is 10,000 times as loud, the air hammer 100 million times as loud as the quiet living room.

Not long ago, Malcolm C. Hope, the District's associate director for environmental health, and Harry Gilbert, his specialist for noise problems, took a ride through the Washington area.

Inside the car on upper Connecticut Avenue, the needle of Gilbert's audiometer flickered in the 50 db range. Quiet enough. A window was opened; the needle went past 60 db, and when a truck passed, it went to the mid 70s.

"This is nuisance level, nothing dangerous," said Gilbert.

On to Washington Cathedral. Very quiet. Inside, the audiometer measured the hushed sounds at about 40 db, until the organ began playing. At the cathedral's great crossing, the organ measured 72 db.

Back downtown, the window open at Connecticut and K Street, the needle pointed up toward 80 db, higher when horns were sounded. It hit 95 when a bus revved up.

Hope noted that tribes in Africa living in a quiet isolated environment were found to have near-perfect hearing.

"Our 'normal' is really abnormal," he said.

Around to other parts of town:

From nearly 100 yards away, a pile driver in the Southeast measured about 100 db. On the Southwest Expressway, sounds ranged in the 80s. And at the 14th Street Bridge, it went into the 90s as a plane passed overhead.

Finally, to Gravelly Point in Alexandria on the direct landing pattern to National Airport. As a jet came over, the audiometer needle swung to 114. Afterward, the needle dipped, but not too much, for the airport itself is a noisy place. The meter registered 108, 102, 105, then back to 115 as another jet swung overhead.

"Let's face it, the jet is a noisy engine," said Hope. "Exposure to that kind of noise for any period of time is dangerous."

The effects of noise generally fall into four categories.

Noise annoys. A dog barking, a siren screaming, a motorcycle tearing around a corner—any or all can be an irritant. This is not a danger, but it helps degrade the quality of urban life.

Noise disrupts. Above 50 db, it can interrupt sleep. And it can make studying difficult. Above 80 db telephoning can be next to impossible.

Noise can cause loss of hearing. Federally adopted standards say a steady 85 db is about

all anyone should be asked to absorb over the length of a workday. At 95 db, the listening limit should be four hours, according to Gilbert. At 115 db, it is more like 15 minutes.

Dr. Hayes Newby, head of the Maryland University speech and hearing clinic, says "There is no doubt of the damage that can be done. What is deceptive is that the noise levels that can cause damage are well below what is painful or uncomfortable."

Dr. Lloyd Bolling, of the George Washington University speech and hearing clinic, says an increasing number of people are reporting trouble hearing many of them older persons. "Medical science is prolonging life," he said, "but the hearing mechanism deteriorates at the same rate. And we know that exposure to high levels of noise can help speed that deterioration."

Noise may be injurious to physical and mental health. But on this point, the specialists are in sharp disagreement.

The moderately alarmist side begins from this premise:

Man evolved in a relatively quiet world. When noise did occur, it could produce a healthy response. It was both signal and warning.

Now noise abounds, with the abnormal, as Hope suggested, the normal.

Britain's Dr. John Anthony Parr, asked if man has become used to higher noise levels and whether he can get used to more, replied: "Yes, that is true, but only at a price. One cannot ignore a noise, only put oneself in a condition in which we do not make any obvious reaction. It means keeping all the muscles tense so that we are not jumping up and down like a human yo-yo, and keeping ourselves in this state of permanent tension leads on to mental stress."

But some specialists go farther.

At the annual meeting of the American Association for the Advancement of Science recently, a panel of scientists presented papers suggesting that sonic booms threaten the health of unborn babies and that noise may contribute to heart trouble and blood cholesterol. In other studies, noise has been blamed for a wide range of problems—from indigestion to an increase in the divorce rate.

But there is a conservative view, too, and it's widespread.

Drs. Newby and Bolling, for instance, say many of the claims that noise produces various ailments are highly speculative. Many scientists, too, question the validity of the research that led to these claims.

Dr. Leo J. Beranek of the Massachusetts Institute of Technology has long been one of the nation's leading acoustic experts. He believes that many people are unusually susceptible to noise, but many of the reports of the effects of noise are overplayed.

After talking with a reporter for some time, Beranek said:

"Maybe you've found I'm disappointing to interview. The stories that people might wind up dying in the streets with blood running out of their ears might be more exciting."

Beranek believes that 10 to 15 percent of any group of people are highly sensitive to noise. If they are unable to adapt, they should not live near sources of loud noise, he said.

All the experts agree that the world is getting noisier. Jets fly to once-quiet islands. Urban life and noise chase the suburbanite. The farmer uses loud new machinery.

Yet Beranek is one specialist who believes the noise levels in some cities—notably New York and Chicago—are leveling off.

"Transportation is the biggest source of rising noise levels—the planes and the road traffic," he said. "If some cities are getting no noisier, it's because they've absorbed all the traffic they can."

What angers the specialists in this field is that except for the sonic boom, excessive noise produced by technology can be suppressed by technology, and by regulation. The

noise problem can't be completely solved, but it can be ameliorated.

A number of European nations are ahead of this country in reducing urban noise levels. (Not all of them, to be sure; Rome, for instance, is regarded as noisier than any American city.)

But the Swedes and the Danes, the British and the Swiss have set limits for such noise producers as motorbikes and machinery used outdoors. Moreover, while it's still a joke in this country to talk of paper-thin apartment house construction, much of the European housing industry is doing a good job with noise-cutting components.

Quieter jack hammers, air compressors and pile drivers are available. Blasting can be muffled. So can much of American industrial machinery. And the cost frequently is low.

Beranek estimates it would cost no more than \$25 a car, in mass production, to turn out quieter mufflers, better enclosed engines and quieter tires to cut down on road noise.

Col. Charles Foster, chief of the federal Noise Abatement Office, believes the cost would be somewhat higher—but not by much.

Why not require such sound-softeners?

"It's a subject of debate at present," said Foster, "and it isn't that simple."

"Setting federal standards for cars would mean getting into all manner of maintenance problems—the question of how a muffler, for example, performs after the car is older."

Foster's office now is discussing the problem with the auto industry. It hopes to produce noise-muffling recommendations upon which the government could, at the least, specify that when it purchases new vehicles for its own use they have the sound-softening devices.

Working with the National Bureau of Standards, the Noise Abatement Office also hopes to turn out recommendations and ratings for tires, which account for a big part of road noise at high speeds.

But that won't be easy either. A total of 654 tire-tread patterns are on the market today. Some are noticeably quieter than others. Foster fears that the quietest treads, avoiding horizontal indentations, will not be the safest treads.

For regulatory purposes, Foster's office currently is in business for only one reason: to cut down aircraft noise. With its authority spelled out in the 1968 legislation, it requires all new planes to be equipped with quieter engines.

Will noise around airports go down? No. For the foreseeable future, it will go up. Foster is the first to concede that.

All but the newest planes are as noisy as ever. To refit America's jet fleet with quieter engines—up to \$5 million a plane for a 15db noise reduction is one estimate—would be economically prohibitive.

Beyond that one factor, the number of planes in the air will increase. To accommodate them, smaller airports will grow bigger and new airports will crop up.

"We're not going to improve this part of the environment fast enough to please the public," Foster said. "Someday, we may have planes making little noise at all. But right now it's tough. I think we'll see more complaints, more lawsuits."

Militancy is rising on other fronts where urban amenities are threatened. Local conservation groups are battling what used to be considered inevitable forces of development.

As often as not, open land is the focus of conflict.

In Montgomery County, Washington's wealthiest suburb, highway planners couldn't figure a better route for the new Northern Parkway than to run it through a lovely stream-valley park and Wheaton Regional Park. Public hearings in the last few days indicate a massive amount of citizen resistance.

This kind of save-the-land militancy goes beyond the crowded urban areas.

The Potomac Edison Co. wanted to build a 500 kilovolt transmission line across the Potomac about an hour and a half's drive from Washington. Citizen protests—contending the line would have ruined the scenic view of the Antietam battlefield—stopped it.

Now the power company, with the permission of the Interior Department, wants the power lines, with towers more than 100 feet high, to run adjacent to the proposed Potomac National Park. The public outcry continues, reaching a peak this week at congressional hearings.

Nationally, much of the concern for what's happening to the land focuses on parks and recreation holdings—preserving them and adding to them. This is a situation with bleak prospects.

The problem could be called simple—too many people, too few parks. And there isn't enough money to buy new parks.

This is another of the environmental issues that boils down to a question of what the government is willing to spend.

The Bureau of Outdoor Recreation has estimated it would cost more than \$300 million to acquire national parks, including Point Reyes near San Francisco and Cape Cod National Seashore, that already have been authorized. This is to say nothing of the money required for such proposed new parks as the Potomac National River and Connecticut River National Recreation Areas.

This year the Nixon administration asked for \$124 million—half of it to go to the states—and that's what Congress appropriated, despite congressional guarantees of last year earmarking \$200 million a year for parkland purchases.

From what Budget Director Robert P. Mayo told congress, the administration apparently intends to ask no more than the \$124 million in the next fiscal year. And he told Congress in effect: Don't bother authorizing any new parks since it will take years to buy the land for those already authorized.

It's uncertain whether President Nixon, now increasingly aware of public concern for the environment, will raise the ante for buying parklands.

A WORLD IN DANGER—6: DOOMSDAY—IS IT JUST AROUND THE CORNER?

(By Roberta Hornig and James Welsh)

As the environment has come on strong as an issue, so have the Jeremiahs, the prophets of doom.

From all over come the warnings of catastrophe, of man "on a suicidal course," of man "choking on his wastes," of man on his way to "destroying himself and his world."

The time-scale of this doom-crying is not on the order of a thousand nor a few hundred years. It is more on the order of a generation or two, or of the 30 years left until the end of the century.

Dr. Barry Commoner, director of the Center for the Biology of Natural Systems at Washington University in St. Louis and a prolific writer, is in demand at environmental conferences across the country. He had this to say last year:

"My own estimate is that we are unlikely to avoid environmental catastrophe by the 1980s unless we are able by that time to correct the fundamental incompatibilities of major technologies with the demands of the ecosystem."

The urge to warn of disaster is spreading. As likely as not, scientists and public officials discussing environmental problems will lead off their papers or speeches as one did recently:

"Man, in the way he is abusing his environment, is in danger of becoming a vanishing species."

From other quarters, both within and out of the scientific communities, come reserva-

tions, somewhat more conservative views and expressions of skepticism.

"The ecologist," said one top federal official, "must maintain a professional posture: It is to view with alarm."

The skeptical position goes further. It holds that since doomsdaying gets headlines, those who want headlines cry doom. It holds, too, that the emergence of the environment issue has led to something of a "my pollution is more dangerous than your pollution" competition among specialists.

Many specialists, sincerely alarmed over what man is doing to his world—and what he is capable of doing as his numbers grow—feel they are caught in a dilemma: Warn reasonably or talk doom? Their speeches and writings often reflect this dilemma.

For instance, the state official who led off his speech with reference to man as a vanishing species was saying on page three that "doom and gloom" must give way to hard work, and by page seven, the speech was referring to "reasons for optimism."

Asked about this, he said: "Well, I guess a lot of us feel it's necessary to shake the public up."

Then the scare talk is overstated?

"No, not a bit," he said. "If we don't get this environment situation turned around, we could be in for an awful time."

Through all these contradictions, what is the public to believe? Is disaster around the corner? Disaster of what kind, what scope? Which of the doomsday warnings is backed by hard evidence, and which come under the heading of informed—or misinformed—speculation?

The seriously held predictions of widespread disaster fall into two broad areas—climate and population. Briefly they can be put this way.

Increasing atmospheric pollution, partly in connection with ocean pollution and possibly in tandem with natural forces, could bring about radical changes in the Earth's climate—disruptions in the heat balance, in weather patterns and in the atmospheric mix upon which all life depends.

The sustained population increase of this country, aggravating the problems of the environment already present, could bring on serious health problems and a lower standard of living. On top of that, the world's population is increasing so rapidly that, because of food and mineral shortages and inevitably greater pollution, the Earth may not be able to sustain the 6 billion to 7 billion of people who will live on it just 30 years from now.

Large differences exist between these two sets of disaster predictions.

The first, relating to climate, is tougher to prove.

Increasing evidence, some of it in the form of hard data, shows the volume and variety of pollutants going into the air and the oceans. But there is too little data to conclude decisively what will happen to the climate as a consequence.

"These forces are very difficult to sort out," said Peter Weyl, oceanographer at the University of New York at Stony Brook. "The natural system is complex enough even without trying to measure man's mucking with it."

A world cooling, a world warming, a world where precipitation is determined by pollutants rather than acting to cleanse the air of them—all are mentioned.

But large differences of opinion exist, not only among men crossing disciplinary lines but within single fields, including meteorology.

"We are singing different songs, and that's one of the problems," said Dr. A. Murry Mitchell, a meteorologist with the Environmental Services Administration.

Why, then, should climate rate special concern among the environmental disaster predictions?

Because, say those who are studying it,

the atmosphere and oceans—the complex linkage of air-water-land organisms called the ecosystem—is so vital to life. It directly influences the climate and is directly influenced by it.

And because, in light of this, they say, "We don't know."

"What I'm mainly worried about," said Weyl, "is our lack of knowledge." This kind of statement reverberates up and down the environmental scene.

"We are inadvertently engaged in a frightening experiment—with our ecosystem, our life support system," said Dr. Fred Sargeant, dean of the University of Wisconsin's new College of Environmental Sciences. The population worry is something else.

The numbers are there, available in the form of population counts and virtually certain trends.

Calculations also abound of what resources—food, energy and raw materials—will be necessary to meet varying levels of living standards for the coming billions.

This evidence is enough to turn optimists into doomcriers.

Yet there is a paradox here; the experts have never been so divided as they now are on the consequences of overpopulation.

The traditional fear of worldwide famine recently has been challenged from a number of fronts.

Many now say there will be enough food. The environmentalists, meanwhile, have come charging onto the scene, warning that multiplying numbers, together with any real attempt to raise the world's living standards, will result in massive worldwide pollution.

Others warn that before the world runs out of food, it will run out of the minerals and fuels necessary for a decent standard of living.

A battle is shaping up over whether famine or another danger will strike first. It brings no comfort to the experts. Even if they disagree, they see overpopulation as a Hobson's choice: If one thing won't lead to disaster, another will.

But fear of overpopulation is what fuels just about every other environmental fear.

Beyond the global concerns, many scientists believe a localized or regionalized disaster could occur any time in the '70s.

They say, for instance, that with a given set of conditions—stable weather, temperature inversion (cold air trapped by warm air above it) and a deadly mix of pollutants in the air—a city or an urban region could suffer a huge loss of life. Said one of these scientists:

"It's partly projection of trends, partly the laws of probability. You can take your bets on the city. My own pick is Tokyo—you have to see the problems there to believe them."

On yet another front there are those who fear that selective hazards, arising from the climbing presence and long-range dangers of air-water contaminants—pesticides, lead, and mercury, for example—could result in the shortening of millions of lives.

Conclusive data is lacking here. These scientists say "we don't know, but should fear the worst."

Even so, in all the disaster statements, on whatever front, there is careful hedging. The predictions are really just warnings. No one is saying that man is doomed no matter what he does. Even men like Commoner hedge their warnings.

And Lamont Cole, Cornell University ecologist, after ticking off a long list of possible environmental disasters, answered a question: "Oh, yes, I'm optimistic. People are listening now."

Other contradictions are apparent in the thread of the disaster warnings. One of them can be explained this way:

A scientist can simply extrapolate trends and projects what would happen if they continued over a number of years. He would be the first to say that long before his projection runs its course, some other force could forestall it. His speech or article, however,

can get misinterpreted and blown way out of proportion.

And the scientist can make mistakes that get reported over and over.

Cole, for instance, wrote an article on thermal pollution and the Earth's radiation balance for *BioScience* magazine in November. He calculated that, on the basis of man-made and Earth-generated energy emissions, the world would become too hot for habitation in 980 years.

But later he said: "The proposition was sound, but I made a mistake in arithmetic. 'It should have been 130 years.'"

Even so, he was asked, isn't disaster likely to befall the earth before then? "Oh, of course" he said.

The growing alarm over what could happen to the climate and the ecosystem is based on simple biological relationships.

Plants on land and in the water absorb solar energy and, through photosynthesis, convert carbon dioxide and nutrient chemicals to food, simultaneously releasing oxygen to the air. Animal life consumes the food. Animal and other organic waste is converted by micro-organisms to carbon dioxide and other inorganic nutrients that become ready to begin the cycle again.

The air, the land vegetation and the oceans act within this cycle as huge, mutually dependent converting systems. Pollution, so the fear goes, would prevent those systems from doing their job.

As Dr. F. Fraser Darling, vice president of the Conservation Foundation, put it: the oxygen-carbon dioxide cycle is "a system of great age and stability which we are now taxing with the immense amounts of carbon dioxide which we're adding from the fuel we burn."

Ordinarily, more carbon dioxide would favor greater tree growth, locking up the carbon dioxide for a time. But man is cutting down trees in many places.

Another buffer is the immense amount of ocean plant life, particularly the tiny organisms called phytoplankton.

But here, another villain enters: Pesticides.

In laboratory experiments, Dr. Charles F. Wurster, a biologist at the University of New York at Stony Brook, conducted experiments, later backed up in tests at four other labs, showing that pesticides inhibit photosynthesis in the phytoplankton.

Wurster warns that pesticides in the oceans, building through the life chain of deposit great amounts in the bodies of animals, "pose an enormous threat to marine life."

Many species of bird life already are on the decline—the peregrine falcon, the brown pelican, the copper's hawk and marsh hawk, the herons, the shearwater, the albatross. In the sea, said Wurster, the pesticides are selectively toxic, with the danger of species replacing species to the point of large ecological changes.

Wurster predicted the situation will only get worse as pesticide pollution will reach a peak ocean effect 10 to 20 years from now—"sheer madness," he said.

Meanwhile, other scientists and laymen saw in the phytoplankton experiments reason to predict large changes in the oxygen-carbon dioxide cycle. Some went so far as to suggest, as one California professor testified before Congress, that oxygen may run low and that by the year 2000 people will be "gasping for a last breath of air."

Leading meteorologists dismiss that fear.

"I can't think of a more remote possibility," said Dr. Walter Orr Roberts, director of the Center for Atmospheric Research in Boulder, Colo.

He and his colleagues say there is more than enough oxygen in the atmosphere—and with no evidence of oxygen depletion, even to a small fraction of 1 percent.

But over the last several decades, carbon dioxide has risen from just under 3 tenths of 1 percent to 3.5 tenths of 1 percent of the

atmospheric mix. And the increase is accelerating.

Carbon dioxide is no threat to health, but in the atmosphere, it interferes with infrared radiation returning from earth to the air, thus leading to a warming of the atmosphere—what is called "the greenhouse effect."

Dr. Helmut E. Landsberg of the University of Maryland estimates that, with this factor acting alone, the Earth could warm about two degrees by the end of the century—enough to begin melting some of the polar ice. But he isn't very concerned about that. The earth is now cooling, not warming. Since 1940, it has cooled about a half of 1 degree.

The explanation is that a buildup of particles in the atmosphere is occurring. They act to block radiation from the sun.

But the experts disagree on what to blame. It's man-made pollution, say some—dust from bad land management together with industrial and auto air pollution.

Dr. A. Murray Mitchell, of the federal Environmental Science Services Administration, believes otherwise. Natural forces are far more to blame, chiefly the rise of volcanic activity since 1940, he said.

A new ice age? Nothing to get excited about, according to Roberts, Mitchell and others. But Weyl warned that a further cooling of the Earth's temperature by one or two degrees would lead to fierce winter weather in many parts of the world.

Some scientists, Landsberg and Roberts among them, are worried about air pollution for other reasons. They warn of changing and potentially disruptive patterns of precipitation.

Dr. Vincent J. Schaefer, a pioneer in cloud-seeding who is now at the State University of New York in Albany, said that a big danger is the buildup of lead particles from auto exhausts. They combine with iodine vapor to produce lead iodide—nuclei for the formation of large concentrations of ice crystals downward of big-city smog blankets.

The result, said Schaefer, is to form cloud layers but reduce local rain or snow. But when a large supply of moist air moves into the region, the weather could go the other way around—"a massive cloud-seeding phenomenon" triggering long and violent storms.

The magnitude of the population problem can be seen in a few numbers. It took the world until 1800 to reach a population of 1 billion. The second billion came by 1830, and the third billion by 1960. Today's population is 3.5 billion, and this is likely to double in 30 years. Unchecked, it would keep on doubling every 30 years, the experts say.

The cause of this headlong acceleration is not rising birth rates but declining death rates. Better health and agricultural practices across the globe, especially since World War II, have meant a greater percentage of babies growing to adulthood to produce more babies.

For years the spectre of overpopulation has been associated with food resources, with the standard argument that a growing but impoverished population would literally starve. It is still a leading argument of many population experts.

But it now faces challenge.

Three years ago the United Nations Food and Agricultural Organization was warning of famine. Two weeks ago, its annual report appeared—saying the world's food problem in the future is more likely to be huge surpluses than starvation.

Technological breakthroughs, including the use of high-yield "miracle" grains, and the commitment of nations such as India to this technology, have led to the reversal, said FAO.

Still, many of the population forecasters reply that the technology will provide only temporary relief.

But optimism over food production is growing.

Dr. Jean Mayer, the nutritionist who serves as President Nixon's special consultant on hunger, told Congress last year that agricultural developments promise a food supply that will keep up with and surpass population growth.

Mayer has a different fear: "I am concerned about the areas of the globe where people are rapidly becoming richer. For rich people occupy much more space, consume more of each natural resource, disturb the ecology more, and create more land, air, water, chemical, thermal and radioactive pollution than poor people."

Other scientists are joining him to warn that the world can't have it all—greater numbers along with the standard of living associated with technologically advanced countries.

Dr. Preston Cloud, a biogeologist at the University of California at Santa Barbara, has estimated that if the world's 7 billion people expected by the year 2000 were to have a standard of living Americans now enjoy, mineral and fuel production would have to multiply 200 to 400 times.

"It might be done, but it couldn't last," said Cloud, "The world has only so much in the way of these raw materials."

Arguments like this have given new impetus to concern over population in this country. Dr. J. George Harrar, president of the Rockefeller Foundation, says:

"In many respects, an advanced industrialized society such as ours with a comparatively low birth rate uses up its natural resources and upsets its environmental equilibrium at a much faster rate than does an underdeveloped poor country with a high birth rate."

To top that, as Cloud points out, this nation, with only 6 percent of the world's population, now uses nearly 50 percent of the raw materials the world now produces. The choice, he said, is whether to slow American economic growth or to continue using the materials underdeveloped nations will need for their own growth.

The other alternative, of course, would be to limit Americans' numbers. How, and by how much, is the question—one of explosive moral, political and scientific implications.

Nevertheless, most of the authorities in the field agree that it could be easy compared with the task of cutting into the runaway population growth in the world's underdeveloped regions.

A WORLD IN DANGER—7: THE ROUGH AND COSTLY ROAD AHEAD

(By Roberta Hornig and James Welsh)

From President Nixon to industrial leaders, housewives and students, Americans want to clean up the environment.

But it will cost billions of dollars, and thus far no one appears ready to pay for it.

And the price will go far beyond dollars. Some of America's traditional values will be called to account—relationships within the federal system, the freedoms of private enterprise, even the habits of the housewife and commuter.

A nationwide poll last year showed 85 percent of the public "concerned" about the environment. But when people were asked how much they were willing to pay each year to improve the environment, 51 percent said they would pay \$10 or less, 18 percent said \$50, 4 percent said \$100, 9 percent said they wouldn't pay anything, and 18 percent said they didn't know.

Calculating from the poll, the American people were willing to spend \$1.4 billion a year in tax money—more than the amount the federal government has been spending annually on environmental programs.

But to really clean up the environment it probably would cost far, far more. Some put the total at \$100 billion to \$125 billion from government and industry over five years.

And it would mean a lot more to the taxpayer than higher taxes.

It would shrink the consumer dollar. A considerably quieter aircraft engine, for example, could bring higher air fares. For the electric power industry to install equipment sufficient to prevent thermal pollution of waterways will mean higher electric bills.

It could mean lower product performance. A slightly grayer washday collar might be the price of getting a pollution-free detergent.

A little less getaway power might be the price of a pollution-free auto engine. And it might not go as far on a gallon of gas.

It could mean inconvenience—a return to returnable soda bottles, for instance, or traveling to airports sufficiently far out to avoid the worst of the air and noise from big jets.

It could mean a further shift of governmental power toward the center. States are likely to assume greater control of the use of the land, a matter heretofore left to local governments. Washington will assume greater control over air and water standards, now largely the domain of the states.

It could mean tighter regulation of what industry and people are free to do. This would begin with very minor controls—"No Dumping Here" for instance. Before very long, they could range to unprecedented measures such as government-science panels testing new products before they are permitted on the market.

And a growing number of people say something far more dramatic must be included in the price—a set of measures calculated to slow down or bring to a halt the growth of the American population.

Such steps won't come at once. There will have to be a beginning.

Congress returns to Washington tomorrow, many of its members poised for battle over what the beginning should be, what legislation should be passed, what money should be spent.

It will be, in part, a political circus with many side shows. Hearings, speeches, press statements, claims and counterclaims will run the gamut of this vast and complicated subject.

From pesticides to use of the land, from electric power demands to foodpacking standards and family planning, the political jostling will be fierce.

On Thursday it's President Nixon's turn. At 12:30 he will go before Congress and the American people with his first State of the Union message. Environmental issues will comprise a big part of the message.

Already Nixon is being second-guessed by congressional Democrats, some of them eager to paint the administration as talking big but doing little to bring pollution to an end.

On the Senate side it just so happens that three men long and closely associated with environmental issues are at least potential dark-horse candidates for the presidency in 1972. They are Sens. Edmund S. Muskie of Maine, Gaylord Nelson of Wisconsin and Henry M. Jackson of Washington, and each is ready for battle. Of the three, Muskie has been the most willing, Jackson the least willing, to tackle the President head on.

But it will be in successive messages that Nixon will show more of his hand. The budget message is the key, for money is at the heart of his dilemma over exactly what to propose.

Last year Nixon requested \$214 million for helping communities put up sewage treatment plants. Congress appropriated \$800 million.

It's still under debate at the White House whether to spend the extra money or to impound it, although the betting is that Nixon will spend it. If he doesn't spend it, he will be open to attack, not only from Congress but from local and state governments. Yet if he does spend it, his budgetary problems will increase, and he may be in a position of saying he will ask for less money next year.

Such relatively small issues, of course, approach the basic question: What would it cost to clean up the environment?

The dollar figures fly, and the range of estimates is wild.

The upper end of this range is between \$100 and \$125 billion, a great deal from government, some from industry.

To get into that upper range, it is necessary to assume an attack on all fronts and to assume that where estimates vary, the highest should be used. (The most glaring example: To separate sewer lines and storm drainage lines across the country could cost anywhere from \$15 billion to \$49 billion.)

Water pollution control accounts for the largest part of cost. It includes perhaps \$25 billion for municipal and industrial treatment plants and equipment, the money for sewer line-storm line separation, \$6 billion to eliminate acid-mine drainage, and billions more for pollution arising from pesticides, fertilizers and animal feed lots.

Add nearly \$5 billion for air pollution control over five years; another \$3.5 billion the government has estimated for solid-waste treatment work and research over the same period; a couple of billion for refitting ships to control waste; several billion on national parks and urban-area parks; and assorted millions for research in fields like oceanography and climate monitoring.

If all of this were to be attempted in a five-year plan, it would mean spending \$20 to \$25 billion a year.

No one in the Nixon administration is thinking in these terms now. Even though the government wouldn't be paying all of it, there just isn't that kind of money around.

With "uncontrollable" expenditures like welfare payments and farm subsidies on the rise by \$8 billion a year, with the tax cut bringing in less revenue than expected, with the financial community expecting restraint because of inflation, the President has about as much budgetary flexibility this year as an \$8,000-a-year commuter facing a stack of unpaid bills.

"There isn't much room to maneuver," a Budget Bureau official laments.

And so the President and his aides are in search of priorities, of more sensational but less costly solutions.

According to insiders, Nixon's program in '70 will include the following:

Air pollution—An increase in federal spending. A 50 percent or even 100 percent increase in funds would not be prohibitive, since federal spending this year amounted to less than \$100 million. And it would go to combat what the public believes to be the most serious environmental problem.

Water pollution—The administration will emphasize municipal waste treatment plants in a plan calling for about \$10 billion in bonds. Cash obligations would be strung out over 20 to 30 years, with the federal share going no higher than \$500 million a year. The plan also is expected to carry new financing arrangements to help municipalities cope with today's tough bond market.

Parks—A park-purchase plan is planned, with the emphasis on open space in and around big cities, mostly in the East. Spending on parks is relatively low and comes from non-tax money.

It represents part of the income from special charges, including park fees and offshore oil-drilling leases.

Some insiders expect Nixon to announce some sort of "pilot project" for an urban park, possibly in the Washington area.

Government reorganization—This is the cheapest route to begin tackling problems of making the air and water cleaner, and he is likely to take it.

For years, several government officials and congressmen have been arguing for putting responsibility for water, air and solid wastes in one place, since decisions on one often affect another. The Interior Department is in

charge now of cleaning up the nation's waterways and the bets are that it will also assume stewardship over the two more forms of pollution—air and solid waste—now the responsibility of the Department of Health, Education and Welfare.

And he is expected to rename Interior as the Department of National Resources.

Because of budgetary strictures, other pollution battlefronts may be virtually ignored. They include soil erosion and other agricultural runoff, the sewer line-storm sewer separation, and mine-acid drainage.

On some fronts, the way to attack pollution is not through governmental spending but governmental toughness. Moreover, the tighter the budget, the greater the temptation for government to go this route.

For Nixon to crack down on big industry may run against the grain of Republican orthodoxy. But it could produce real and visible results, especially where products are involved that undeniably pollute the air or water.

Three conspicuous examples are the automobile with its internal combustion engine the nutrient-rich detergents, and the chemical pesticides. Already two of the most toxic pesticides—DDT and dieldrin—are under a measure of federal restraint.

In all three cases, accelerated research is necessary to find safer versions, or safe substitutes. For research now underway, government already is picking up part of the bill. Industry, especially the big auto firms, also is spending millions. It may be called on to spend much more.

But the consumer eventually will pay for it, both in taxes and undoubtedly in higher product prices.

Other dilemmas face the administration in approaching the environmental issue. One of them is reflected in the letter a young man sent the White House:

"Stop pollution now," he said, and the word "now" was repeated 60 times.

No one can stop pollution now. As Dr. Lee DuBridge, the President's top aide on science, puts it, to bring pollution to an end immediately would bring the economy, and civilization, to an end.

Vehicles would have to stop moving. Industry would close down. So would power plants. Farmers couldn't protect their crops.

"We will not," says presidential adviser Daniel Patrick Moynihan, "reverse the tendency of a century in the space of one administration or two, or like as not, the next five."

It's this view of the problem that gives pause to administration staffers as it comes time for Nixon to go before the American people. Says one staffer: "We don't want to oversell the problem and undersell the magnitude of the difficulty of dealing with it."

Sen. Muskie, whose rhetoric has not been lacking on the issue, says "It's necessary to develop a sense of alarm without creating a sense of terror."

With emotions on the rise, with the economic and technical complexities of environmental issues so stubborn, paradox and contradiction are inevitable.

An example is one of the classic conservation flaps—the decision by Consolidated Edison, New York's power company, to build a plant along the Hudson River at Storm Mountain.

A participant recalls that from the storm of protest, "you would think the plant was going to be built in a great wilderness area. In fact, the site amounted to a waterfront slum."

Yet as a result of public opposition, the argument eventually reached the U.S. Court of Appeals. It handed down a historic decision, ruling that the Federal Power Commission must take scenic, historical and recreational values into account in licensing power plants.

Two weeks ago—five years after the fight

began—an FPC hearing examiner ruled the site to be the right one after all. It further ruled, though, that Con Ed must put both the plant and the transmission lines underground.

Thus a fairly illogical, emotional argument by conservationists brought good results, in this case the Supreme Court ruling.

But the results—in this case the underground site—can be very expensive. New Yorkers will see this in their electric bills.

The Con Ed case is not isolated. In fact, the issue of where to put power plants, and what kind of power plants they should be, promises to be one of the big environmental fights of the coming year.

Americans have a heroic appetite for electric power. In 10 years, the experts say, the output must be doubled. In 30 years, if the population grows to 300 million, Americans will need nearly five times the current 325-million-kilowatt capacity.

This will require more and bigger power plants. If they don't come along the likelihood will increase of power failures such as the major blackout of the Northeast five years ago.

Plants fired by coal and other fossil fuels are a major contributor to air pollution. Besides, future growth threatens big shortages of these fuels.

Nuclear power plants are the alternative. They don't pollute the air. And with new "breeder reactors" on the way, no shortage will develop of uranium and thorium fuel.

But thermal pollution of waterways is a colossal problem, and the more nuclear plants there are, the worse the problem gets.

In addition, the "nukes" arouse fear. People become alarmed over possible radiological emissions and over the possibility of an accident, in addition to protesting on grounds of thermal pollution and aesthetics.

From the Atomic Energy Commission and power industry come statements of reassurance. One Westinghouse nuclear energy consultant says the radiation effect from a nuclear power plant on the population within 20 miles "is the equivalent of wearing a radiant dial wrist watch three days of the year."

But many disagree. Within the federal government there are specialists who hold the AEC's standards for radiological emissions should be tightened tenfold.

This thorn alone is polarizing the environment issue throughout the country, and public officials are worried about it.

Some, recognizing the scope of public fear and resistance, urge extra-heavy emphasis on standards and available technology to eliminate radiological hazards and cut down thermal pollution.

But Rep. Chet Holifield, D-Calif., whose Joint Congressional Atomic Energy Committee held hearings on the subject last year, says that "Unless the demands for clean water and air are kept in perspective, the anti-technologists and singled-minded environmentalists may find themselves conducting their work by the flickering light of a candle."

On other fronts, industry is increasingly on the defensive. It is reacting in disparate ways.

Some industrial groups and firms remain hard-nosed.

Industries can be found bending over backwards to please. Commented an official of one Massachusetts firm: "We put in equipment that wasn't even necessary—just to please the public."

Detroit's big auto firms are conspicuous among the industries that are now racing to catch up with public opinion and the possible thrust of governmental crackdown.

Last month Henry Ford II, calling air pollution the industry's most serious problem, pledged manpower and millions of dollars to help solve the problem. Last week, Edward N. Cole, president of General Motors, went Ford one up by predicting his company will

turn out "essentially pollution-free cars" by 1980.

Other companies try to advertise their concern for the environment—while taking a slower pace in reform.

And some are still basically ignoring the issue.

A major reason why conflict and confusion have mounted over environmental questions is that until now no one on the federal level has already been in charge. Agencies dealing with environmental problems are scattered. The White House has touched on the problems in piecemeal fashion. Information is often contradictory, often lacking.

This could change. Many observers see great promise in the National Environmental Policy Act of 1969, drafted and shepherded through Congress by Senator Jackson and signed by Nixon Jan. 1.

The legislation sets two precedents: It establishes national policy, directing every executive department to weave environmental considerations into all new programs and to make sure old ones conform with clean-environment goals. And it creates a Council on Environmental Quality at the top level.

Nixon has yet to name the three-member council. He may do so in the State of the Union address. Reportedly, he wants to avoid dominance by scientists and will seek to fill possibly two of the positions with generalists who will take a broad look at the problem.

As spelled out in the 1969 law, the council will do an inventory of the nation's natural resources and prepare an annual report on the "state of the environment" for Congress.

Its reports will have a major impact on what happens to the environment in the 1970s.

Given a rising public and private commitment, if not an all-out attack, here is what some experts believe will come in the decade.

Air pollution, after worsening through the mid '70, may well diminish to the point that the air in 1980 will be cleaner than it is now.

The air problem lends itself more readily to reasonably priced technology than other problems. The biggest uncertainty is how soon automotive air pollution can be licked.

A combination of tough standards and a lot of money could improve water quality standards—but not uniformly.

What's called "point-source" pollution, where industry or municipalities pour big amounts of waste in the water, could come under control. But the water will remain dirty. General runoff and erosion, especially in rural areas, will see to that.

The problem of where to put mountains of rubbish and other solid waste could be abated, or it could become a monster. Mere money won't help. More degradable products won't help much. The hope here lies in technology—the pollution-free incinerator, and recycling of products. But that isn't around the corner.

The problem of too much noise could go like air pollution. The technology is there; all that's required is the sensitivity and the will to use it. If that happens, noise, after mounting as a problem, could level off or recede.

Other urban amenities will be far more difficult to improve. With exceptions (putting power lines underground is one) technology won't help much. It won't help settle fights over what land to develop, what to keep open.

"Government will be hard put to legislate beautiful hot dog stands," says one observer.

Where there is no easy answer, the environment battle will get hotter. The use of urban-suburban land, and the effort to preserve places of great natural beauty, is in this category. The location of airports, and power plants and not-so-clean industry will be continually at issue.

Beyond all these things lie what some people believe are the overriding necessities—channeling urban growth in new directions, selectively limiting consumption habits, placing stringent curbs on population growth.

But at this point, for practical purposes, these are likely to be second-stage issues, issues to be treated gingerly or put off or avoided.

To Congress, the President, and so many others who will become embroiled in this recently dramatized issue, the task at hand can be summed up in the phrase "quality of life." It will be a task of cleaning up, of making the air and the water and the land healthier and more enjoyable.

Over the decades, as Americans have built a richer economic standard, they have run up a huge bill to the natural world around them. The bill is overdue.

To pay it off in large part, to make sure it runs up no more, could generate a new ethic, the ethic of man as part of a living, interdependent organism called Earth, the kind of ethic necessary to cope with the bigger problems of the future.

NIXON SPEECH APT TO STRESS POLLUTION (By Garnett D. Horner)

President Nixon's State of the Union message Thursday is expected to call for prompt action by Congress to help keep America's water and air fit to drink and breathe.

The President, who returned here from Camp David last night, also undoubtedly will stress the need to keep a tight hold on federal spending to curb inflation when he speaks before a joint session of the Senate and House at 12:30 p.m. Thursday.

Aside from action to improve the quality of America's environment, which he has described as a "now or never" proposition, the President is unlikely to call for any major new programs, largely because of the overriding necessity, as he sees it, at keeping the federal budget out of the red.

As a major reform step, he is considering a proposal to change the Interior Department to the Department of Natural Resources and make it the leader of the government's battle against pollution.

Where Interior now has responsibility only over the water pollution phase of the battle, the new department would get control over efforts to combat air pollution and over solid-waste disposal now vested in the Health, Education and Welfare Department.

The President has been working alone on his State of the Union message at Camp David the last few days, and it could not be learned whether he has decided to approve the Interior Department change in this message or save it for later.

Nixon served notice on New Year's Day when he signed a bill creating a three-member Council on Environmental Quality that he would have more to say later—presumably in his State of the Union message—on the need for prompt action to keep the American environment livable.

JACKSON TO ATTACK "LAND POLLUTION"

Federal standards are a familiar story for air and water. One of the new "pollutions" Congress is ready to take on this session is land—how it is being fouled up by lack of good planning.

Land-use decisions are almost entirely the province of local communities now.

Sen. Henry M. Jackson, chairman of the Senate Interior Committee, wants the states to be in the driver's seat, with the federal government as watchdog. He intends to move in this direction by pushing for a "national land-use policy."

Decisions on land use now, the senator from Washington said, "are made on the basis of expediency, tradition, short-term economic considerations and other factors which are often unrelated to what the real

concerns of land-use management should be."

Jackson has in mind legislation that would give states money to hire and train people with competency in over-all planning.

States also would be encouraged, through incentives, to develop statewide environmental, recreational and industrial land-use plans. If states do not, "it may be necessary to consider a provision to the effect that if a state should fail to enact an acceptable land-use plan, certain other federal funds would be reduced or denied," Jackson said.

When Interior secretary, Stewart L. Udall long complained about how the nation's land is being spoiled by lack of planning. He calls it "aesthetic pollution."

In a recent tour of Washington, Udall pointed out how freeways in wrong places can act as artificial barriers between neighborhoods that should naturally blend together—for example the E Street Expressways ramps make it impossible for a pedestrian to get to the new Kennedy Center.

A GLOSSARY FOR THE ECO-MANIAC

"There are fashions in words," a veteran conservationist noted recently, and "ecology . . . is being bandied about until people are growing sick of it before they know what it means."

Here's a set of definitions of environmental terms that will crop up frequently as the environment becomes more of a popular issue.

Environment—The sum of all living and non-living factors affecting organisms, including man.

Ecology—The study of the relationship of living things to their living and non-living environment.

Ecosystem—A complex of plant, animals and their physical environment, interrelated in such a way that changes in one affect the other.

Pollution—The addition to an ecosystem of substances in a quantity sufficient to produce undesirable changes.

Biosphere—The thin skin of water, air and soil which surrounds the earth and contains life.

Atmosphere—That portion of the biosphere made up of air.

Lately, mutant word-strains, with "eco" as prefix, are emerging. Seen in print recently were "eco-catastrophe," "eco-activist" and "eco-tactics."

Can "eco-maniac" be far behind?

ANALYSIS OF STATE LAWS GOVERNING MARIJUANA

Mr. MATHIAS, Mr. President, I ask unanimous consent to have printed in the RECORD a compilation of the various State laws governing marijuana. My staff has just recently completed this survey of State law as of December 31, 1969. I know of no such current compilation; the most recent survey was based upon 1966 law and it is hopelessly out-of-date. I believe this new compilation will be of interest in connection with both S. 3246, the new drug bill, and S. 3071, the District of Columbia drug bill, of which I am a cosponsor.

I invite attention to several of the trends that are illustrated in this survey. It will be noted that 20 States at present classify the simple possession of marijuana as a misdemeanor. Eighteen of these 20 States have made this revision in their laws in the past 3 years, and there are similar legislative proposals pending in a number of other States. S. 3246 takes a similar approach to the treatment of simple possession of marijuana.

It should also be noted that 16 States do not restrict or prohibit the mitigation of sentencing by suspended sentences, probation, or parole. Only one State prohibits mitigation in every marihuana offense; 48 States allow suspended sentences and probation in the first offense of possessing marihuana. I agree with the Attorney General that the limitations in Federal law against such mitigation is unfortunate; the

mandatory minimum sentences have been one of the most criticized aspects of the Federal drug laws. S. 3246 does away with many of the prohibitions against mitigation of sentences, and reflects the State trend in this respect.

Some 24 States have substantially revised their marihuana laws in the past 3 years. Only 2 of the 24 have increased the general penalty structure. The remaining 22 have reduced the penalty

schedule, in most instances rather substantially. S. 3246 reflects this modern approach to the marihuana problem in that it distinguishes marihuana from the hard narcotics.

I am hopeful that this compilation will be of assistance in the discussion of these most important drug bills.

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

SUMMARY OF STATE LAWS GOVERNING MARIHUANA

State	Distinction between marihuana and other narcotics	Distinction in penalties for sale and possession	Suspended sentences, parole, and probation	Change in law since 1967	State	Distinction between marihuana and other narcotics	Distinction in penalties for sale and possession	Suspended sentences, parole, and probation	Change in law since 1967
Alabama	No	No	Prohibited in all cases	No	Montana	Yes	Yes	No prohibition	Yes
Alaska	No	No	Only for 1st possession offense	No	Nebraska	Yes	Yes	do	Yes
Arizona	Yes	Yes	do	No	Nevada	No	Yes	Only for possession offenses	Yes
Arkansas	No	No	Only for 1st offense	No	New Hampshire	Yes	Yes	No prohibition	Yes
California	No	Yes	Only for 1st possession offense	Yes	New Jersey	No	No	do	Yes
Colorado	No	Yes	Parole prohibited in all cases	No	New Mexico	No	Yes	Only for possession offenses	Yes
Connecticut	Yes	Yes	Only for 1st 3 offenses	Yes	New York	No	Yes	Only for 1st possession offense	No
Delaware	Yes	Yes	Only for 1st offense	Yes	North Carolina	No	Yes	Only for possession and first sale	Yes
Florida	No	Yes	Only for possession and first sale	No	North Dakota	Yes	No	No prohibition	Yes
Georgia	No	No	Only for 1st offense	No	Ohio	No	Yes	Only for possession offenses	No
Hawaii	No	Yes	Only for 1st possession offense	Yes	Oklahoma	Yes	No	No prohibition	No
Idaho	No	No	No prohibition	Yes	Oregon	No	No	do	Yes
Illinois	No	Yes	Only for 1st possession offense	Yes	Pennsylvania	No	Yes	Only for first offense	No
Indiana	No	Yes	Only for 1st offense	Yes	Rhode Island	No	Yes	No prohibition	No
Iowa	No	Yes	Only for possession offenses	Yes	South Carolina	No	No	Only for 1st 2 offenses	No
Kansas	No	No	No prohibition	No	South Dakota	No	Yes	Only for 1st possession offense	Yes
Kentucky	No	No	Only for 1st offense	No	Tennessee	No	No	Only for 1st offense	No
Louisiana	No	Yes	Only for 1st possession offense	No	Texas	No	Yes	Only for 1st possession offense	Yes
Maine	Yes	Yes	No prohibition	Yes	Utah	No	Yes	Only for possession offenses	Yes
Maryland	No	No	Only for possession offenses	No	Vermont	Yes	Yes	No prohibition	Yes
Massachusetts	No	Yes	Only for possession and first sale	No	Virginia	No	No	do	No
Michigan	No	Yes	Only for 1st possession offense	No	Washington	No	No	do	Yes
Minnesota	No	No	No prohibition	No	West Virginia	No	No	Only for first offense	No
Mississippi	No	Yes	Only for 1st possession offense	No	Wisconsin	No	No	do	No
Missouri	No	Yes	do	No	Wyoming	No	Yes	No prohibition	Yes

1 States that presently classify first possession offenses as misdemeanors.

ANALYSIS OF STATE LAWS GOVERNING MARIHUANA

EXPLANATION OF SUMMARY

(1) Distinction between marihuana and narcotics in the state's statutes. Most states classify marihuana as a "narcotic drug," and as such do not distinguish between them. Many states do classify marihuana as a narcotic, but do provide for lesser penalties for marihuana violations.

(2) Distinction between possession and sale of marihuana. For the purposes of this summary, "sale" of marihuana includes distribution, barter, gift, exchange, or offer to sell. If a distinction is made in the penalty provisions for possession and for sale, it is so indicated.

(3) The penalty structure for marihuana offenses.

(4) Provisions in the statutes for suspended sentences, probation, and parole. For the purposes of this report, when parole is designated as prohibited, it is prohibited until the minimum term of the sentence as provided in the statute has been served.

(5) Summary of the changes that have been made in the state's law since 1967. The most recent authoritative compilation of the various state marihuana laws was made in 1967, based in large part on 1966 law; hence the 1967 law is used as a comparison. When it is indicated that no changes have been made since 1967, it does not imply that any changes were made in 1967.

This compilation is based upon state law as of December 31, 1969.

nlt means not less than; nmt means not more than.

ALABAMA

(1) No distinction is made between marihuana and narcotics.

(2) No distinction is made between possession and sale.

(3) Penalty provisions: 1st offense: 5-20 years and may be fined nmt \$20,000. Sub-

sequent: 10-40 years and may be fined nmt \$20,000. (Ala. Code tit 22, § 258).

(4) Suspended sentences and probation are prohibited in all instances.

(5) There has been no change in the law since 1967.

ALASKA

(1) No distinction is made between marihuana and narcotics.

(2) No distinction is made between possession and sale.

(3) Penalty provisions: 1st offense: 2-10 years and nmt \$5,000. 2nd offense: 10-25 years and nmt \$7,500. Subsequent: 20-40 years and nmt \$10,000. (Alaska Comp. Laws § 17.10.200).

(4) Suspended sentences, probation, and parole are prohibited in all but first offense possession violations.

(5) There has been no change in the law since 1967.

ARIZONA

(1) Distinction is made between marihuana and narcotics. Marihuana is covered under a separate statute, with somewhat lesser penalties than those afforded narcotics.

(2) Distinction is made between possession and sale.

(3) Courts may impose a fine nmt \$50,000 in addition to the below penalties.)

Possession: 1st offense, 1-10 years, but the court may impose a sentence not exceeding 1 year and/or fine of \$1,000. 2nd offense: 2-20 years. Subsequent: 5 years-life.

Sale: 1st offense: 2-10 years. 2nd offense: 5-15 years. Subsequent: 10 years-life. (Ariz. Rev. Stat. Ann. § 36-1002.05.)

Transportation (importation) is punished by: 5-life; 10-life; 10-life.

(4) Suspended sentences, probation, and parole are prohibited for all but first offense possession.

(5) There has been no change in the law since 1967.

ARKANSAS

(1) No distinction is made between marihuana and narcotic drugs.

(2) No distinction is made between the penalties for use, possession, and sale.

(3) 1st offense: 2-5 years and nmt \$2,000. 2nd offense: 5-10 years and nmt \$2,000. Subsequent: 10-20 years and nmt \$2,000. (Ark. Stat. Ann. § 82-1020).

(4) There is no possibility of parole or suspended sentence after the first offense.

(5) There has been no change in the law since 1967.

CALIFORNIA

(1) California defines Marihuana as a "narcotic," but provides somewhat lighter sentences for marihuana violations.

(2) Distinction is made between possession, possession for sale, and sale.

(3) Possession: 1st offense: imprisonment in county jail as a misdemeanor for nmt 1 year, or in state prison as a felony for 1-10 years, at discretion of judge. 2nd offense: 2-20 years. Subsequent: 5 years-life.

Possession for sale: 1st offense: 2-10 years. 2nd offense: 5-15 years. Subsequent: 10 years-life.

Sale: 1st offense: 5 years to life. 2nd offense (felony offense): 5 years-life. Subsequent: 10 years-life. (Cal. Health & Safety Code § 11530).

(4) Suspended sentences and probation are prohibited for all possession for sale and sale violations, and for second and subsequent possession felony violations.

(5) Present law differs from 1967 law in one respect: treatment of first time possession. Prior law carried a 1-10 year sentence and was an automatic felony. The judge presently has discretion whether to make a sentence a misdemeanor or felony.

COLORADO

(1) No distinction is made between marihuana and narcotic drugs.

(2) Distinction is made between possession and sale.

(3) Possession: 1st offense: 2-15 years and nmt \$10,000. 2nd offense: 5-20 years and nmt \$10,000. Subsequent: 10-30 years and nmt \$10,000.

Sale: 1st offense: 10-20 years. 2nd offense: 15-30 years. Subsequent: 20-40 years. (Colo. Rev. Stat. Ann. § 48-5-15).

(4) No parole until minimum sentence has been served.

(5) There has been no change in the law since 1967; an attempt in 1969 to reduce the first offense possession conviction to a misdemeanor was defeated in the Assembly.

CONNECTICUT

(1) Connecticut does distinguish between marihuana and narcotics; marihuana is classified as a "restricted drug." (Conn. Gen. Stat. Rev. § 19-443, as amended by P.A. 752, July 1, 1969).

(2) Distinction is made between possession and sale.

(3) Possession: may be fined nmt \$1000 or imprisoned nmt 1 year, or both. As an alternative, the court may sentence the offender to the custody of the commissioner of correction for an indeterminate sentence not to exceed the maximum term of the offense, who may release the convicted person so sentenced subject to such terms as he may impose.

Sale: 1st offense: 5-10 years and nmt \$3000. 2nd offense: 10-15 years and nmt \$5000. Subsequent: 25 years. (Conn. G.S.R. §§ 19-480, 481, as amended by P.A. 752, July 1, 1969).

(4) Suspended sentences and probation may be imposed upon agreement of the prosecution and the accused, and if the probation is complied with, the court may dismiss the charges. Not available after three previous commitments.

(5) Connecticut repealed the UNDA in 1967, lowering the penalties for possession, and providing for probationary release as an alternative to incarceration. In 1969 the laws were amended further, removing marihuana from the narcotics classification, and providing for discretionary sentencing in possession cases.

DELAWARE

(1) Delaware classifies marihuana as a dangerous drug, as distinguished from a narcotic drug.

(2) Distinction is made between possession and sale.

(3) Possession: 1st offense: misdemeanor, sentence nmt 2 years and nmt \$500. The maximum penalty shall be 90 days or \$500 or both if the following are all found to be present: defendant under age 21, not in the business of selling dangerous drugs, and the drug obtained from one whom the defendant reasonably believed to be under 21 and not engaged in the business and acquainted with the defendant for at least one year. (Del. Code Ann. title 16, §§ 4722, 4730 (b) (ii)). Subsequent: nmt 5 years and nmt \$3,000.

Sale: 1st offense: 5-10 years and \$1,000-10,000. The maximum sentence shall be a misdemeanor with a sentence of nmt 2 years or nmt \$1,000 or both if the above conditions exist. Subsequent: 10-25 years and \$5,000-\$50,000.

(4) Suspended sentences and probation are prohibited for second offenders, with mandatory minimum sentences specified.

(5) Delaware has repealed the UNDA, and reduced possession offenses to misdemeanors, and provided for an elaborate set of sentence-mitigating circumstances.

FLORIDA

(1) No distinction is made between marihuana and narcotics.

(2) Distinction is made between possession and sale.

(3) Possession: 1st offense: nmt 5 years and/or nmt \$5,000. 2nd offense: nmt 10 years and/or nmt \$10,000. Subsequent: nmt 20 years and/or nmt \$20,000.

Sale: 1st offense: nmt 10 years and nmt \$10,000. 2nd offense: 10-20 years and nmt \$20,000. Subsequent: nmt 20 years and nmt \$20,000. (Fla. Stat. § 398.22).

(4) Suspended sentences and probation are prohibited for sale offenses after the first conviction.

(5) The basic law is unchanged since 1967; there has been an additional provision providing for the suspension from school or college offenders pending a hearing, with automatic expulsion if convicted.

GEORGIA

(1) No distinction is made between marihuana and narcotics.

(2) No distinction is made between possession and sale (except sale to a minor).

(3) 1st offense: 2-5 years and nmt \$2,000. 2nd offense: 5-10 years and nmt \$3,000. Subsequent: 10-20 years and nmt \$5,000. (Ga. Code Ann. § 79A-9911). (Georgia has uncommonly heavy penalties for sale to a minor: 1st offense is punishable by life, but jury may recommend 10-20 years; 2nd offense is punishable by death, but jury may recommend mercy (life) or 10-20 years.)

(4) Suspended sentences, parole and probation are permitted only for first offenders, except sale to a minor, where no mitigation is permitted. However, under an advisory opinion dated October 10, 1969, Attorney General Arthur Bolton stated that the restrictions in Ga. Code § 79A-9911 that limit the granting of parole to those individuals who have served a minimum sentence, and which totally prohibit parole to any person convicted of selling a narcotic drug to a minor are unconstitutional under the Georgia Constitution.

(5) There have been no changes since 1967.

HAWAII

(1) No distinction between marihuana and narcotics.

(2) Distinction is made between possession and sale.

(3) Possession: 1st offense: nmt 1 year, or 1-5 years. 2nd offense: 2-10 years. Subsequent: 5-20 years.

Possession with intent to sell (25 or more cigarettes, or 125 grains or more), or sale: 1st offense: nmt 10 years and nmt \$1,000. Subsequent: nmt 20 years and nmt \$2,000. (Hawaii Rev. Laws §§ 329-3, 329-5, as amended by Act 161, Laws 1969, approved July 7, 1969).

(4) Probation is permitted only for first offense possession.

(5) Hawaii amended their laws in 1969 to provide for lesser penalties for possession offenses. Under prior law, possession was nmt 5 years; subsequent was nmt 10 years.

IDAHO

(1) No distinction is made between marihuana and narcotics.

(2) Distinction is made between possession/sale and possession for sale.

(3) Possession and sale: nmt 10 years. Possession for sale: nmt 15 years. (Idaho Code Ann. §§ 3202, 3204).

(4) There is no prohibition against suspended sentences, probation, or parole.

(5) Idaho amended their law in 1967 to increase the penalty structure. Under prior law the penalty provision was 1-14 years and/or nmt \$1,000, with subsequent convictions 5-14 years and/or nmt \$1,000.

ILLINOIS

(1) No distinction is made between marihuana and narcotics.

(2) Distinction is made between possession and sale.

(3) Possession: 2.5 grams or less: imprisonment in a penal institution other than a

penitentiary for nmt 1 year and/or nmt \$1,500. More than 2.5 grams: 2-10 years and/or nmt \$5,000. Subsequent: 2-10 years and/or nmt \$5,000.

Sale: 1st offense: 10 years-life. Subsequent: life. (Ill. Rev. Stat. Ch. 38, § 22-40).

(4) Suspended sentences and probation are available for the first possession offender; suspended sentences are prohibited in cases involving sale and subsequent possession offenses. Ch. 38, § 602, habitual criminal law, provides that second offenders shall serve the full term provided for their offense; subsequent offenders at least 15 years.

(5) Illinois amended their law in 1968 to provide for the lesser punishment for the 2.5 gram possessor and the subsequent possession offenses. Under prior law, the first possession offense was 2-10 years, subsequent was 5 years-life.

INDIANA

(1) No distinction is made between marihuana and narcotics.

(2) Distinction is made between possession and sale.

(3) Possession: 1st offense: 2-10 years and nmt \$1,000. Subsequent: 5-20 years and nmt \$2,000.

Sale: 1st offense: 5-20 years and nmt \$2,000. Subsequent: 5-life and nmt \$5,000.

(4) Any first offender may be paroled, receive suspended sentence, or put on probation. No second offender may receive any of the above.

(5) The law was amended in 1969 to increase the penalty structure. Prior to 1969 possession was \$100 fine and 60-180 day sentence, with subsequent offenses being nmt \$1,000 and 1-10 years. Distribution of marihuana was previously punished by 2-5 years and nmt \$1,000; subsequent offenses were 20-life and nmt \$5,000.

IOWA

(1) No distinction is made between marihuana and narcotics.

(2) Distinction is made between possession for personal use and sale.

(3) Possession for personal use only ("such quantity that it can be logically inferred . . . is intended for personal use only." Iowa Code § 204.20(5)). 1st offense: county jail for nmt 6 months and/or nmt \$1,000. Subsequent: 10-20 years and nmt \$2,000.

Sale (and possession for sale): 1st offense: 2-5 years and nmt \$2,000. 2nd offense: 5-10 years and nmt \$2,000. Subsequent: 10-20 years and nmt \$2,000. (Iowa Code § 204.20).

(4) Suspended sentences, probation, and parole are prohibited for sale offenses, and are specifically authorized for first offense possession for personal use.

(5) The law was amended in 1969 to provide the lesser punishment for possession for personal use only.

KANSAS

(1) No distinction is made between marihuana and narcotics.

(2) No distinction is made between possession and sale.

(3) Penalty provision: imprisonment at hard labor for nmt 7 years. (Kan. Gen. Stat. Ann. § 65-2519(a)).

(4) There is no prohibition against suspended sentences, probation, or parole.

(5) There has been no change in the law since 1967.

KENTUCKY

(1) No distinction is made between marihuana and narcotics.

(2) No distinction is made between possession and sale (except sale to a minor).

(3) 1st offense: 2-10 years and nmt \$20,000. Subsequent: 5-20 years and nmt \$20,000. (K. R. S. 218, 210(2)).

(4) Suspended sentences and probation are prohibited for all second offenders, and for first offense sellers to minors.

(5) No substantial change in the law has been made since 1967.

LOUISIANA

(1) No distinction is made between marihuana and narcotics.

(2) Distinction is made between possession and sale.

(3) Possession: Over 21 years of age: hard labor for 5-15 years. Under 21 years of age: imprisonment nmt 10 years with or without hard labor.

Sale: To one over 21: hard labor for 10-50 years. (If seller under 21: 5-15 years). To one under 21: guilty, death; guilty with remission of the extreme penalty, hard labor for 30-99 years. (L.S.A.—R.S. 40:981).

(4) Suspended sentences and probation are prohibited for all except for 1st offense possession. Such prohibition was upheld in *Louisiana v. Glanty*, 223 So. 2d 813 (1969).

(5) No change in the law has been made since 1967.

MAINE

(1) Distinction is made between marihuana and narcotics; marihuana is governed by a separate act for the control of Cannabis.

(2) Distinction is made between possession and sale.

(3) Possession: 1st offense: misdemeanor, punished by imprisonment nmt 11 months and nmt \$1,000. Subsequent: felony, punished by imprisonment nmt 2 years and nmt \$2,000.

Sale: Over age 21: to a person over 21: 1-5 years; to a person 18 to 20 years old: 2-6 years; to a person under 18: 3-8 years (Subsequent offense: 4-10 years). Under age 21 to anyone: 1-5 years. (Me. Rev. Stat. tit. 22, c. 558, §§ 2383, 4).

(4) No prohibition against suspending sentences, probation, or parole.

(5) Maine repealed the UNDA in 1969; the new legislation greatly reduces the penalty structure, makes first offense possession a misdemeanor, and allows for suspended sentences.

MARYLAND

(1) No distinction is made between marihuana and narcotics.

(2) No distinction is made between possession and sale.

(3) 1st offense: 2-5 years and nmt \$1,000; 2nd offense: 5-10 years and nmt \$2,000. Subsequent: 10-20 years and nmt \$3,000. (Md. Ann. Code art. 27, § 300).

(4) No prohibition against suspended sentences, probation, or parole, except that suspended sentences are not available to a three-time felon or to those convicted of selling narcotics (except as incidental to their own habit).

(5) No change has been made in the law since 1967, but there are presently several proposals pending in the General Assembly that would remove marihuana from the narcotics category and place it in the dangerous drug classification.

MASSACHUSETTS

(1) No distinction is made between marihuana and narcotics.

(2) Distinction is made between possession and sale.

(3) Possession: (Of a narcotic other than heroin) nmt 3½ years in a state prison or nmt 2½ years in a jail and/or fine nmt \$1,000. (Heroin: nmt 5 years in a state prison or nmt 2½ years in a jail or fine of \$500-\$5,000; subsequent offense: 5-15 years in a state prison).

Sale: (of any narcotic) 1st offense: 5-10 years. Subsequent: 10-25 years. (Mass. Ann. Laws ch. 94, §§ 212, 217).

General penalty: 5-10 years (might be applicable in subsequent possession offenses). Massachusetts has a provision providing for punishment if one is present where a narcotic drug is kept or deposited, or if one is in the company of one known to be illegally in possession: nmt 5 years or nmt 2 years in a jail and \$500-\$5,000.

(4) Suspended sentences, probation, and

parole are permitted for possession offenses and for first sale offenses, and are prohibited for subsequent sale offenses.

(5) No substantial change has been made in the law since 1967.

MICHIGAN

(1) No distinction is made between marihuana and narcotics.

(2) Distinction is made between possession and sale.

(3) Possession: 1st offense; nmt 10 years, and nmt \$5,000. 2nd offense: nmt 20 years, and nmt \$5,000. Subsequent: 20-40 years, and nmt \$5,000.

Sale: 20 years-life. (Mich. Stat. Ann. §§ 18.1122, 1123).

(4) First offense possession may receive suspended sentences, probation, or parole.

(5) There has been no change in the law since 1967, but Attorney General Kelley has recommended changing the status of possession offenses to misdemeanors.

MINNESOTA

(1) No distinction is made between marihuana and narcotics.

(2) No distinction is made between possession and sale.

(3) 1st offense: 5-20 years and nmt \$10,000. Subsequent: subject to recidivist statute.

(4) There are no provisions for suspended sentences or probation.

(5) There has been no change in the law since 1967.

MISSISSIPPI

(1) No distinction is made between marihuana and narcotics.

(2) Distinction is made between possession and sale.

(3) Possession: 1st offense: 2-5 years and nmt \$2,000. 2nd offense: 5-10 years and nmt \$2,000. Subsequent: 10-20 years and nmt \$2,000.

Sale: 1st offense: 5-10 years and nmt \$2,000. Subsequent: 10-20 years and nmt \$2,000. (Miss. Code Ann. § 6866).

(4) Suspended sentences, probation, and parole are available to first offense possessors. The above are prohibited for all others.

(5) There has been no change in the law since 1967.

MISSOURI

(1) No distinction is made between marihuana and narcotics.

(2) Distinction is made between possession and sale.

(3) Possession 1st offense: 6 months in county jail—20 years in state penitentiary. 2nd offense: 5 years-life. Subsequent: 10 years-life.

Sale: 1st offense: 5 years-life (if sale to one under 21, possible death penalty). Subsequent: 10 years-life (if sale to one under 21, possible death penalty). (Mo. Rev. Stat. § 195.200).

(4) Suspended sentences, probation, and parole are prohibited for any offenders except for first offense possession. If the first offense possessor has previously been convicted of any felony, however, he shall have no right.

(5) There has been no change in the law since 1967.

MONTANA

(1) Marihuana is defined as an "hallucinogenic drug" as opposed to a narcotic drug, but both are lumped under "dangerous drugs" with no distinction in penalties.

(2) Distinction is made between possession and use.

(3) Possession: nmt 5 years. Sale: 1 year-life. (Mont. Rev. Codes Ann. §§ 54-132, 3).

(4) There is no prohibition against suspended sentences, probation or parole. In addition, any person 21 or under shall be "presumed to be entitled to a deferred imposition of sentence." (Mont. Rev. Codes Ann. §§ 54-132, 133).

(5) Montana revised their laws in 1969 to

slightly reduce the penalty structure. Under prior law, first offense was 1-5 years, subsequent offenses were 5-20 years.

NEBRASKA

(1) Distinction is made between marihuana and narcotics; marihuana is covered under a separate statute.

(2) Distinction is made between possession and possession with intent to sell and sale.

(3) Possession: (less than 8 oz. or less than 25 cigarettes) 1st offense: misdemeanor, mandatory 7 day jail sentence in county jail apart from other prisoners and required instruction on the effects of drug abuse. Subsequent: felony, 1-5 years.

Possession with intent to sell (possession of 8 ozs. or more, or 25 or more cigarettes): 1-5 years. Sale: 2-5 years. (Neb. Rev. Stat. §§ 28-451 et seq., as amended by L.B. 2, approved April 11, 1969).

(4) Probation is available for any offense, and there are no prohibitions against mitigating sentences.

(5) Nebraska amended their law in 1969 to make first offense possession a misdemeanor, and to reduce the possession penalty structure. Under prior law, first offense was 2-5 years and nmt \$5,000; 2nd offense was 5-10 years and nmt \$5,000; subsequent was 10-20 years and nmt \$5,000.

NEVADA

(1) No distinction is made between marihuana and narcotics.

(2) Distinction is made between possession, sale, and sale to one who intends to resell.

(3) Possession: 1st offense: 1-6 years and may be fined nmt \$3,000. 2nd offense: 1-10 years and may be fined nmt \$2,000. Subsequent: 1-20 years and may be fined nmt \$5,000.

Sale: By one under 21 years of age: 1st offense: 1-20 years. Subsequent: life.

By one over 21: 1st offense: 1-20 years and may be fined nmt \$5,000. Subsequent: life and may be fined nmt \$5,000.

Sale to one who intends to sell or give it away: life and may be fined nmt \$5,000. (Nev. Rev. Stat. § 453.210, as amended by ch. 203, approved July 1, 1960.)

(4) Probation and parole are available to possession offenders and to first sale offenders who are under 21. Probation is prohibited for sale offenses, and parole is prohibited for second and subsequent sale offenses (i.e., mandatory life imprisonment).

(5) Nevada amended their law in 1967 to greatly reduce the penalty structure. Under prior law, possession was punished by: 2-5 and nmt \$2,000; 5-10 and nmt \$2,000; 10-20 and nmt \$2,000. Sale was 20-40 and nmt \$10,000; 40-life and nmt \$10,000. The law was further amended in 1969 to separate the under-21 seller, providing probation and parole possibilities for him.

NEW HAMPSHIRE

(1) Distinction is made between marihuana and narcotics; marihuana is classified as a "controlled drug" as opposed to a narcotic drug.

(2) Distinction is made between possession and sale.

(3) Possession: 1st offense: nmt 1 year and/or nmt \$500. Subsequent: nmt 3 years and/or nmt \$1,000. (The punishment is a misdemeanor if the sentence is less than 1 year, or the offender is given a suspended sentence or put on probation.)

Sale: 1st offense: nmt 10 years and/or nmt \$2,000. Subsequent: nmt 15 years and/or nmt \$5,000. N.H. Rev. Stat. Ann. § 318-B: 26.)

(4) There is no prohibition against suspended sentences or probation.

(5) New Hampshire repealed the UNDA in 1969, and the new legislation greatly reduces the penalty structure. Under prior law possession was punished as follows: 2-5

and nmt \$2,000; 5-10 and nmt \$2,000; 10-20 and nmt \$2,000. Sale was: 5-10 and \$2,000; 10-20 and \$2,000. The new law also allows for mitigation of sentences in all instances; under prior law only first possession offenses could receive suspended sentences or probation.

NEW JERSEY

(1) No distinction is made between marihuana and narcotics.

(2) No distinction is made between possession and sale (except that the use of marihuana is deemed to be a "disorderly person" offense, with lesser penalties; it is a misdemeanor).

(3) Penalty provisions: 1st offense: 2-15 years and nmt \$5,000. 2d offense: 5-25 years and nmt \$5,000. Subsequent: 10-life and nmt \$5,000. (N.J.S.A. 24:18-47(c).)

Use of marihuana (and other narcotics): up to 6 months, or \$500, or both.

(4) No prohibition against suspended sentences, probation, or parole.

(5) No substantial change in the law since 1967, except that the use offense has been reduced from 1 year or \$1,000 to 6 months and \$500.

NEW MEXICO

(1) No distinction is made between marihuana and narcotics.

(2) Distinction is made between possession and sale.

(3) Possession: 1 oz. or less (but not including hashish): 1st offense: misdemeanor; nmt 1 year in county jail and/or nmt \$1,000. 2nd offense: punished as a fourth degree felony. Subsequent: 2-10 years and/or nmt \$5,000.

More than 1 oz.: 1st offense: 2-10 years and nmt \$2,000. 2nd offense: 5-20 years and nmt \$2,000. Subsequent: 10-40 years and nmt \$2,000.

Sale: 1st offense: 10-20 years and nmt \$5,000. 2nd offense: 20-40 years and nmt \$10,000. Subsequent: life. (N.M. Stat. Ann. § 54-7-15).

(4) Suspended sentences, probation, and parole are prohibited for all offenses except possession of 1 oz. or less.

(5) New Mexico amended their law in 1969 to provide lesser penalties for possession of 1 oz. or less and making it a misdemeanor, and increasing the penalties for sale. Under prior law, one penalty structure: 2-10 and nmt \$2,000; 5-20 and nmt \$2,000; 10-40 and nmt \$2,000. Mitigation of sentences was prohibited only for second offenses.

NEW YORK

(1) No distinction is made between marihuana and narcotics, although marihuana offenses generally receive lesser penalties than narcotic offenses.

(2) Distinction is made between possession and sale.

(3) (In all of the following penalty provisions, the court has wide latitude to impose alternative punishment, including certification of the offender over to the New York Narcotics Addiction Control Board.)

Possession: Less than 25 cigarettes: class A misdemeanor, nmt 1 year and/or nmt \$1,000, 25-99 cigarettes, or 1/4 oz.—1 oz.: class D felony, nmt 7 years, 100 or more cigarettes, or more than 1 oz.: class C felony, nmt 15 years. Possession with intent to sell: class E felony, nmt 4 years.

Sale: class D felony, nmt 7 years. (N.Y. Pub. Health Law §§ 3300 through 3366; N.Y. Penal Law §§ 220.00 through 220.30.)

(4) Suspended sentences, probation, and parole are prohibited for narcotics felonies, but the court is given wide latitude in sentencing. In all narcotic felonies, at least one year of the sentence must be served.

(5) There has been no change in the law since 1967.

NORTH CAROLINA

(1) No distinction is made between marihuana and narcotics.

(2) Distinction is made between possession and sale.

(3) Possession: 1 gram or less: misdemeanor, punished by fine and/or imprisonment at the discretion of the court. Second and subsequent offenses are punished as below. Possession of more than 1 gram, and sale: 1st offense: nmt 5 years and/or nmt \$1,000. 2nd offense: 5-10 years and nmt \$2,000. Subsequent: 15 years-life and nmt \$3,000. (N.C. Gen. Stat. § 90-111).

(4) Suspended sentences and probation are prohibited only for second and subsequent sale offenses.

(5) North Carolina amended their law in 1969 to provide for the misdemeanor penalty for possession of 1 gram or less (Sec. 10, § 970, laws 1969).

NORTH DAKOTA

(1) Distinction is made between marihuana and narcotics.

(2) No distinction is made between possession and sale.

(3) 1st offense: imprisonment in county jail nmt 6 months, or in state penitentiary nmt 2 years, or fine nmt \$2,000, or both. Subsequent: imprisonment in state penitentiary nmt 5 years or fine nmt \$2,000, or both. (N. D. Cent. Code § 19-03-28.1).

(4) There are no prohibitions against suspended sentences or probation; the parole board may parole an individual at any time.

(5) North Dakota repealed the UNDA in 1969; the new law removes marihuana from the narcotic classification and reduces the penalties substantially.

OHIO

(1) No distinction is made between marihuana and narcotics.

(2) Distinction is made between possession and sale.

(3) Possession: 1st offense: 2-15 years and nmt \$10,000. 2nd offense: 5-20 years and nmt \$10,000. Subsequent: 10-30 years and nmt \$10,000.

Possession for sale: 1st offense: 10-20 years. 2nd offense: 15-30 years. Subsequent: 20-40 years.

Sale: 20-40 years. (Ohio Rev. Code § 3719.99).

(4) Possession and possession for sale offenses are probational, and offenders who are imprisoned receive the same parole considerations as any prisoner. Sale offenses are generally not probational, although offenders are entitled to parole consideration as any other prisoner.

(5) There has been no change in the law since 1967.

OKLAHOMA

(1) Distinction is made between marihuana and narcotics; marihuana is covered by a separate statute, with somewhat lesser penalties than narcotics.

(2) No distinction is made between possession and sale.

(3) Penalty provision: nmt 7 years and/or nmt \$5,000. (Okla. Stat. Ann. tit. 63, § 452).

(4) There are no prohibitions against suspended sentences, probation, or parole.

(5) There has been no change in the law since 1967, but the legislature is expected to review the UNDA in the 1970 session, and may well change some of the penalty provisions.

OREGON

(1) No distinction is made between marihuana and narcotics.

(2) No distinction is made between possession and sale.

(3) Penalty: imprisonment in county jail for nmt 1 year or fine nmt \$5,000 or both (misdemeanor); or imprisonment in state penitentiary for nmt 10 years or fine nmt \$5,000 or both (felony). (Ore. Rev. Stat. § 474.990).

(4) Suspended sentences and probation are not prohibited for any offenses; it is within the discretion of the trial judge.

(5) Oregon amended their law in 1969 to provide that any marihuana offense can be a misdemeanor or a felony, depending on the sentence imposed by the judge. There was no discretionary misdemeanor provision under prior law.

PENNSYLVANIA

(1) No distinction is made between marihuana and narcotics.

(2) Distinction is made between possession and sale.

(3) Possession: 1st offense: 2-5 years and nmt \$2,000. 2nd offense: 5-10 years and nmt \$5,000. Subsequent: 10-30 years and nmt \$7,500.

Sale: 1st offense: 5-20 years and nmt \$5,000. 2nd offense: 10-30 years and nmt \$15,000. Subsequent: life and nmt \$30,000. (Pa. Stat. Ann. tit. 35, § 780-20).

(4) Suspended sentences, probation, and parole are prohibited for all second offenses, and prohibited for first sale offense if the sale is to a minor.

(5) There has been no change in the law since 1967.

RHODE ISLAND

(1) No distinction is made between marihuana and narcotics.

(2) Distinction is made between possession and sale.

(3) Possession: 1st offense: 2-15 years and nmt \$10,000. 2nd offense: 5-20 years and nmt \$10,000. Subsequent: 10-30 years and nmt \$10,000.

Possession for sale: 1st offense: 10-20 years. 2nd offense: 15-30 years. Subsequent: 20-40 years.

Sale: 20-40 years. (R.I. Gen. Laws Ann. §§ 21-28-31, 32).

(4) Probation is prohibited for sale to a minor; there are no other prohibitions.

(5) There has been no change in the law since 1967.

SOUTH CAROLINA

(1) No distinction is made between marihuana and narcotics.

(2) No distinction is made between possession and sale.

(3) 1st offense: nmt 2 years and/or nmt \$2,000. 2nd offense: 2-5 years and/or \$2,000-\$5,000. Subsequent: 10-20 years. (S.C. Code § 32-1493).

(4) Suspended sentences and probation are prohibited only for third and subsequent convictions, and for second and subsequent convictions of sale to a minor.

(5) There has been no substantial change in the law since 1967.

SOUTH DAKOTA

(1) No distinction is made between marihuana and narcotics.

(2) Distinction is made between possession and sale.

(3) Possession: 1st offense of quantity 1 oz. or less: nmt 1 year in county jail as a misdemeanor and/or nmt \$500. 1st offense of quantity in excess of 1 oz; 2-5 years and nmt \$5,000. 2nd possession offense: 5-10 years and nmt \$10,000. Subsequent possession offense: 10-20 years and \$20,000.

Sale: 1st offense: 5-17 years and nmt \$10,000. Subsequent: 10-20 years and \$20,000. (S.D. Code §§ 39-16-49, 49.2).

(4) Suspended sentences, probation, and parole are prohibited for all except first offense possession.

(5) South Dakota amended their law in 1968 to make first possession offenses misdemeanors.

TENNESSEE

(1) No distinction is made between marihuana and narcotics.

(2) No distinction is made between possession and sale.

(3) 1st offense: 2-5 years and \$500. 2nd offense: 5-10 years and \$500. Subsequent: 10-20 years and \$500. (Tenn. Code Ann. §§ 52-1322).

(4) Suspended sentences and probation are prohibited for second and subsequent convictions.

(5) There has been no change in the law since 1967, although several proposals to lessen the penalty structure are presently pending before the General Assembly.

TEXAS

(1) No distinction is made between marihuana and narcotics.

(2) Distinction is made between possession and sale.

(3) Possession: 1st offense: 2 years—life. Subsequent: 10 years—life.

Sale: 1st offense: 5 years—life. Subsequent: 10 years—life. (Tex. Pen. Code art. 725b, sec. 23).

(4) Suspended sentences and probation are prohibited for second and subsequent convictions.

(5) Texas made slight amendments to their laws in 1969, distinguished between possession and sale (in effect, increasing the punishment for the first sale offense) and providing for suspended sentences (under prior law only probation was allowed to first offenders).

UTAH

(1) Marihuana is defined as a narcotic, although a distinction is made in the penalty structure, with marihuana receiving lighter sentences.

(2) Distinction is made between possession, possession for sale, and sale.

(3) Possession: 1st offense: nlt 6 months in county jail. 2nd offense: nlt 6 months in county jail, or 1–5 years in state prison, as may be determined by the court.

Possession for sale: 1st offense: 2–10 years. 2nd offense: 5–10 years. Subsequent: 10 years—life.

Sale: 1st offense: 5 years—life, 2nd offense: 5 years—life. Subsequent: 10 years—life. (Utah Code Ann. § 58-13a-44).

(4) Probation is specifically provided for for first and second possession offenders; parole is prohibited for all possession for sale and sale offenses.

(5) Utah amended their law in 1968 to lower the penalties for possession and to raise the penalties for possession for sale and sale. Under prior law the only penalty provision was nmt 5 years and/or nlt \$1000; subsequent was 5 years—life and/or nlt \$5000.

VERMONT

(1) Distinction is made between marihuana and narcotics. Marihuana is usually grouped with depressant and stimulant drugs in the penalty structure, and in all instances is distinguished from narcotic drugs.

(2) Distinction is made between possession, possession with intent to sell, and sale.

(3) Possession: 1st offense: sentence to any institution except the state prison for nmt 6 months and/or nmt \$500. Subsequent: nmt 2 years and/or nmt \$2,000.

Possession with intent to sell: 25 or more cigarettes, or ½ oz. or more; nmt 2 years and/or nmt \$2,000 (no second offense pro-

visions). 100 or more cigarettes, or 2 ozs. or more; nmt 5 years and/or nmt \$5,000 (no second offense provisions).

Sale: 1st offense: nmt 5 years and nmt \$10,000. Subsequent: 10–25 years and nmt \$25,000.

(4) There is no prohibition against suspended sentences, probation, or parole.

(5) Vermont repealed the UNDA in 1968; the new legislation greatly reduces the penalty structure, distinguishes marihuana from narcotics, and makes first offense possession a misdemeanor.

VIRGINIA

(1) No distinction is made between marihuana and narcotics.

(2) No distinction is made between possession and sale, except that possession of more than 25 grains receives a heavier penalty.

(3) General provision: 1st offense: 3–5 years and nmt \$1,000. 2nd offense: 5–10 years and nmt \$2,000. Subsequent: 10–20 years and nmt \$3,000.

Possession of 25 grains or more: 20–40 years and nmt \$5,000. (Va. Code Ann. § 54-516).

(4) Suspended sentences are permitted for any offense except sale to a minor. Parole and probation are available to any prisoner.

(5) There has been no change in the law since 1967, but it is anticipated that marihuana will soon be removed from the narcotics laws, and possession offenses be made misdemeanors.

WASHINGTON

(1) Distinction is made between marihuana and narcotics; marihuana is classified as a "dangerous drug."

(2) No distinction is made between possession and sale (although all penalties are mild).

(3) General provision: 1st offense: misdemeanor, nmt 6 months and/or nmt \$500. 2nd offense: gross misdemeanor, nmt 1 year and/or nmt \$1,000. Subsequent: felony, nmt 10 years and/or nmt \$10,000.

Possession with intent to sell: 3–10 years and/or nmt \$5,000. (Possession in excess of 40 grams is prima facie evidence of possession with intent to sell).

Sale to minor: nmt 20 years and nmt \$50,000. (Wash. Rev. Code § 69.40.070).

(4) There is no prohibition against suspended sentences, probation, or parole.

(5) Washington removed marihuana from the coverage of UNDA in 1969, and thereby greatly reduced the penalties, including making possession offenses misdemeanors.

WEST VIRGINIA

(1) No distinction is made between marihuana and narcotics.

(2) No distinction is made between possession and sale.

(3) 1st offense: 2–5 years and nmt \$1,000. 2nd offense: 5–10 years and nmt \$5,000. Subsequent: 10–20 years and nmt \$10,000. (W. Va. Code Ann. § 16-8A-23).

(4) Suspended sentences, probation, and parole are prohibited on all but first offenses.

(5) There has been no change in the law since 1967.

WISCONSIN

(1) Distinction is made in classification between marihuana and narcotics, but they receive the same penalties.

(2) No distinction made between possession and sale.

(3) 1st offense: 2–10 years. 2nd offense: 5–10 years. Subsequent: 10–20 years. (Wis. Stat. § 161.28).

(4) Suspended sentences and parole are prohibited for second offenses.

(5) There has been no change in the law since 1967.

WYOMING

(1) No distinction is made between marihuana and narcotics.

(2) Distinction is made between possession and sale.

(3) Possession: 1st offense: nmt 6 months and nmt \$1,000; 2nd offense: nmt 5 years and nmt \$2,000; subsequent: nmt 10 years and nmt \$2,000.

Sale: 1st offense: nmt 10 years; subsequent nmt 25 years. (Wyo. Stat. Ann. § 35-369).

(4) There is no prohibition against suspended sentences, probation, or parole.

(5) Wyoming amended their law in 1969, lowering the punishment for possession and raising slightly the punishment for sale. Prior punishment for both possession and sale was: 2–5; 5–10; 10–20, all with a fine nmt \$2,000.

APPROPRIATIONS FOR THE DEPARTMENTS OF LABOR, AND HEALTH, EDUCATION, AND WELFARE, AND RELATED AGENCIES, 1970—CONFERENCE REPORT

Mr. BYRD of West Virginia. Mr. President, for the information of the Senate, what is the pending business?

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Wisconsin (Mr. NELSON) to the second part of the House amendment to the Senate amendment in disagreement, numbered 83.

Mr. BYRD of West Virginia. Mr. President, I thank the Presiding Officer.

As a reminder to Senators, there will be a vote tomorrow at 1 p.m. And the able Senator from Wisconsin (Mr. NELSON) has expressed a desire that that vote be a rollcall vote.

RECESS UNTIL 11 A.M. TOMORROW

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move in accordance with the previous order, that the Senate stand in recess until 11 o'clock tomorrow morning.

The motion was agreed to; and (at 5 o'clock and 14 minutes p.m.) the Senate recessed until tomorrow, Wednesday, January 21, 1970, at 11 o'clock a.m.

EXTENSIONS OF REMARKS

FARMERS FOR FISHERMEN

HON. THOMAS M. PELLY

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Monday, January 19, 1970

Mr. PELLY. Mr. Speaker, a group of farmers of the soil have gone to bat for the "farmers of the sea," in a resolution. The Oregon-Washington Farmers Un-

ion, at their convention in Salem, Oreg., November 15, 1969, passed numerous resolutions including one concerning fishing off our coastline.

For the information of my colleagues, and without objection, the aforementioned resolution appears at this point of the RECORD:

RESOLUTION No. 6

Being that foreign fishing trawlers and their cannery's are taking such a very heavy

toll of our Pacific Ocean fish, including our various types of salmon, etc.

Therefore, be it resolved that Oregon-Washington Farmers Union go on record urging legislation to pass a law whereby: "foreign fishing boats must stay outside of our Continental shelf along the United States."

That copies of this resolution be sent to our U.S. Representatives and Senators to encourage action to help pass this legislation thereby helping all fishermen, both ocean and stream.