through E7; to the Committee on Armed Services.

By Mr. DERWINSKI (for himself, Mr. CRANE, Mr. MCCLORY, and Mr. KLUCZYNSKI):

H.R. 17262. A bill to amend title 39, United States Code, to provide rates of pay for postal field service employees in certain areas and locations in accordance with private enterprise pay rates in these areas to assist in recruitment and retention of postal field service employees, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. FARBSTEIN:

H.R. 17263. A bill to amend title 23 of the United States Code to require the replacement of low or moderate income housing destroyed as a result of highway construction; to the Committee on Public Works.

By Mr. GUDE:

H.R. 17264. A bill to amend title 38, United States Code, in order to authorize the Administrator to make advance educational assistance payments to certain veterans; and for other purposes; to the Committee on Veterans' Affairs.

By Mr. HAMMERSCHMIDT:

H.R. 17265. A bill to provide for orderly trade in textile articles and articles of leather footwear, and for other purposes; to the Committee on Ways and Means.

By Mr. KLUCZYNSKI:

H.R. 17266. A bill to provide for orderly trade in textile articles and articles of leather footwear, and for other purposes; to the Committee on Ways and Means.

By Mr. HORTON:

H.R. 17267. A bill to provide for orderly trade in textile articles and articles of leather footwear, and for other purposes; to the Committee on Ways and Means.

By Mr. MCKNEALLY:

H.R. 17268. A bill to provide for orderly trade in textile articles and articles of leather footwear, and for other purposes; to the Committee on Ways and Means.

By Mr. RODINO:

H.R. 17269. A bill to provide for the mandatory civil commitment of certain narcotic addicts, to provide for more facilities for treating, supervising, and controlling narcotic addicts, and for other purposes; to the Committee on the Judiciary.

By Mr. DENT (for himself and Mr. BURTON of California):

H.R. 17270. A bill to prevent interference in labor disputes occurring in the United States by means of the importation of goods made by foreign subsidiaries; to the Committee on Ways and Means.

By Mr. BLANTON:

H.J. Res. 1191. Joint resolution proposing an amendment to the Constitution of the United States providing that citizens of the United States who are 18 years of age or older are eligible to vote in Federal elections; to the Committee on the Judiciary.

By Mr. GALIFIANAKIS:

H.J. Res. 1192. Joint resolution granting emergency relief from interest rate conflict between Federal law and State law; to the Committee on Banking and Currency.

By Mr. TEAGUE of California:

H.J. Res. 1193. Joint resolution to authorize the President to issue a proclamation designating the week of May 17, 1970, through May 23, 1970, as "D for Decency Week"; to the Committee on the Judiciary.

By Mr. BROTZMAN (for himself and Mr. O'NEILL of Massachusetts):

H. Res. 951. Resolution to amend the Rules of the House of Representatives to create a standing committee to be known as the Committee on the Environment; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

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

By Mr. FLOWERS:

H.R. 17271. A bill to authorize the Secretary of the Interior to sell reserved mineral interests of the United States in certain land located in the State of Alabama to the record owner of the surface thereof; to the Committee on Interior and Insular Affairs.

By Mr. HOGAN:

H.R. 17272. A bill for the relief of certain employees of the Department of Defense; to the Committee on the Judiciary.

By Mr. SYMINGTON:

H.R. 17273. A bill for the relief of Dr. Cesar O. Jimenez-Pazos; to the Committee on the Judiciary.

H.R. 17274. A bill for the relief of Dr. George Alexander Karadimos; to the Committee on the Judiciary.

By Mr. VAN DEERLIN:

H.R. 17275. A bill for the relief of Alfonso Lezo Ramirez, his wife, Consuelo Hernandez, Cruz Lezo and his minor child, Gerardo Lezo Cruz, age 6 months; to the Committee on the Judiciary.

MEMORIALS

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

By the SPEAKER:

365. A memorial of the General Court of the Commonwealth of Massachusetts, relative to appropriating additional funds for medical research into kidney diseases; to the Committee on Appropriations.

366. Also, a memorial of the Legislature of the State of New York, relative to providing interest subsidy funds for existing middle-income housing; to the Committee on Banking and Currency.

367. Also, a memorial of the House of Representatives of the General Assembly of the Commonwealth of Pennsylvania, relative to an interstate compact for the development of the Susquehanna River Basin; to the Committee on the Judiciary.

368. Also, a memorial of the Legislature of the State of Alaska, relative to establishment of an exclusive fisheries zone for the United States; to the Committee on Merchant Marine and Fisheries.

369. Also, a memorial of the Legislature of the State of Hawaii, relative to Federal assistance for the development of a tuna fishery in the central and western Pacific Ocean; to the Committee on Merchant Marine and Fisheries.

370. Also, a memorial of the Legislature of the State of Hawaii, relative to Federal assistance for the construction of a second breakwater at Port Allen, Kauai, Hawaii; to the Committee on Public Works.

371. Also, a memorial of the Legislature of the State of Florida, relative to designating Cape Kennedy as the operational base for the space shuttle system; to the Committee on Science and Astronautics.

372. By Mr. MONAGAN: A memorial of the State of Connecticut relative to observing Sunday, July 12, 1970, as a day for a special salute to the Armed Forces in Vietnam; 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:

461. By the SPEAKER: Petition of the town of Brookline, Mass., relative to ending the war in Vietnam; to the Committee on Foreign Affairs.

462. Also, petition of the council of the city of Philadelphia, Pa., relative to establishing a centralized facility within the city for drug addicts and establishing comprehensive programs of drug abuse education; to the Committee on Interstate and Foreign Commerce.

463. Also, petition of the council of the city of Youngstown, Ohio, relative to enabling local governments to use the franking privilege of the U.S. Postal System; to the Committee on Post Office and Civil Service.

SENATE—*Monday, April 27, 1970*

The Senate met at 11:30 o'clock a.m. and was called to order by the Acting President pro tempore (Mr. METCALF).

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

Eternal Father, who in every age has called men to serve Thee at the altar and in the pulpit, in field and factory, at the bench and in halls of commerce, in places of executive leadership and in the forums of government, help us to make all work a divine vocation. Make us to know that the chief end of man is to glorify God in little tasks, in obscure deeds, in quiet moments as in momentous actions. Teach us the holiness of daily duty, that in the toil of hand and brain we may worship while we work and so fulfill the law of God. May all who labor in this place be true ministers of the Government and servants of the common good.

In the name of Him who came not to be ministered unto, but to minister and give Himself for others. Amen.

FORTIETH ANNIVERSARY OF THE ORDINATION OF THE REVEREND DR. EDWARD L. R. ELSON, CHAPLAIN OF THE SENATE

Mr. SCOTT. Mr. President, anticipating what will be said shortly by the distinguished Senator from Oregon (Mr. HATFIELD), since it may not be possible for me to be in the Chamber at that time, I should like to comment on the fact that today is the 40th anniversary of the ordination of our beloved and distinguished Chaplain, and we all join in extending to him our felicitations. A good deal more will be said on this subject by the distinguished Senator from Oregon and by other Senators.

I thank the Senator from Tennessee and the Senator from Oregon.

Mr. HATFIELD. Mr. President, when John Winthrop and the first settlers of the Massachusetts Bay Colony were sailing to America aboard the Arabella, Winthrop preached these following words:

We shall be as a City upon the Hill. The eyes of all people are upon us; so that if we shall deal falsely with our God in his work we have undertaken and shall cause him to withdraw his present help from us, we shall be made a story and a byword through the world.

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

The religious impulses behind those who founded our country are known to us all. In search of a new world, these brave men and women were of deep religious conviction and sought to undertake a special work of God on this new continent.

When our Nation came into being 150 years after Winthrop's sermon, those who articulated its purposes and struggled for its independence were undergirded by a reliance on divine providence. Through the ensuing stormy history of our land, there have been those who have reminded us that we must not "deal falsely with our God in his work we have undertaken." The Chaplain of this body, the Reverend Edward Elson, is one such man. Today, April 27, is the 40th anniversary of his ordination. The Chaplain of the Senate is to remind us that our destiny as a nation and our effectiveness as individual Senators is dependent upon more than our own efforts. He reminds us that in God there is a source of strength, wisdom, guidance, and vision that must formulate our purposes as a nation and take root within us as individuals. This calling Chaplain Elson has filled since January of 1969. As Senators, our gratitude to him is profound, for he has served us with a particular depth of commitment and dedication.

The 40 years of Chaplain Elson's ministry began in California. For 10 years he served as minister of the First Presbyterian Church in La Jolla until 1941. It was then that his ministry was particularly turned in service toward our Nation. For 5 years he served as a chaplain to our Army in Europe and during that time received numerous decorations for his courage and distinguished service. He returned home to become minister of the National Presbyterian Church here in Washington. Since that time the force of Dr. Elson's ministry has been felt throughout this city. Further, as a pastor of the leaders of our country, Edward Elson has been a source of personal encouragement and vital support to hundreds who have borne the weight of national leadership. The people of our Nation best know Dr. Elson as the pastor to Dwight Eisenhower. The contribution he made to the life of this one man may never fully be known. We can be certain that the force of President Eisenhower's character and the inspiration of his leadership were, in some measure, the result of Edward Elson's ministry.

The Senate often becomes a forum of heated disagreement, divisiveness, and polarization. We, perhaps more than any body or organization in this land, need a chaplain, for it is in our deep spiritual convictions that we can often discover the basis for a reconciliation that transcends all other differences. I am deeply appreciative that Chaplain Elson is with us to serve as our counselor and pastor. We are, indeed, fortunate to have him devote these years of his ministry to us. More important, our Nation is fortunate that a man of his caliber and sensitivity bears the responsibility of enlivening our faith. Today I wish to express my personal gratitude and congratulations to Chaplain Elson for his 40 years of dedicated ministry and service.

Mr. President, I ask unanimous consent to have printed in the RECORD a brief sketch of the multifaceted career of our Chaplain, Dr. Elson.

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

BIOGRAPHICAL DATA

The Rev. Edward L. R. Elson, S.T.D., D.D., Litt.D., LL.D., L.H.D., D.Hum. Minister, The National Presbyterian Church, 4123 Nebraska Avenue NW., Washington, D.C. 20016, Chaplain of the United States Senate.

Born: Monongahela, Pennsylvania.

Education: Clairton, Pennsylvania, High School A.B. Asbury College, Kentucky, 1928, M. Th. University of Southern California, 1931.

16 Honorary Doctor's degrees, among which are the following: D.D. Occidental College, 1947; Wheaton College, 1934. S.T.D. College of Emporia, 1955; Ripon College, 1956. Litt.D. Centre College of Kentucky, 1952; Lafayette College, 1958; Gettysburg College, 1960. LL.D. Norwich University, 1953; Davis and Elkins College, 1955; Asbury College, 1958; Hope College, 1961. L.H.D. University of Southern California, 1954; College of Wooster, 1960; Washington and Jefferson College, 1960. D.Hum. Parsons College, 1955.

Ministry: Ordained, Presbytery of Los Angeles, Santa Monica, California, April 27, 1930, Assistant Minister, First Presbyterian Church, Santa Monica, California, 1929–1931, Minister, First Presbyterian Church, La Jolla, California, 1931–1941, Minister, The National Presbyterian Church, Washington, D.C., since December 1946, Pastor to former President and Mrs. Eisenhower, members of the Cabinet and other Government officials, Elected Chaplain of the United States Senate, January 9, 1969.

Public service: Member, Board of Directors, Maryville College, Maryville, Tenn., President, Board of Trustees, Wilson College, Chambersburg, Pa., Member, Board of Directors, Freedoms Foundation at Valley Forge, Valley Forge, Pa., Chairman, National Council, American Friends of the Middle East, Member, Advisory Committee on the Arts, John F. Kennedy Center for the Performing Arts, Member, Board of Directors, American Colony Charities Association, Jerusalem, Jordan, Vice President, Religious Heritage of America, Former Chairman, Clergy Advisory Council, National Association of Manufacturers, Member, National Advisory Council, Welfare of the Blind, Inc.

Past positions: Moderator, Los Angeles Presbytery, 1938, Western Regional Director of Presbyterian Post-War Fund, 1946; Member, Board of Pensions, Presbyterian Church in U.S.A., 1948–1957, National Chaplain, Disabled American Veterans, 1950–1951, President, Washington Federation of Churches, 1952–1954, President, The Military Chaplains Association, 1957–1959, Commissioner to the General Assembly, United Presbyterian Church in the U.S.A. six times, President, Kiwanis Club, La Jolla, California (Honorary Life Member) Moderator, Presbytery of Washington City, 1966.

Military: Commissioned Chaplain, U.S. Army Reserve, 1930, Rank of Colonel since 1944 (Ret. November 1961), Extended active duty, 1941–1946. Chaplain XXI Corps, European Theater; Chaplain, Seventh U.S. Army, Europe, Numerous military decorations, including Legion of Merit; Bronze Star Medal; Army Commendation Medal; French Croix de Guerre avec Palme; French Medal of Freedom; Silver Star of Jordan-First Class; Gold Medal, Lebanese Order of Merit-First Class; Arms of the City of Colmar, France. Member, Advisory Board of Directors, Association of the U.S. Army.

Honors: Designated "Clergy Churchman of the Year," Award by Religious Heritage of America and Washington Pilgrimage of American Churchmen, 1954, Freedoms Foundation Award, Sermon category, 1951, 1954, 1957, 1958, 1959, 1960, 1962, 1964, Freedoms Foundation Principal Sermon Award, 1965, Honor Medal Award for "America's Spiritual Recovery," 1954 Honorary Citizen, Dallas, Texas; Charlotte, North Carolina; Alliance, Ohio; Honorary Kentucky Colonel.

Travels: Europe, The Middle East, and Africa, Guest preacher in leading churches in the British Isles and Europe, Frequent speaker at colleges and universities in the United States, Retreat master at spiritual retreats for clergy and military chaplains, United States and abroad, Appointed by President Johnson as a member of the U.S. Mission to observe Vietnamese elections, September 1967.

Author: "One Moment With God," Doubleday, 1951. "America's Spiritual Recovery," Fleming H. Revell Company, 1954. "And Still He Speaks," Fleming H. Revell Company, 1960. "The Inevitable Encounter," Eerdmans, 1962. Numerous sermons and articles.

Memberships: Theta Sigma, Chi Alpha, Cosmos Club, Y.M.C.A., International Platform Assn., Army and Navy Club, Burning Tree Club.

Learned societies: Phi Chi Phi, American Society of Church History, Church Service Society, Academy of Religion and Mental Health.

Family: Mrs. Elson, the former Helen Chittick, a descendant of Wishart, Coadjutor of John Knox, was educated at The Bishop's School and the University of California. Children: Mrs. Erland Heginbotham, Washington, D.C., Miss Beverly Lynn, Washington, D.C., Mrs. Duncan MacRae, Baltimore, Md., David Edward, Washington, D.C.

Mr. MANSFIELD. Mr. President, I wish to join the distinguished Senator from Oregon. He has said everything that should or could have been said. All I can add is that Chaplain Elson has been a good and faithful Chaplain of the Senate.

Mr. MATHIAS. Mr. President, I also join the distinguished Senator from Oregon in his remarks about our Chaplain. I join from the point of view of one who has spent a lifetime in this area, to note that Dr. Elson came to Washington to become the minister of the National Presbyterian Church in December 1946, and so for a period of nearly a quarter of a century has been a moving force in this community. Aside from whatever may be said about the broader aspects of his ministry and about his service to the Senate, I should also like to add a word of appreciation on behalf of the community for the active force that he has been and for the valuable service that he has rendered in acting as a witness to the Christian ethic in a difficult time and in a troubled city.

Mr. HATFIELD. I thank the Senator from Maryland.

Mr. President, I thank the Senator from Tennessee for yielding me this time.

Mr. BAKER. Mr. President, I wish to join Senators in expressing my admiration for Dr. Elson. Although he has served as Chaplain of the Senate for a relatively short time, he has long been known to the Washington community as a source of wise guidance and counsel.

I can recall with particular and personal gratitude the great assistance of Dr. Elson during the days following the death of Senator Dirksen last September. My family and I will always remem-

ber him as a source of strength in that time.

We are fortunate to have Dr. Elson in the Senate. I share the hope of the rest of my colleagues that he will be with us in that capacity for many years to come.

Mr. METCALF. Mr. President (Mr. STENNIS), the Senator from Oregon (Mr. HATFIELD), with his usual grace and consideration, paid tribute to our Chaplain, the Reverend L. R. Elson.

I have been privileged to enjoy a unique relationship with Chaplain Elson, because from time to time we wait in the anteroom and chat and discuss things of world import while we wait to call the Senate to order in the morning.

I have grown to admire him as a man and to admire him as an outstanding individual. I was very much impressed when the Senator from Oregon discussed Dr. Elson's distinguished record of community and military service, as well as his personal record and great integrity.

I concur in all that Senators have said about Chaplain Elson. I heartily commend all of them for their tributes to him on this very important day of his 40 years of service.

I can only say that he exemplifies Oliver Goldsmith's description of a clergyman:

Best in his duty, prompt at every call.
He watch'd and wept, he pray'd and felt for all.

Mr. CURTIS. Mr. President, I wish to join other Senators who have paid tribute to our beloved Chaplain, Dr. Elson, on the 40th anniversary of his entering the Christian ministry.

Much could be said about Dr. Elson's scholarship. Much could be said about the important positions that he has held and the important events in which he has participated. I wish, however, to call attention to something else which, so far as the junior Senator from Nebraska is concerned, speaks most highly of Dr. Elson.

Dr. Elson has been true to his faith. In his day and age he is an example of an exponent of basic evangelical Christianity. This is important. This is what the Nation needs. This is what we need in the U.S. Senate.

If our needs were purely secular, if our needs were for leadership along secular lines, but merely on a high, noble level, we would not need a chaplain. We could turn to countless Members of the Senate who could fill that need. We have a chaplain because of what basic spiritual values mean to this country. In Dr. Elson we have such an exponent, such a leader, and such a benefactor to the Senate and to individual Senators.

Mr. SYMINGTON. Mr. President, I well remember that when the matter of a new chaplain came up, the distinguished Senator from Mississippi (Mr. STENNIS) highly recommended the present Chaplain, Dr. Elson. I can report without any reservation that that recommendation has certainly proved to be one of the more fortunate ones that have been made in the Senate for some time, because I would join Senators in stating that I think the dignity of the Senate and the importance of an outstanding chaplain have been well exemplified in the superb performance of Dr. Elson himself.

Mr. HANSEN. Mr. President, I wish to join other Senators who have already paid their respects to the Senate Chaplain on the occasion of the 40th anniversary of his having been ordained in the ministry. Those of us who are privileged to hear the chaplain each day the Senate is in session and those, far greater in number, who are privileged to read the prayers with which he opens the business of the Senate each day agree with our distinguished colleague the senior Senator from Oregon in paying tribute to our distinguished Senate Chaplain.

I should like to associate myself with his remarks, and with the remarks and the eulogies that have been expressed on this floor earlier today.

Mr. GRIFFIN. Mr. President, I wish to associate myself with the fine tributes to Dr. Elson we have heard on the floor of the Senate today and to express my own personal gratitude for the inspiration and guidance he has brought to the Senate and to us all.

His life has been rich and full—so much so that is it difficult to see how he has found the time to accomplish so much. His career is living proof that man can, serve and serve effectively, in many different areas. During the course of his ministry Dr. Elson served as chaplain with our military forces in Europe in World War II, he has maintained a continuing interest in education, and serves as a member of the board of trustees of a number of colleges. He has been interested in and contributed importantly to many efforts to uphold the traditions and freedoms of our Nation.

We are grateful to him for his service to the Senate and to the Nation, and wish for him many more anniversary observances.

Mr. ALLOTT. Mr. President, today marks 40 years of service in the ministry for a man loved in the Senate for his dignity, grace, and good humor.

For a quarter of a century Dr. Edward Elson has been a man of many achievements, many honors and many friends.

Today he is Chaplain of the Senate and minister of the National Presbyterian Church in Washington. He has been active in public service for many years, thereby proving that spiritual excellence and public service are not mutually hostile. He holds 16 honorary degrees and many other honors recognizing his excellent citizenship.

It is an honor to work with Dr. Elson, and it is a pleasure to honor him. I join my colleagues in wishing him many more years of distinguished service.

Mr. HRUSKA. Mr. President, I wish to join Senators in congratulating Dr. Elson on the 40th anniversary of his ordination and to commend him for the many years of dedicated public service he has performed.

Since he joined this body, his influence has been a source of inspiration to us, and his many other good works are well known throughout the community.

On this happy occasion, I wish Dr. Elson many more years of rewarding activity in serving mankind.

Mr. JORDAN of North Carolina. Mr. President, I consider it a privilege to join today in tribute to our Chaplain, Dr. Edward Elson, for the lifetime of service that he has devoted to his God and his country.

In the little more than a year he has been with us I have come to greatly admire and respect Dr. Elson for his kindliness, understanding, and human compassion and for his steadfast faith.

He has been a source of inspiration and reassurance to all of us in times of stress and a constant reminder of the need which we all have for divine guidance and support in meeting our responsibilities to ourselves and our country.

I feel we all owe him a lasting debt of gratitude for what he has meant to us and for the untold contributions he has made in his 40 years as a pastor, military chaplain, and spiritual adviser to many of our Nation's leaders.

For myself, I welcome this chance to express my heartfelt thanks and deep appreciation to you, Dr. Elson, and to say I hope you are with us for a long time.

Mr. TALMADGE. Mr. President, I am very pleased to join my colleagues in the Senate today in congratulating the Chaplain of the Senate on his 40th year as a minister of the gospel. I know this is a proud moment for Dr. Elson.

Dr. Elson came to the Senate a little more than a year ago, and we have been blessed by his daily inspirational prayers and spiritual leadership. The Chaplain has had a long and rewarding life in the ministry as a man of God, and I certainly want to wish him every future success and happiness on this day.

Mr. STENNIS subsequently said: Mr. President, while it was my privilege to be the Presiding Officer for some time after the Senate convened today, I have been very much impressed and certainly personally gratified by the remarks that have come from so many Senators regarding our Chaplain, Dr. Elson. I, too, have been impressed with his services as our Chaplain. I also have the privilege of having the benefit of his sermons and of some of his other activities in the church where he is such an outstanding pastor.

I wish to refer particularly to the prayers that the Chaplain offers from day to day during the session of the Senate. I think they are not only sincere, but are filled with deep spiritual wisdom. Certainly they are an inspiration and an encouragement to us as we try to cope with our duties here.

Furthermore, these prayers go forth in the CONGRESSIONAL RECORD and find their way into the libraries of the Nation. They find their way to the desks of hundreds of editors throughout the Nation; to the desks of business leaders, professional leaders, and leaders of all kinds; and into the spiritual thoughts and all the others avenues of spiritual expression and influence of our entire Nation. In that way, they are a powerful influence for the good, and for the cultivation of spiritual values tied to the reasoning that goes with the everyday problems of life.

I know, too, that Dr. Elson makes a fine contribution here in his daily contacts with Members of this body through the encouragement, in a personal way, that he gives them. I know that his ministrations to Members and their families in times of stress and strain, and even sorrow, are of tremendous value. I have been impressed with the way that he performs and functions, as a great spiritual leader should, in ceremonial affairs and anything of the semi-official or official nature that arises. To me, his capability to fill this post is more than average; he has filled it in an outstanding manner.

I appreciate him not only for his strength of spiritual leadership, but also for the fact that he is a man not only of scholarly attainments, but of attainments in many fields. He has had a distinguished military career. He has been highly honored, in later years, by military organizations as well as by those in the spiritual profession that he so splendidly exemplifies.

So I join with all those who have expressed appreciation, and wish for Dr. Elson many more years of great success and service as pastor of his church. As I understand, he is completing 25 years of continuous service as pastor of the National Presbyterian Church. That in itself is quite a tribute.

I have a letter that my grandfather, when he first settled in Mississippi in the 1830's, wrote to his sister in South Carolina. He said:

> Well, we let our pastor go. The reason we let him go was that he told us the truth.

Dr. Elson has survived 40 years of telling the truth. I hope he will last 40 years more.

Mr. President, I yield the floor.

MESSAGE FROM THE HOUSE RECEIVED DURING ADJOURNMENT—ENROLLED BILLS AND JOINT RESOLUTION SIGNED

Under authority of the order of the Senate of April 23, 1970, the Secretary of the Senate, on April 24, 1970, received a message from the House of Representatives, which announced that the Speaker had affixed his signature to the following enrolled bills and joint resolution:

S. 533. An act for the relief of Barbara Rogerson Marmor;

S. 1177. An act to authorize the documentation of the vessel *West Wind* as a vessel of the United States with coastwise privileges;

S. 1775. An act for the relief of Cora S. Villaruel;

S. 1963. An act for the relief of Wu Hip;

S. 1968. An act to authorize the Secretary of the Interior to permit the removal of the Francis Asbury statue, and for other purposes; and

H.J. Res. 251. Joint resolution to authorize the President to proclaim the last Friday of April 1970 as "National Arbor Day."

REPORT OF A COMMITTEE SUBMITTED DURING ADJOURNMENT

Under authority of the order of the Senate of April 23, 1970, Mr. BELLMON, from the Committee on Interior and Insular Affairs, reported favorably, with amendments, on April 24, 1970, the bill (S. 3116) to authorize each of the Five Civilized Tribes of Oklahoma to select their principal officer, and for other purposes, and submitted a report (No. 91–805) thereon, which bill was placed on the calendar and the report was printed.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had agreed to the amendment of the Senate to the amendments of the House to the bill (S. 3253) to provide that the Federal Office Building and U.S. Courthouse in Chicago, Ill., shall be named the "Everett McKinley Dirksen Building East" and that the Federal office building to be constructed in Chicago, Ill., shall be named the "Everett McKinley Dirksen Building West" in memory of the late Everett McKinley Dirksen, a Member of Congress of the United States from the State of Illinois from 1933 to 1969.

The message also announced that the House had passed a bill (H.R. 16516) to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and research and program management, and for other purposes, in which it requested the concurrence of the Senate.

The message further announced that the House had agreed to a concurrent resolution (H. Con. Res. 582) to designate May 1, 1970, as a day for an appeal for international justice for all American prisoners of war and servicemen missing in action in Southeast Asia, in which it requested the concurrence of the Senate.

HOUSE BILL REFERRED

The bill (H.R. 16516) to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and research and program management, and for other purposes, was read twice by its title and referred to the Committee on Aeronautical and Space Sciences.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the order of last Thursday, the Senator from Tennessee (Mr. BAKER) is recognized for 30 minutes.

Mr. MANSFIELD. Mr. President, will the Senator from Tennessee yield to me briefly?

Mr. BAKER. I am delighted to yield to the distinguished majority leader.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Thursday, April 23, 1970, be dispensed with.

The ACTING 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 autrorized to meet during the session of the Senate today.

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

ORDER FOR RECOGNITION OF SENATOR SPONG

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the distinguished Senator from Virginia (Mr. SPONG) be recognized for not to exceed 20 minutes after the conclusion of the remarks of the distinguished Senator from Tennessee (Mr. BAKER).

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

ADJOURNMENT PROSPECTS—EXPEDITING OF LEGISLATION—STATUS OF CRIME BILLS

Mr. MANSFIELD. Mr. President, the majority leadership met last week with the committee chairmen to consider the prospects of expediting legislation and perhaps achieving a Labor Day adjournment. I say this in view of a statement made by Mr. Herbert Klein, the communications director of the administration, in a speech delivered in Kansas or Oklahoma over the weekend. He apparently found fault with the Congress by stating that none of the crime bills which the President had requested had been passed.

I think that Mr. Klein ought to be aware of the fact that, as far as the Senate is concerned, every crime bill, except two, has been passed, and the reason why those two have not been passed is because the administration asked for further time to look into the constitutionality of the questions involved. One of the questions had to do with preventive detention. The administration requested that it be looked into by the Justice Department. It is my understanding that a report commissioned by the Justice Department was filed within the past week or so and that the matter is now before the Subcommittee on Constitutional Rights and that hearings will be held shortly.

The second crime bill has to do with the dissemination of pornography. I understand, from a discussion I had in the Chamber a few weeks ago with the distinguished minority leader and also the ranking Republican member of the Committee on the Judiciary (Mr. HRUSKA), that grave constitutional questions are involved, which should be looked into most thoroughly.

The point I want to get across to Mr. Klein and the administration is that, as far as the Senate is concerned, it has lived up to its responsibilities. I would hope once in a while credit would be given where credit is due.

I ask unanimous consent that a statement on the meeting of the majority leadership with the committee chairmen be incorporated in the RECORD.

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

STATEMENT OF SENATOR MIKE MANSFIELD

The Majority Leadership met with the Committee Chairmen to consider the legislative situation in the Senate. At this point, the Senate Calendar is clear of major bills, except for one, which is being held up briefly at the request of the Administration.

The clear calendar is indicative of the rapid pace of Senate business. Another measure of this pace is found in the extent of Senate voting. As of April 20 this year, the Senate had taken 128 roll-call votes. Last year, that total was not reached until November 11.

Thanks to the vigorous efforts of the Committee Chairmen, the cooperation of the Minority Leadership and the diligence of Senators on both sides of the aisle, a large amount of legislation has cleared the Senate during these first few weeks of the session. We have already disposed of the carry-over appropriations legislation from last year, as well as a dozen or more major new bills and many lesser items, plus innumerable Presidential appointments.

Items passed by the Senate, to date, include Organized Crime Control, School Lunch, Dangerous Drug Control, Elementary and Secondary School legislation, Voting Rights Extension, Airport and Airways Development, Urban Mass Transit, Mortgage Credit, and the Hill-Burton Hospital legislation.

As I mentioned, the Senate Calendar is empty but it should not remain that way for long. It is anticipated that it will soon be replenished by the emergence from Committee of such measures as the Farm bill, Military Construction and Military Procurement, Pollution Control, Consumer legislation, Family Assistance, Conservation legislation, Electoral Reform, and the Blackmun nomination.

As for the appropriations bills which are the principal key to the adjournment date, three have already been passed by the House and the Senate Appropriations Committee now has them under consideration. That leaves about a dozen still to come over from the House. I should like to note my thanks to the House leadership at this time in connection with those bills. The Senate awaits prior House action on appropriations measures and, to date, the House has been responding most courteously to the request of the Senate Leadership early this year these measures be sent to us at the earliest possible date.

The Senate will not meet again this week until Thursday. It is the Leadership's intention to continue this practice of keeping the full Senate out of session whenever circumstance suggest that it is useful to do so. The objective is to give the Committees as much uninterrupted time as possible to clear legislation to the floor until there is again work on the Calendar sufficient to warrant daily convenings of the Senate.

To date, the progress on the legislative program in the Senate has been excellent. With the kind of outstanding cooperation which has been forthcoming from the Committee Chairmen and all Members of the Senate—both Republican and Democratic—there is every reason to expect a continuance of this progress.

Mr. SCOTT. Mr. President, if the Senator will yield, I come as one bearing credit. Mr. Klein is aware of the fact that the Senate has indeed proceeded this year with the disposition of all but two of the crime bills. I must accept some responsibility for having raised the question last week about the failure of the other body so far to pass any of the crime bills. So I am aware of the context in which this information came to Mr. Klein, or some of it. I am sure there is no question at the White House that the Senate has indeed disposed of these matters, so far as it can, with the exception of those two bills. The delay is in the other body; and I am not speaking here in a carping sense at all, except that I myself am the one who suggested that we should further publicize the importance to the entire Nation of a real, immediate assault on the whole problem of the increase in crime in this country. While the rate of the ascent of crime has decreased, the actual number of crimes in the population is increasing.

We are anxious indeed to get the crime bill for the District of Columbia and the other crime bills enacted into legislation, as the distinguished majority leader has many times made us all aware. Moreover, the distinguished majority leader is quite correct in pointing out the fact that we are far ahead, by 6 months, of last year's record.

So I join the distinguished majority leader in expressing the hope not only that we may adjourn by Labor Day, but that the Congress may set an example for the country by obeying the law which provides that we adjourn by July 31.

Therefore, I am in no way arguing with the distinguished majority leader. We are as one in this matter.

Mr. MANSFIELD. Mr. President, I agree with the distinguished minority leader, because what we are doing here is speaking loudly and clearly in behalf of the Senate and of what the Senate has done. As Senators we may be proud of this record.

Mr. HANSEN. Mr. President, will the majority leader yield?

Mr. MANSFIELD. I yield.

Mr. HANSEN. I would like to join the distinguished minority leader in paying tribute to the valiant efforts of the majority leader in seeing that the Senate of the United States has kept abreast of its work. I spoke in the distinguished majority leader's important city of Billings not too many weeks ago to a partisan group. It happened to be a Republican group. At that time I took occasion to point out that the Senate has kept up with its job and that much of the credit for the important progress that has been made in the field of legislation affecting crime has been due to the efforts of the distinguished Senator from Arkansas (Mr. MCCLELLAN). I made essentially those same remarks in addressing the Republican State Central Committee in Casper, Wyo., only in the last couple of weeks.

So I would like to inform our good friend from Montana that I have taken occasion, as I think all Senators should, in pointing out the difference between what the Senate has done on the one hand and what the House of Representatives has failed to do on the other hand.

I thank my distinguished colleague.

Mr. MANSFIELD. Mr. President, I agree with the distinguished Senator from Wyoming, and I join him in giving full credit to the distinguished Senator from Arkansas (Mr. MCCLELLAN). But I also join in giving the entire Senate, Republicans and Democrats alike, full credit for the type of cooperation, understanding, and consideration that has been shown.

I point out that while in 1968 the crime rate rose by 16 percent, in 1969 it rose by only 11 percent; so percentagewise there has been a diminution, but overall there has been an increase.

I think the times call for action, and I hope Congress will face up to its responsibilities this year, and do it soon.

ECONOMIC ASPECTS OF THE WAR IN VIETNAM

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the testimony by Louis B. Lundborg, chairman of the board of the Bank of America, before the Senate Committee on Foreign Relations on April 15, 1970, be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. MANSFIELD. I make this request because Mr. Lundborg happens to be a Montanan. He is chairman of the board of the largest bank in the country, and his testimony, I think, is worthy of the consideration of all Members of this body.

I also ask unanimous consent that an article by Hobart Rowen, entitled "Business Can't Ignore Protests," published in the Washington Post of Sunday, April 12, 1970, be printed in the RECORD, because it is related to the remarks made by Mr. Lundborg.

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

(See exhibit 2.)

EXHIBIT 1

TESTIMONY BY LOUIS B. LUNDBORG

My name is Louis B. Lundborg. I am Chairman of the Board of BankAmerica Corporation and of the Bank of America N. T. & S. A. I am pleased to respond to your request that I testify here today.

My testimony this morning will be on some of the economic aspects of the war in Vietnam. In preparing this testimony I have had the benefit of the best thinking of the staff of the bank's Economics Department, as well as that of many other officers of our bank on the economic impact of the war.

In this testimony I will confine my remarks to the economic impact of the war. While I have strongly held personal feelings on other aspects of the war, I do not feel it is appropriate or proper to express these views as Chairman of the Board of Bank of America.

The thrust of my testimony will be that the war in Vietnam distorts the American economy. The war is a major contributor to inflation—our most crucial domestic economic problem. It draws off resources that could be put to work towards solving imperative problems facing this nation at home. And despite the protestations of the new left to the contrary, the fact is that an end to the war would be good, not bad, for American business.

There is, I think a pernicious, but widely-held belief that war generally has been an agent for economic growth, and therefore good for business. My plan this morning is to spend a few minutes discussing that belief and then to move on to the specifics of Vietnam where it is possible to speak, not only in general terms, but to back up our conclusions with specific economic statistics and indicators.

First, therefore, let's look at the general proposition that war has been an engine for

rapid economic growth. While it is difficult, if not impossible, to prove conclusively that on balance war has not been an agent for rapid economic growth, there are a number of carefully reasoned investigations into this subject supporting the position that peace is far better for economic development. Although these careful analyses tend to reject the assumption that war is a boon to the economy, the public is generally unaware of this and continues to believe that war contributes positively to economic development. It is time to set this record straight. Mr. John U. Nef's book, *War and Human Progress,* systematically examines the interrelations of war and economic growth from 1494 down to 1950. His analysis indicates that the industrial revolutions of both the Elizabethan and Napoleonic periods were developed not in warring Europe, but in peaceful England; that the invention of gun powder and of many other weapons of war was a by-product, not of military need but of peaceful industry, and that, certainly, pure and possibly even applied science has flourished most in peace and least in war.

Dr. John J. Clark, Dean of the College of Business Administration at St. John's University in New York, in his book, *The New Economics of National Defense,* reviews the impact of war on economic development.

In summary, he states, "The preponderance of evidence supports the judgment that war, on balance, does not correlate positively with economic progress. Settlement by arms not only causes a great net waste of resources: it also retards industrial development and the division of labor."

Other authorities have shown (1) that rising expenditures for research and development may actually be reducing the rate of economic growth in the United States, and (2) that the process of transferring scientific and technological advances in space and military R and D is becoming increasingly difficult. To the extent that it can be shown that war in general is not good for economic progress, then it should be equally obvious that war is not good for business.

I could go on citing other expert testimony that war in general is not an engine of economic progress—but let me move on to the real issue—the war in Vietnam.

As you probably know, Mr. A. W. Clausen, the President of the Bank of America, specifically rejected the charge that we as an institution support and profit from the war in Vietnam. He further stated, "this bank has consistently pointed out that an end to the war in Vietnam would be good, not bad, for American business." I would like to elaborate on this point.

There have been reckless and often deliberately malicious charges that the U.S. business community has supported the Vietnam war in an effort to reap huge profits. Let's look at the record. In a very narrow sense, it is certainly true that individual firms which supply material and services to the military have made profits. In our market economy, the federal government purchases most of the goods and services it requires from private firms, and those firms must be profitable in order to survive. This is true whether the firm is contracted to build a highway, produce a postal delivery truck, construct a school, improve a slum or produce a military aircraft. But as Mr. Hudson B. Drake pointed out in the January-February 1970 *Harvard Business Review,* the Government has established elaborate procedures to assure that profits on government contracts are not excessive, and in general these procedures have been effective.

I recognize that it is statistically impossible with the data available to calculate what portion of various firms' profits are generated by demands for goods and services needed to prosecute the Vietnam War. In an effort to get some rough approximation of the profitability of corporations doing substantial business with the Government, I did some checking on the corporations receiving the largest amounts of funds from Government contracts. Actually, I took the list from a publication of a "peace group" who proclaimed these firms to be war profiteers. The top ten firms for which we had data had a pattern of profits after taxes per dollar of sales quite similar to the national average. This means that the firms did better in the 1962–1965 period than in the post-escalation years. It is also interesting to note that except for 1962 the average profits after taxes per dollar of sales for the ten firms was below the comparable national average for all manufacturing industries or durable goods industries. When I checked the twenty-five largest firms their profit after taxes per dollar of sales figure was also below the national average.

I realize, as I said before, that these figures are inadequate to prove any case conclusively. They do, however, cast serious doubt on the extravagant claims we have heard about war profiteering.

We do have more than adequate data to demonstrate that the escalation of the war in Vietnam has seriously distorted the American economy, has inflamed inflationary pressures, has drained resources that are desperately needed to overcome serious domestic problems confronting our country, and has dampened the rate of growth in profits on both a *before* and *after* tax basis. In the middle of 1964 when the Vietnam escalation began, the economy was in quite good shape. We had at that time an uninterrupted economic advance of 52 months—a peacetime record—unemployment averaged 4½ percent, the consumer price index had increased only 1.2 percent during the first 6 months of 1965, and the average operating rate of industrial capacity was at 90 percent. There had been considerable success in maintaining Federal expenditures for goods and services below 11 percent of GNP from 1960 through mid-1965. In fact, the Government had even been able to change the composition of its spending by deliberately shifting emphasis from defense to non-defense spending.

The expenditures related to the Vietnam war, added to the near full employment economy that existed in mid-1965, generated severe inflationary pressures. Consumer prices began increasing rapidly as the federal deficit grew. While there is room for a wide range of opinion covering proper tax policies during this period, especially over the timing and magnitude of tax increases, and the proper role of monetary policy, the basic cause of the inflationary forces was a sharp increase in federal spending associated with the escalation of the conflict in Vietnam.

The inflation, the growth in inflationary psychology, and the very stringent anti-inflationary monetary policies have combined to produce serious distortions in the United States financial markets and resulting distortion in the economy. These distortions include the sharp drop in residential construction and the sharp growth in investment spending.

The facts clearly show that the Vietnam war has not been good for business profits. During the four years prior to the escalation of the conflict in Vietnam, corporate profits after taxes rose 71.0 percent. From 1966 through 1969 corporate profits after taxes rose only 9.2 percent. To avoid any thought that the recent tax increase may have fudged the figures, I also have similar corporate profit figures on a before tax and inventory adjustment basis. These figures show corporate profits rose 51.3 percent from 1962 through 1965 but the gains in profits were dampened to a 16.6 percent increase during the post-escalation 1966–1969 period. It should be clear from these figures that what is good for the economy is good for business.

Most of the concern about the upward pressures on prices and costs originating in expenditures associated with the Vietnam war arise from recognition of the damaging effects of inflation on the domestic economy. This should not lead us to neglect the important impact on our position in international markets and the balance of payments. This is not to lay the blame for our balance of payments problems on the recent period of inflation or on the Vietnam war. Inflation and the war associated expenditures, however, have made the problem more intractable and solutions more difficult. These difficulties with our balance of payments have postponed indefinitely any relaxation of the restraints and controls under which international business has been forced to operate for the past several years in particular.

It is important, therefore, to comment briefly on what has happened to the U.S. balance of payments in the past few years, specifically with reference to the impact of the Vietnam war. Perhaps the first point that should be made is that the official measures of the balance of payments deficit have been misleading. The view, for example, that the balance of payments in 1968 was satisfactory because there was a surplus of $168 million and that the balance of payments in 1969 was very unsatisfactory because the deficit exceeded $7 billion is unacceptable. In fact, the greatest deterioration in the payments position in recent years occurred in 1968. The difference between the two years may be accounted for largely by massive flows of foreign funds in opposite directions which had very little to do with the basic balance of payments position.

The best measure of what happened to the long run position is the balance on current account, that is goods and services plus private remittances and payments of U.S. Government pensions. This balance declined from a surplus of $7.8 billion in 1964 to about $4 billion in 1967 and $1.4 billion in 1968 and less than $1 billion in 1969.

A good part of the progressive deterioration in this position over the years since 1964, the year before the major acceleration of the Vietnam war, may be accounted for by the large increase in foreign exchange outflows associated with military expenditures. These rose from less than $3 billion in 1964 to nearly $5 billion in 1969. This, however, is not the only measure of the impact of the war and the subsequent inflation on the balance of payments. The more important impact and the one which is likely to have the most long lasting effects is on our competitive position in international and domestic markets, reflected in the rapid rise in the rate of importing of goods and services. In 1964 merchandise exports exceeded merchandise imports by nearly $7 billion. By 1968 this excess of exports over imports had declined to less than half a billion dollars. With moderation in the rate of inflation and inflation induced expenditures our trade balance may be expected to improve this year and in subsequent years.

It is too early to tell, however, what permanent damage to our international competitive position the recent period of inflation has induced. It generally takes several years, perhaps four or five, before the full effects of excessive increases in price and costs show up in the competitive position and the effects are not confined to world markets where our products compete with that of other nations, but also in the United States where foreign products compete directly with U.S. products.

So much for balance of payments considerations. Let us return to the domestic scene.

I do not think there is any doubt that the resources used towards the Vietnam war effort could have been put to work towards solving imperative problems facing this nation at home. In the five-year period prior

to the Vietnam escalation, defense spending in the United States averaged $50 billion per year. If we assume that this level would have been maintained over the most recent five-year period in the absence of escalation, the increase in actual spending totaled $118 billion. During the past four years, total spending for residential construction in the United States totaled only $112 billion.

When we survey the very real needs in our economy in the areas of housing, urban transit, environmental pollution, etc., it is clearly evident that we do not need to create war-related demand for resources in order to maintain full employment. Our problem now is one of establishing meaningful priorities to meet the quality of life demands of our citizenry. We obviously cannot do everything at once; we need to start strategic planning and action now if we hope to resolve these demands.

There is another point that at first blush might not appear to be an economic issue. But it is in real fact a very basic one: The war has divided, confused and bewildered Americans. Some Americans are strongly in favor of the continued prosecution of the war. Others are strongly opposed. But for many, the war and the issues surrounding the war are a source of confusion and bewilderment. As a result of this confusion and bewilderment, many people are losing trust in the institutions, public and private, through which we govern ourselves and run our economy. Such loss of trust is destructive of the cohesion necessary for an economy's ability to function at maximum effectiveness. To the degree banks, industrial firms, corporations, state and local governments, Federal Government agencies and universities are under attack or suspicion for their alleged part in the war in Vietnam, they lose some of their effectiveness as institutions that can provide for the common good. In the case of Vietnam it is my belief that the sum total of such loss of effectiveness is very great indeed and, while unmeasureable by any known economic indicator, this loss of effectiveness produces a very real drag on the economy.

Gentlemen, I deeply regret that the frustrations and misunderstandings arising from this conflict make it necessary to testify that overall war is not a stimulator of economic development nor is the war in Vietnam good for U.S. business. I find it repugnant, even if necessary to have to add that I would not support our role in the war in Vietnam even if it could somehow be made profitable for American firms.

The thought that war would be initiated or sustained for a single day because it might stimulate the economy should be abhorrent to an decent human being. And yet there are those who say that American business is helping to do just that.

We do know that aggressive war has been waged, all through history, to gain territory. Certainly that was war for economic gain.

But even that kind of war, that purpose for war, has been so outmoded by the experience of this century that I would like to be able to say to potential aggressors all over the world, "If you want to profit, if you want to own the world, don't dissipate your energies in wasteful warfare—follow the example of Japan and Germany since World War II and be economically aggressive."

War is, as we would say in business, a low yield operation.

I think from all this it is obvious that Vietnam is a negative influence on our economy. Let me conclude by restating my initial premise. The war in Vietnam distorts the American economy. It is a major contributor to inflation—our most crucial domestic economic problem. It draws off resources that could be put to work towards solving imperative problems facing this nation at home. And despite the protestations of the new left to the contrary, the fact is that an end to the war would be good, not bad, for American business.

EXHIBIT 2

[From the Washington Post, Apr. 12, 1970]

BUSINESS CAN'T IGNORE PROTESTS

(By Hobart Rowen)

"Because the war (in Vietnam) distorts the economy and contributes substantially toward the inflation . . . an end to the war in Vietnam would be good, not bad, for American business."

This statement by Louis B. Lundborg, head of the nation's biggest bank, the Bank of America, articulates a theme that will be heard increasingly at annual meetings of major U.S. corporations this year.

It will be pushed by an activist minority who label themselves "Business Executives Move for Vietnam Peace." Coupled, at the same time, with an assault by consumer groups and students pushing for everything from pollution control to solution of ghetto problems, the growing antiwar sentiment will make donnybrooks out of some corporate get-togethers.

Business disaffection with the war has been growing since President Johnson's massive escalation of the fighting produced no victory on Vietnamese battlefields but inflation at home.

Beginning some time in early 1968, the corporate power structure that had been dazzled by LBJ in 1964 began to lose confidence in him, and a new coolness in the business community probably played a subtle role in the President's decision not to be a candidate in 1968.

The prototype of the U.S. businessman, especially as seen by student rebels, is that of the greedy imperialist who feeds on war and arms production. That there is a munitions industry in this country that benefits from war cannot be denied.

But it should also be clear that the biggest profits, for the overwhelming number of businessmen as well as consumers, lie in a long stretch of peaceful years when a highly developed capitalistic society, attuned to social needs, can reach peak, meaningful production and distribution of wealth.

Lundborg's comment was in answer to the Business Executives' query for a statement on Bank of America's involvement in Vietnam. Lundborg replied that the bank had to leave to Washington officials the responsibility for extricating the United States from the war.

But then he emphasized the economic impact theme, one that will be taken up in a broad-scaled study to be launched soon by Sen. J. William Fulbright (D-Ark.). Fulbright's Foreign Relations Committee will also probe the impact of the war on the structure of American society.

"We feel it is completely proper and within our sphere of competence," Lundborg wrote A. R. Appleby of the antiwar business group, "to point out the economic consequences of the war. We have been doing this for at least three years.

"The war distorts the American economy; it is a major contributor to inflation; it draws off resources that could be put to work toward solving imperative problems facing this nation at home."

Is that radical or leftist thinking? If so, it makes a revolutionary out of none other than former chairman of the Federal Reserve Board, William McC. Martin Jr., who holds precisely the same view.

The Business Executives Move for Vietnam Peace carries no name with "establishment" clout. It is chaired by Henry E. Niles, chairman of the board of the Baltimore Life Insurance Co. Among its military sponsors is war critic Gen. David Shoup, retired Marine Corps Commandant. Roger Hilsman, former State Department official and Edwin O. Reischauer, former U.S. ambassador to Japan, are among the diplomatic sponsors.

But what the group lacks in big names it makes up in drive and energy, and protests in the role of stockholders at annual meetings will bring it more attention than ever before. With consumer groups employing the same tactic, many a corporate management will find its patience and good sense tested.

Harold Willens, a small Los Angeles businessman who has devoted almost full time the past few years to the B.E.M. group, says that "the iron curtain that used to separate the economy from society has melted. The question will no longer be how the company profits and what its dividends were, but also how it did in sustaining life."

The Securities and Exchange Commission gave this kind of corporate scrutiny a big boost forward when it instructed General Motors to include two Ralph Nader-sponsored proposals in its proxy statement for the May 2 annual meeting.

There will be other confrontations before the GM test. The Cleveland meeting of American Telephone and Telegraph Co. on April 15 will be the target of a Student Mobilization Committee antiwar protest.

But the use of proxies to contest company policies will get a better workout, apparently, at Minneapolis-Honeywell in Minneapolis and Gulf Oil in Pittsburgh on April 28; and Commonwealth Edison in Chicago on April 27.

The Nader team proposals for GM call for election of three public representatives on the board of directors, plus establishment of a shareholder committee "for corporate responsibility." This implies that there should be other motives than just profit in a company of GM's giant size.

Response to the SEC determination has been dramatic. New York Mayor John Lindsay has told the city's pension funds to vote their GM shares in favor of the proposals; the University of Pennsylvania has announced it will vote all its shares pro-consumer; and a campaign is under way to get other universities that have substantial ownership of GM shares to do the same.

It would seem hardly likely that the GM management, which opposes the proposals, can be beaten on these issues. But General Motors—as well as other major enterprises—clearly have a new force to reckon with. These are not pesky gadflies engaged in a career of petty harassment of management.

These are serious people who want to come away with something better than a headline and a box lunch. As such protests grow in strength, the corporate hierarchy will have to make accommodations. So long as the arguments are made peacefully and rationally, they represent a healthy development in the power of freely expressed public opinion—which is, after all, a source of strength and security for this nation.

If Big Business is really sophisticated, it will not turn a deaf ear to its stockholder-protestors. If it does, it will be a misreading of the shifting mood in the country, making things easier for the dialecticians of the extreme left.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States submitting nominations were communicated to the Senate by Mr. Geisler, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore (Mr. METCALF) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

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

WAIVER OF THE CALL OF THE CALENDAR UNDER RULE VIII

Mr. BAKER. Mr. President, at the request of the distinguished majority leader, I ask unanimous consent that, at the conclusion of my remarks and at the conclusion of the remarks by the distinguished junior Senator from Virginia (Mr. SPONG) according to a previous order, the Senate waives the call of the calendar of unobjected-to bills under Rule VIII.

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

LIMITATION ON STATEMENTS DURING TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. BAKER. Mr. President, I ask unanimous consent that statements during the transaction of routine morning business be limited to 3 minutes.

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

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Tennessee is recognized.

DIRECT ELECTION OF THE PRESIDENT

Mr. BAKER. Mr. President, I am a Republican from a predominantly rural and relatively small State. Among the contentions being advanced today in opposition to the direct election by the people of their President are the arguments that direct election would be politically disadvantageous to the Republican Party and detrimental to the interests of small and rural States.

I do not believe all of these points to be valid. To the extent that they are true, I must reject them as, at best, secondary to the more important considerations that are involved—specifically, that in this country each man's vote for the President should count for as much as that of the next and that the country should no longer run the risk of a popular vote loser being elected to the Presidency.

I am a cosponsor of the proposed constitutional amendment introduced by the distinguished junior Senator from Indiana (Mr. BAYH), and on October 14 I had the opportunity to testify before the Judiciary Committee's Constitutional Amendments Subcommittee on this question. Several points that I made at that time were also made on April 21 in an editorial that appeared in the Washington Post. I ask unanimous consent that the text of this editorial be printed in full at this point in the RECORD.

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

LET THE PEOPLE CHOOSE THE PRESIDENT

The Senate Judiciary Committee is addressing itself this week to the most critical defect in our constitutional system of government. It must vote up or down a new electoral system that has already won approval by 339 to 70 in the House and has the support—if the polls are accurate—of about 80 per cent of the people. Behind this powerful demand for abolition of the electoral college are well-founded fears that a fiasco resulting from the uncertainties of the present system could be disastrous.

In ordinary circumstances approval of a constitutional amendment with so much steam behind it could almost be taken for granted. But Chairman Eastland of the Judiciary Committee is not only dragging his feet; he is also throwing in the way of the amendment every obstacle he can get his hands on. All the strength that its sponsors can command will be needed to dislodge the amendment and send it to the floor with the momentum it needs for a third-thirds vote.

We think the committee and the Senate should be very clear about what is at stake. The lame and discredited electoral college system for choice of the President is no longer adequate to the needs of a great democracy. The Senate ought to remember how frightened the country was in November, 1968, by the possibility that George Wallace would deny the winning candidate an electoral-vote majority and then bargain for terms on which Richard Nixon or Hubert Humphrey could become President. That misfortune was narrowly avoided, and only our most reckless citizens would care to run the risk again.

Even most of the critics of the direct-election amendment want protection against throwing the Presidency on the bargain counter. But some of them are willing to tolerate other critical weaknesses in the present system in order to avoid too sharp a break with the past. Professor Alexander M. Bickel of Yale Law School, for example, sought to minimize the disadvantages of a modified electoral-vote system favored by himself and Senator Ervin. The possibility of electing the popular vote loser under that arrangement, he said in his testimony the other day, would involve only a "sensible risk." It is a risk that the American people are loathe to take. They cannot be unmindful of the fact that we have had second-choice Presidents three times: in 1824, 1876 and 1888. If this should happen again in these days of high sensitivity to the popular will and of unfathomable power in the hands of the President, the result could be perilous to our democratic system.

The time has come, moreover, for equalization of the voting power of all the people. In 1787, when the major problem was one of holding the states together there was reason to give the people in the small states extra standing in the electorial college, with one elector for each of their two senators as well as one for each representative. But that reason disappeared at least a century and a half ago. Today there is no sense in multiplying the vote power of citizens living in small states or of intensifying the power of the big-state voters under the unit rule. The logical and democratic trend of the day is toward one-man-one-vote, and that can be achieved only by direct voting for the candidates themselves.

Professor Bickel and a few others have spread a great deal of gloom about the encouragement of splinter parties if a direct-elections amendment is approved. But William T. Gossett, chairman of the American Bar Association's Special Committee on Electoral College Reform, has made an effective reply. The strongest cement which holds our two-party system together, he said in effect, is the election of legislators and executives by plurality votes from single member districts. The effect of the direct-election amendment would be to put presidential elections on the same basis.

In one respect, certainly, the two-party system would be greatly strengthened. Direct election of the President would mean a contest in every state. Minority parties in the one-party states would experience a sudden burgeoning because the votes would go to the candidates as cast instead of having the minority always smothered by the unit rule giving all of each state's electoral votes to the dominant party. The result should be genuine competition between the major parties in every state.

The Judiciary Committee has an obligation to bring out the best amendment it can design. If it should devise a better means of determining the winner than the run-off provision, which would be used if no candidate had at least 40 percent of the vote, the chance for ultimate approval of the amendment might be enhanced. But the committee should not indulge in the illusion that it can satisfy the current demand for reform by the adoption of a shoddy substitute that would leave major defects in the present system virtually untouched.

There is a tide in the fate of constitutional amendments, if a paraphrase of Shakespeare will be permitted, that ought to be taken at the flood no less than tides in the affairs of men. The time for a major electoral reform has come. A little minority on the Judiciary Committee should not be permitted to stand in the way or to strip this essential reform of the popular appeal which can lead to its enactment.

Mr. BAKER. Mr. President, on April 10, Mr. Lawrence E. Walsh, chairman of the American Bar Association Committee on the Federal Judiciary, addressed the Vanderbilt University Law Day ceremony on the role of the organized bar in the selection of Justices of the Supreme Court.

As we all know, the role of the ABA in this area has been a topic of considerable discussion in recent days. Mr. Walsh's very excellent statement sets forth the procedure followed by the committee on both lower court and Supreme Court nominations. He recites in some detail the activities of the committee on the nomination of Judge Carswell. Finally, he discusses various possibilities for reform of existing procedures.

Since this is a topic of much importance, I ask unanimous consent that the text of Mr. Walsh's remarks be printed in full at this point in the RECORD.

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

THE ROLE OF THE ORGANIZED BAR IN THE SELECTION OF JUSTICES OF THE SUPREME COURT

It has been over fifty years since a Supreme Court appointment brought forth as much emotion and concern as the recent nomination of Judge Carswell.

Like it or not, the American Bar Association's Committee on the Federal Judiciary, as one of the agencies of the profession which has a recognized role in the process of selection of Supreme Court Justices, has necessarily been involved.

The Committee is expected to report to the Senate and, if given an opportunity, to the president regarding the professional qualifications of potential nominees. It attempts to avoid political and ideological controversies and to limit its evaluation to the nominees's professional qualifications—his integrity, his temperament, and his professional competence. It has been criticized by opponents of the last two Supreme Court nominees for not applying higher standards to professional qualification. In fact, its standards have not changed from those applied in the past. The important question is, however, has change in the public and political view of the Supreme Court offered an opportunity to improve these standards—has the Committee failed to take advantage of

this opportunity; and what steps should the Committee take in order to do so.

For several months the Committee has been considering changes in its procedures. Some were adopted in connection with the report on Judge Carswell; others, more important, are still under consideration. I discuss them with no dogmatic view that these changes are the best possible. Rather, I hope that by extensive discussion our Committee can elicit ideas and support which will enable the American Bar Association and the legal profession to be as effective as possible in future Supreme Court selections.

The problem of selecting Justices for the Supreme Court is fundamentally different from that of selecting judges for the federal district courts and courts of appeal. Unlike other courts whose roles are more limited, its principal function is the interpretation of our Federal Constitution, a document drawn in broad generalities leaving to the Court great freedom of interpretation. The result is that the political and ideological views of the Justices may have a more profound effect upon the decisions of the Court than their professional capabilities. In the other federal courts this is less true. Not having the last word as to the meaning of the Constitution, they must work within the views of the Supreme Court. Also, much of their work deals with the interpretation of statutes and precedents much more narrowly drawn and precisely phrased than the federal Constitution. So as to these courts professional qualifications—the ability to originate, reconcile and synthesize lawyers' concepts—are much more important than the political or ideological background of the judge.

Beyond its national importance and its importance to the President, the Senate and the political forces from which they each draw their support, the struggle for control of the Court is of deep-felt importance to those groups whose rights are most immediately dependent upon its decisions for enforcement, particularly those groups concerned with racial equality who found that the Court was their most dependable, and at times their only dependable, forum. It is also profoundly important to those whose way of life is being changed most drastically as a result of present Court interest. In addition there has usually been an accepted political effort to have a Court representative of the differing geographical regions of the United States. There is at present no representative of one southern circuit and the representative of the other is now 84.

The intensity of the political conflict regarding Judge Carswell was therefore exacerbated because, in addition to the usual political factors, it aligned in direct opposition to each other the proponents and opponents of government enforced desegregation and its central controversy concerned this most explosive national domestic issue.

Caught in the vortex of these political forces, the concern of the legal profession for the competence of the judiciary was perhaps less a force in itself than a target for the political groups gripped in a tight political contest. Nevertheless our Committee attempted to function as it does in less controversial cases without permitting itself to be used by either side of the political controversy.

One of the Committee's difficulties was, however, that its procedures as to Supreme Court nominations have never been as satisfactory as they are with respect to the other federal courts. As to the federal courts other than the Supreme Court, the Attorney General requests an investigation of the prospective nominee before any announcement of a nomination is made. Our Committee usually has an adequate period of time to complete its investigation, which consists of interviewing a substantial number of judges and lawyers as to the reputation of the person under consideration for integrity, temperament and professional competence. The Committee then reports to the Attorney General its evaluation that the prospective nominee is either "not qualified" or that he is "qualified," "well qualified" or "exceptionally well qualified." In order for a nominee to be found well qualified or exceptionally well qualified, the Committee must conclude that he is a person which the Committee would have affirmatively recommended as one of the best persons available for the vacancy to be filled.

In connection with the Supreme Court, however, the Committee has never been given an adequate period for investigation. From the administration of President Eisenhower, who first utilized the services of the Committee in connection with the Supreme Court nominations through President Johnson, the procedure had been usually to give the Committee about twenty-four hours' notice of the prospective nomination and to ask the Committee to report as to the professional qualifications of the prospective nominee. At first the Committee attempted to use the same precise scale of evaluation that it did in the lower courts notwithstanding the abbreviated period of investigation. This practice was dropped in connection with the nomination of Justice Goldberg. From that time through the nomination of Judge Haynsworth the Committee reported simply "highly acceptable from the point of view of professional qualifications."

President Nixon departed from the practice of his predecessors and decided not to consult our Committee in advance of the Supreme Court nomination. Consequently, our Committee learned of the nomination of Judge Haynsworth and Judge Carswell only after they had been publicly announced. Our investigation was undertaken not at the request of the President or the Attorney General, but solely at the request of the Chairman of the Senate Committee on the Judiciary. In connection with its report on Judge Haynsworth, the Committee had concluded that it would in the future change its form of evaluation. In connection with the nomination of Judge Carswell, the form of evaluation was changed to a simple "qualified" or "not qualified" and a more extensive letter was submitted to the Senate Committee disclaiming any investigation of political or ideological factors and expressly limiting our evaluation to professional qualifications—integrity, temperament, and professional competence. Thus our Committee wrote:

"With respect to nominations for the Supreme Court, the Committee has traditionally limited its investigation to the opinions of a cross-section of the best informed judges and lawyers as to the integrity, judicial temperament and professional competence of the proposed nominee. It has always recognized that the selection of a member of the Supreme Court involves many other factors of a broad political and ideological nature within the discretion of the President and the Senate but beyond the special competence of this Committee. Accordingly, the opinion of this Committee is limited to the areas of its investigation."

The Committee had previously investigated Judge Carswell in connection with his appointments to the District Court and the Fifth Circuit Court of Appeals. In each case he had been found 'well qualified" for the post to which he was being advanced. Nevertheless the Committee made an extensive further investigation in connection with his nomination for the Supreme Court. Thirteen circuit judges of the Fifth Circuit Court of Appeals were interviewed, as were a number of district judges sitting in the State of Florida. None of these judges expressed doubts as to Judge Carswell's integrity, temperament or competence. Most were enthusiastically in favor of his appointment. The only outspoken opponent expressed his opposition on ideological grounds rather than those of professional adequacy. For example, one judge said "the appointment is one of the best the President could have made"; one judge pointed out that Judge Carswell had sat on the circuit for eleven hearing weeks during his tenure as district judge, which is the equivalent of a full year's work on the court of appeals and that this was primarily because of his ability and his willingness to do extra work; another spoke of him as a "very strong judge" and spoke of the "soundness of his thinking"; another commented on the excellence of his handling of two school board cases; another spoke of him as "highly regarded" and said he "stood out like a ripe apple for the appointment"; another said that he was "100% able" and that the President "could not get a better man"; another spoke of him as "a man for this time and place"; another spoke of him as a "real topnotcher—capable of scholarly work—capable of carrying a heavy load"; another spoke of him "as good as they will find—able and vigorous—no Cardozo but he will be good"; another spoke of him as "sensitive and compassionate with everything that goes to making a good judge."

With respect to the civil rights issue, one judge thought he was too backward but the others expressed no reservation. One after another said that they were sure that he would not waver from his duty, that he would be "absolutely fair on civil rights issues." His early political speech and sympathy for segregration were not regarded as insurmountable obstacles. As one judge said "As a youth he followed the philosophy of the area—as for civil rights he is not a segregationist, he will be perfectly fair—I do not know which group on the Supreme Court he will agree with." Another said that, like many district judges, Judge Carswell "got his knuckles rapped several times" before the Civil Rights Act became law but that he had done well since then. With the one exception mentioned, the judges were not disturbed by the number of reversals Judge Carswell had sustained. They spoke well of the quality of his opinions even in cases which were reversed.

The fifth circuit lawyers who were interviewed had an uniformly excellent opinion of Judge Carswell as a district judge. They regarded him as an adequate although not outstanding scholar. They believed him fair and liked the way he ran his court. They spoke of him as "hard nosed" in keeping his cases moving. They said he would occasionally "chew out" lawyers that were too slow. Each of the lawyers, both white and black, stated that they had never known Judge Carswell to show discourtesy to any lawyers or litigant and that his impatience with delay fell on lawyers regardless of color. The deans of the law schools closest to his district also spoke of his scholarship as adequate but not exceptional.

Early in his career as a district judge, Judge Carswell was selected by Chief Justice Warren to be one of the relatively few judges to serve on a committee of the Judicial Conference of the United States. Subsequently Judge Carswell was elected by the fifty-eight district judges of the fifth circuit to represent them as a member of that Judicial Conference. Judges from northern circuits who had worked with Judge Carswell were also interviewed. To the extent that they were in a position to evaluate him, they all regarded him as adequate, and the two northern chief judges who had worked with him the most were enthusiastically in his favor.

Judge Carswell's published opinions were surveyed. They were unexceptional, reflecting the work of a district such as the Northern District of Florida which has no large city or commercial center. They neither gave promise of outstanding scholarship nor did they foreclose it. Very few of the cases in which came before him were ultimately ap-

pealed. The number of reversals in relation to those which were appealed was relatively high[1] but these statistics were greatly affected by the reversals in the fields of civil rights and habeas corpus—fields in which concepts were changing with some rapidity. In relation to the thousands of cases which were disposed of by Judge Carswell over a twelve-year period, the percentage of reversals was small.

Opposition to confirmation developed within the legal profession—most outspoken among lawyers who had represented civil rights groups, law school faculties and lawyers in the larger cities. Contentions of professional inadequacy were based upon his opinions and reversals and upon certain specific complaints. Three out-of-state lawyers testified before the Senate Committee that they had appeared before Judge Carswell on civil rights matters and that he was biased against them and had expressed bias against out-of-state lawyers. (Other out-of-state lawyers interviewed by our Committee, including black lawyers who handled civil rights cases, expressed a contrary view.) In addition to attacks based upon his expressed sympathy for segregation before he became a judge, it was claimed that in his testimony before the Senate Judiciary Committee Judge Carswell had shown a lack of candor in avoiding an admission that a golf club of which he was an incorporator had had as its purpose the perpetuation of segregation and in giving inconsistent answers as to whether or not he was an incorporator of this club.

Beyond these criticisms a body of opposition also developed from those who argued that Judge Carswell lacked the distinction requisite for Supreme Court appointment. It was said that the President was entitled to appoint a southerner, a Republican, a conservative, but that he should find a more distinguished representative of these political groups—that something more than unexceptional service in the federal courts was required.

Under these circumstances Judge Carswell's opponents urged our Committee to reevaluate him as "not qualified." The Committee reconvened, considered the new facts and arguments developed during the Senate hearings and declined to change its earlier evaluation of "qualified." Subsequently our Committee was urged by these opponents to redefine its evaluation in order to make clear that while Judge Carswell was "qualified", he was not "well qualified." The Committee declined to do this, leaving its carefully expressed letter to the Senate Committee to speak for itself without reiterating its finding in negative form.

The intense public interest in the present appointment raises questions both as to our Committee's procedures and scope of action and as to the standards which it applies.

I

Perhaps the basic question is whether the American Bar Association should forgo altogether its effort to assist in the selection of Justices for the Supreme Court. The intense public interest in nominations to the Supreme Court assures extensive scrutiny of each nominee. The ABA Committee cannot make a plenary recommendation to the Senate because it is unable to take a position on political and ideological factors which may dominate the question of confirmation. The question of professional qualifications is frequently lost and distorted in the conflict of political and ideological viewpoints. The wide range between a nomination which is ideal in terms of professional qualifications and one which is so bad that it should be actively opposed for inadequate professional qualifications is likely to place the Association regularly in a position of supporting a nomination less than ideal. Accordingly, it is said, the action of the American Bar Association will become an incident to be exploited by partisans in a broader political and ideological conflict but never a true standard for Senate guidance; yet the violence of these political and ideological controversies may impair the usefulness of the ABA Judiciary Committee in its evaluation of nominees to other federal courts.

In answer, however, I suggest that although the investigation conducted for the American Bar Association cannot be plenary or perfect, it makes a contribution of some value. The investigation of the nominee's professional qualifications by the Association is likely to be more impartial than that conducted by partisans. It will furnish some counterbalance to emotionally exaggerated criticism. If the procedures or standards of the ABA Committee are at present unsatisfactory, an effort should be made to improve them before deciding to abandon its work.

II

A second basic question is whether the American Bar Association Committee should attempt to evaluate political and ideological factors. It has been the traditional practice of the Committee to ignore these factors as long as they have not affected the nominee's judicial and professional conduct beyond acceptable limits. Yet the public disregards these self-imposed limitations and construes any favorable report by it as an "endorsement." Further, some senators have complained because the recommendation is not "plenary."

Tentatively, I suggest that the American Bar Association would be well advised to continue its present policy. The Association has no special competence as to political and ideological matters. They must be left as political questions for the president and the Senate alone. Further, a committee of the ABA could not readily be placed in a position to speak for its membership in such matters.

III

Should Supreme Court nominees be evaluated by the Standing Committee on the Federal Judiciary as at present or by some different representative of the American Bar Association? Is there a latent conflict between the Committee's relationship as an advisor of the Attorney General with respect to district court and court of appeals appointments and its public evaluation of the president's nominations to the Supreme Court as to which the ABA Committee is no longer consulted? There is concern that violent political and ideological conflicts surrounding Supreme Court nominations may damage the standing of this Committee and impair its usefulness in connection with the other federal courts. Further, some believe that a broader group not limited to practicing lawyers should be created which would include representatives of law school faculties as well as other segments of the profession.

Counter arguments are that the present Committee is accustomed to working together; it reports rapidly on at least forty judges a year. Its procedures are well known to the profession; lawyers and judges throughout the country are accustomed to working with it; as to the other federal courts its work has been overwhelmingly supported by the profession. A larger group might be unwieldy and if it is too large it will be prey to the same partisan and ideological conflicts that dominate the confirmation controversy.

Our Committee would, of course, offer its services and all possible cooperation to any group the Association might select to perform this work. If desirable, the work of the Association could be more extensively formalized by having its Judiciary Committee make the first evaluation and leave to another group or an expanded group the question of the action the Association should take as to a particular nomination. The procedures devised could be adjusted to greatly increase public exposure which has been minimized under present procedures which were developed to accommodate informal and confidential reports to the Attorney General.

IV

What standard of competence should be applied by the ABA Committee? The requirements of integrity and temperament are the same for all courts. The question is whether there is a difference between the professional competence required for the federal courts of appeals and that for the Supreme Court, whether there is a minimum requirement of greater stature which can be measured in narrow terms of competence.

Over three hundred law school teachers, including the deans of law schools of Harvard, Yale, Columbia, New York University, Pennsylvania, U.C.L.A., Notre Dame, Catholic University, Valparaiso, Georgetown, Indiana, Rutgers, Illinois, the University of Connecticut, and the University of Toledo, signed a petition circulated by the President of the Association of the Bar of the City of New York and two past presidents of that Association which asserted that Judge Carswell was not only not competent to sit on the Supreme Court but that he also lacked "the legal or mental qualifications" essential for his present service on the Fifth Circuit Court of Appeals. Others signing the petition included a former Attorney General, a former federal judge and the senior partners of some large city law firms.

This view as to competence contrasts sharply with the praise for Judge Carswell expressed by the judges and lawyers of the Fifth Circuit to which I referred earlier. With a high degree of enthusiasm they endorsed Judge Carswell not only as a well qualified member of his present court but as a fit member of the Supreme Court.

This sharp conflict of view shows the wide range of opinion as to the acceptable qualifications of a federal appellate judge and a Supreme Court Justice. Heretofore a man who had served successfully for twelve years as a federal district judge and for over a year as a member of a federal court of appeals[2] would have been accepted as at least having minimally satisfactory professional qualifications for the Supreme Court—in the absence of some specific wrongdoing.

The suggestion has been made that our Committee report favorably only upon those nominees whom it regards as among the best available for appointment to the Supreme Court. It is said that, by reporting favorably on less qualified nominees, the Committee encourages mediocre appointments and that some senators whould vote against confirmation of nominees who are not "well qualified." Yet, if the Committee withholds a favorable report from any nominee it would not regard as among the best available, would it not be attempting to so narrowly circumscribe the president's choice that its views would be disregarded by both the president and the Senate? Such a narrow tolerance could also conflict with proper political factors such as selection by geographic region. Because certain types of important federal cases tend to be concentrated in certain large cities, judges and lawyers from

[1] Of 4,000 matters decided by Judge Carswell only 110 were appealed. Of these, 43 were reversed. The 58% figure circulated by Columbia University Law Students was grossly misleading. It was based upon only 17 reported opinions and included reversals resulting from intervening changes in the position of the appellate courts.

[2] Including time spent with court of appeals as a district judge.

these cities would have advantages over those from less active courts.

An intermediate position is possible and should be explored. The American Bar Association could make two evaluations by applying both a minimum and an ideal standard and stating explicitly whether the nominee meets either or both. The distinction between the higher and lower standards might affect the vote of some senators. Further, the dual standard would hopefully encourage a President to attempt to satisfy the higher standard. This practice is consistent with that of our Committee as to other federal courts and is now possible because our Committee has more time for investigation than it had under prior administrations.

V

It has been suggested that the Committee should submit a more extensive report to the Senate summarizing the facts regarding the nominee and giving the Committee's reasons for its views. This would present in a concise, convenient form the relevant material regarding the nominee and supply a ready explanation for the Committee's position.

Usually it has not been necessary to do this because in the case of a controversial nominee a representative of our Committee testifies before the Senate Committee, a step which was omitted in the case of Judge Carswell because the hearings were abbreviated. To get concurrence of 12 widely separated members to all details of an extensive opinion would seriously delay our Committee's action. The Committee has been against such a procedure in the past.

VI

Should the Committee report to the Senate before the commencement of the Senate hearings as it does now or should it await the conclusion of the Senate hearings? It is, of course, impossible for the Committee to match the combined investigative forces of the press, radio and television as well as those of the proponents and opponents of a controversial nominee. It would have an advantage by awaiting the collection of all of the facts and would also benefit from the opinions expressed during the Senate Committee hearings. On the other hand, the earlier the Committee's evaluation, the less likelihood that it will be distorted by partisan considerations which intensify during the confirmation hearings and which might impair the best sources of information regarding the nominee. It is also desirable for representatives of the Bar to speak promptly on the question of professional qualifications, rather than waiting for the formation of less informed opinion which is more likely to respond to political and ideological factors. It being the practice of the Committee to regard its investigation as open until confirmation is voted or rejected, it would seem the better course to report as soon as possible after the Committee's investigation is completed and to revise the Committee's evaluation if necessary in the light of subsequently developed facts.

VII

As a composite thesis against which to request criticism, I suggest that the Committee follow its usual lines of investigation but that it evaluate the nominee against both minimum standards of professional competence and those which would limit nominees to the best available in the same judicial circuit. I also suggest that careful consideration be given to the advantages and disadvantages of having the President of the American Bar Association appoint an *ad hoc* committee for each Supreme Court nomination to consist of himself and six or eight others, at least half of whom are past presidents of the Association, to review the evaluation of the Judiciary Committee and to recommend appropriate action. This could have the advantage of ensuring deliberateness and giving the public a better understanding of the basis for Association action. It would broaden the base of Association support for the action it decides to take.

CONCLUSION

One clear lesson which we have learned in the past year is that the American public is deeply concerned with the well being of its Supreme Court. Whether this concern is ideological, political, emotional or a respect for past achievement, the people of this country want a Supreme Court of which they can be proud. The professional qualification of a nominee is only one of several factors which contributes to its image of integrity, fairness and justice. In some ways it is among the least dramatic factors yet the teaching of the public reaction to the last two nominations is that the people of the country are as concerned with the high professional quality of this Court as they are with its political and ideological leaning. We have a great opportunity in satisfying this public instinct. It is worthy of the best thinking of every member of our profession. Our Committee earnestly invites your thoughts.

S. 3760—INTRODUCTION OF A BILL TO ESTABLISH A COMMISSION TO CONSIDER A MERGER OF THE TRANSPORTATION REGULATORY AGENCIES

Mr. BAKER. Mr. President, I introduce today a bill to establish a Commission on Transportation Regulatory Agencies to study and make recommendations with respect to the regulation of transportation by the Interstate Commerce Commission, the Civil Aeronautics Board, and the Federal Maritime Commission. This Commission would be specifically established to consider the desirability and feasibility of a merger of these three agencies and, if found to be both feasible and desirable, to make a detailed recommendation with regard to the nature, powers, function, and organization of the proposed new agency.

The reasons in support of a merger of the three transportation regulatory agencies are apparent. Transportation reaches into every phase and facet of our existence. It is without any question our country's most important industry. Transportation accounts for 20 cents of every dollar spent by individuals and corporations, with expenditures totaling well over $100 billion annually.

In spite of these substantial figures, the fragmentation of transportation regulation continues. It is difficult to regard as satisfactory or acceptable a national transportation regulatory policy under which, for example, the Civil Aeronautics Board can authorize subsidized common carrier air passenger service when discontinuance between the same communities of nonsubsidized common carrier rail passenger service is being contemporaneously approved by the Interstate Commerce Commission. I believe that one regulatory agency must be responsible for harmonizing Federal actions in intercity transportation.

The intent and purpose of my proposal is to consider the need for coordinating a national transportation system by water, highway, rail, and air. It is designed to provide fair regulation of all modes of transportation and to promote safe, adequate, and economical transportation services. These objectives can, in my judgment, be fulfilled only by the establishment of a new transportation regulatory agency performing the functions that the existing three transportation agencies are presently designed to perform.

The proposal for a single independent agency for economic regulation of all modes of transportation is not new. Such a suggestion was made in 1934 by the Federal coordinator of transportation, in 1937 by the U.S. Senate Select Committee to Investigate the Executive Agencies of the Government, in 1949 by the Sawyer report, and in 1960 by the Chairman of the Federal Maritime Board.

In 1961, the report of the Senate Commerce Committee by its Special Study Group on Transportation Policies in the United States recommended the creation of a new Department of Transportation and a single independent agency for economic regulation of all modes of transportation. Congress has enacted the first proposal; we should now enact the second.

Mr. President, no other nation possesses the vast network of surface transportation, both common carrier and private, that stretches over our country. Nor does any other nation possess the air route mileage or the vast fleet of planes maintained and operated within this country. Of even greater significance is the fact that common carrier systems of other countries, with the exception of shipping, are generally owned and operated by their governments. Our country, on the other hand, has opted for the development of privately owned carrier systems and has relied upon the force of competition to maintain efficiency. To insure adequate protection of the public interest we have created regulatory commissions composed of specialists in particular fields to resolve equitably such problems as the control of excessive competition, the restraint of monopolistic practices, and the promotion of new forms of competition.

We would be loathe to reverse this approach which has for the most part been successful. The argument that transportation regulatory agencies should be abolished outright must be rejected. At the same time, most would agree that transportation policy should be coordinated and welded into an integrated whole; yet there is little if any coordination today among the three transportation regulatory agencies. We have an abundance of facilities and services, but because each mode of transportation is regulated without reference to the other, there is an overall excess of transportation capacity and a misallocation of resources.

Closely related to the need for coordinated regulation is the concept of practical intermodal transportation. I believe that the present system increasingly impedes the development of intermodal transportation and that a merger of the three existing agencies would alleviate such problem areas as through rates and shipper-carrier liability for cargoes. In its April 4 issue, Traffic World, the weekly magazine of transportation management, commented:

Far be it from us to disagree with the proposal that one agency should be created to take the place of the three presently-existing federal regulatory bodies for transportation—the ICC, the Federal Maritime Commission and the Civil Aeronautics Board. With the rapidly growing demand by transport-service users for "intermodality" in connection with freight containerization, we continue to harp on the theme that consolidation of the ICC, the CAB, and the FMC into one agency for regulation of the various types of carriers separately and intermodally will be effected eventually—the sooner the better.

I am sure that those who oppose this proposal will contend that the result of a merger of these three regulatory agencies will simply be to amalgamate the bureaucracy and to create a regulatory supermonster. I recognize that this could be the result if we do not at the time of merger provide for revision of the basic responsibilities, organization, and procedures of the three existing agencies.

To avoid this problem, we should adopt such improvements as the combined experience of the existing agencies indicates may be desirable. In addition, I suggest that consideration should be given to the following procedures.

First, unless any party who is adversely affected by the decision of a hearing examiner appeals his decision to the Commission, or the Commission of its own initiative desires to undertake such a review, the decision of the hearing examiner will be final and conclusive both as to findings of fact and as to law and as such promulgated as an order of the Commission.

Second, to facilitate Commission action on cases of lesser importance, the Commission will, at the direction of the Chairman be divided into panels of three to consider appeals from the hearing examiner with the panel decision being final in such cases.

Third, in important cases, appeals from the hearing examiner will be resolved by the Commission en banc.

Fourth, cases of paramount national importance will be assigned directly to the full Commission for hearing and decision, with initial hearings and other matters before hearing examiners eliminated.

Fifth, responsibility for each Commission opinion will be assigned to an individual Commissioner in a manner similar to customary appellate court practice.

If procedures of this type are adopted, I believe that such existing problems as inordinate delay, considerable cost, and inefficient administration should be alleviated.

In recent months we have heard an increasingly large number of calls for coordinated and balanced transportation. These calls have come from various quarters—from representatives of States and local governments, from a consumer group headed by Mr. Ralph Nader, from spokesmen for the affected industries, and from a Wall Street Journal correspondent, Mr. Louis M. Kohlmeier, Jr., in his book, the Regulators.

In addition, the distinguished chairman of the Commerce Committee (Mr. MAGNUSON), on behalf of himself and other Senators, has introduced and held hearings on the National Transportation Act. The purpose of this bill is to create regional commissions to assist in the development of balanced and coordinated transportation systems. I support the objectives of the proposed National Transportation Act, and the measure which I introduce is complementary to these objectives.

In my judgment, we must insure a coordinated effort both in the planning and development of highway, waterway, railway, and airway systems and in the regulation of the common carriers who use these systems. Only then will the overriding national policy be fulfilled.

I ask unanimous consent that the bill be printed in the RECORD.

The ACTING PRESIDENT pro tempore (Mr. METCALF). The bill will be received and appropriately referred and, without objection, the bill will be printed in the RECORD.

The bill (S. 3760), to provide for a Commission on Transportation Regulatory Agencies to study and make recommendations with respect to the regulation of transportation by certain Federal agencies, introduced by Mr. BAKER, was received, read twice by its title, referred to the Committee on Commerce, and ordered to be printed in the RECORD, as follows:

S. 3760

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

ESTABLISHMENT OF COMMISSION

SECTION 1. There is hereby established a commission to be known as the Commission on Transportation Regulatory Agencies (hereinafter referred to as the "Commission").

MEMBERSHIP

SEC. 2. The Commission shall be composed of nine members who are not fulltime officers or employees of the federal government and who shall be appointed as follows:

(a) three appointed by the President of the United States, one of whom shall be designated as Chairman by the President;

(b) three appointed by the President of the Senate; and

(c) three appointed by the Speaker of the House of Representatives.

FUNCTIONS OF THE COMMISSION

SEC. 3. (a) The Commission shall study the organization, structure, and purposes of the regulation of transportation by the Interstate Commerce Commission, the Federal Maritime Commission, and the Civil Aeronautics Board and shall determine and report upon the feasibility and desirability of a merger of these three agencies, or such other form of organization as the Commission may deem desirable. In carrying out this responsibility, the Commission shall consider, among such other factors as it deems relevant, the need for:

(1) developing, coordinating, the preserving a national transportation system by water, highway, rail, and air;

(2) providing fair and impartial regulation of all modes of transportation;

(3) promoting safe, adequate, economical, and efficient transportation service;

(4) fostering sound economic conditions in transportation and among the several carriers; and

(5) encouraging the establishment and maintenance of reasonable charges for transportation services without unjust discriminations, undue preferences, or unfair competitive practices.

(b) If the Commission concludes that the merger of the Interstate Commerce Commission, the Federal Maritime Commission, the Civil Aeronautics Board would not be feasible or desirable, it shall so report, stating its reasons and making recommendations for the improvement of the organization, methods and operation of the existing agencies. If it concludes that such a merger would be both feasible and desirable, it shall so report, stating its reasons, and shall make specific recommendations with respect to the nature, powers, and functions of the proposed regulatory agency and its relationship to the President, the Congress, the Judiciary, the public, and the carriers to be regulated.

COOPERATION BY EXECUTIVE DEPARTMENTS, AGENCIES, AND THE CONGRESS

SEC. 4. The Commission is authorized to request and accept from any executive department, agency, or congressional committee any information and assistance deemed necessary to carry out its functions under this statute. Each department, agency, or congressional committee is authorized, to the extent permitted by law and within the limits of available funds, to furnish information and assistance to the Commission.

COMPENSATION OF COMMISSION

SEC. 5. Each member of the Commission shall be paid at the rate of $100 for each day such member is engaged upon the work of the Commission and shall be allowed travel expenses, including a per diem allowance, in accordance with section 5703(b) of title 5, United States Code, when engaged in the performance of services for the Commission.

PERSONNEL OF COMMISSION

SEC. 6. Without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and the provisions of chapter 51 and subchapter III of chapter 53 of such title, relating to classification and General Schedule pay rates—

(1) the Commission is authorized to appoint an Executive Director and fix his basic pay at the rate provided for level V of the Executive Schedule by section 5316 of title 5, United States Code; and

(2) with the approval of the Commission, the Executive Director is authorized to appoint and fix the basic pay (at respective rates not in excess of the maximum rate of the General Schedule in section 5332 of title 5, United States Code) of such additional personnel as may be necessary to carry out the function of the Commission.

ADMINISTRATIVE SUPPORT SERVICES

SEC. 7. The Administrator of General Services shall provide administrative support services for the Commission on a reimbursable basis.

REPORT TO THE PRESIDENT AND THE CONGRESS AND TERMINATION

SEC. 8. The Commission shall, not later than one year from the date of enactment of this Act, make a report to the President and the Congress with respect to its activities and containing its recommendations. The Commission shall terminate thirty days after the date of the submission of such report.

AUTHORIZATION

SEC. 9. There is authorized to be appropriated such amount as may be necessary to carry out the provisions of this Act.

TO END THE DRAFT

Mr. PROXMIRE. Mr. President, I want to congratulate, and wholeheartedly endorse, President Nixon's statement of last week on ending the draft. By proposing to return to an all-volunteer Armed Force, the President has recognized the fact that compelling military service

through conscription undermines respect for Government by forcing an individual to serve when and in the manner the Government decides, regardless of his own values and abilities.

Voluntary service and freedom go hand-in-hand. Civilian authority over the military has always been strongest in those nations where voluntary service has been used most consistently. The United States has relied throughout its history on a voluntary Armed Force except during major wars.

Since 1948, however, the draft has been with us. As President Nixon so rightly observed:

> We have lived with the draft so long that too many of us now accept it as a normal part of American life.

Mr. Nixon's proposal to end the draft in the future, and to remove major inequities in the present draft system immediately, is just what is needed to correct this misconception of what is, and what is not, a normal part of American life.

In arriving at his decision to end the draft, President Nixon took two basic factors into account. On the one hand, our responsibilities in Vietnam and our overall foreign policy, as presently defined, would be greatly affected by an immediate end to the draft. Also, the increase in expenditures to provide for an all-volunteer army would have a major budgetary impact on the economy. On the other hand, to continue the present draft system would be to support and perpetuate an inherently unjust system, one that disrupts the lives of our young men on a discriminate basis. In the President's words:

> We all know the unfairness of the present system, no matter how just we try to make it.

After weighing these two factors, President Nixon arrived at the conclusion that—

> We should move now toward ending the draft. From now on, the objective of this Administration is to reduce draft calls to zero, subject to the overriding considerations of national security.

I fully concur with the conclusion the President arrived at.

Mr. Nixon has served notice that we cannot expect an end to the draft immediately. He has, however, taken two important steps in that direction. First, by proposing military pay increases and enhanced benefits, financial incentives will be used to attract and hold volunteers to the armed services. This will, of course, be a major step toward an all-volunteer army. Second, the President has moved to make the present draft system more equitable and just. To accomplish this he has proposed to increase military pay to bring it closer to civilian pay levels, to end all future occupational and parental deferments by Executive order, to end all future educational deferments once congressional authority is given, and to improve the operation of the present random selection system by establishing a direct national call by lottery sequences each month.

The President stated:

> This nation, has a right to expect that the responsibility for national defense will be shared equitably and consistently by all segments of our society.

Until the time comes when the present draft system can be eliminated completely, the steps proposed by the President will insure the most equitable system available.

For those who fear that an all-volunteer Armed Force will lack the ability to expand rapidly in times of sudden crisis, and thus endanger our national security, President Nixon has asked that a standby draft be provided. I concur with the President that the machinery for a standby draft must be created. This standby draft system would be used in times of emergency by an act of Congress, upon recommendation by the President.

The advantages of an all-volunteer Armed Force, with the provision for a standby draft, cannot be overestimated. Presently, draft calls can be increased by the President with little or no public discussion. Congressional approval can be avoided. With an all-volunteer force, the President can seek authorization to activate the standby draft system, but Congress must be consulted. Congressional, and public, debate over the merits of the President's request will be facilitated. Hopefully this will lead toward a national commitment on the question of war or peace before, rather than after, the decision is made. Put in another way, this system will allow us to enter our foreign commitments through the front, rather than the back, door.

President Nixon has taken an important step in reforming and moving toward the elimination of a draft system that has mistakenly become thought of as "a normal part of American life." The protection of a free society has never rested on involuntary service, but on the willingness of its citizens to assume the responsibility of defending the Nation when endangered. Democratic government, based on the concepts of freedom and liberty, should always attempt to minimize interference with the right of the individual to determine his own life in accord with his own values.

President Nixon's proposal to end the draft is consistent with our Nation's tradition of freedom and liberty. As the President stated:

> By upholding the cause of freedom without conscription we will have demonstrated in one more area the superiority of a society based upon belief in the dignity of man over a society based on the supremacy of the State.

In this connection, Mr. President, the Milwaukee Journal's editorial of yesterday commended President Nixon on the wisdom of his proposals for improving the draft, and I ask unanimous consent to have it printed in the RECORD.

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

GOOD PROPOSALS ON DRAFT

President Nixon is on firm ground in his approach to the draft. Realistically it cannot be allowed to expire in the middle of 1971 as suggested earlier by his commission on a voluntary army.

Most everyone would like to see a volunteer military service. But a principal fact of life since the end of World War II has been the need for a large standing force. Even if the war in Vietnam were over, it is doubtful, given American long term foreign commitments, that enough men would volunteer for duty to meet the needs of national security.

The proposal to raise the pay of first term enlisted men is long overdue. Past pay raises have aimed at keeping men in the service. Thus, most of the large boosts in salary come after two years as an inducement for re-enlistment. The result has been that draftees and enlistees in their initial two years have received miserable low pay.

Nixon's executive order barring further occupational and paternity deferments is more than justified if the lottery system is really to be equitable. So are the requested changes in the present law, including making the random selection system a direct national call and giving the president the authority to end student deferments. At present, because of the variety of deferments possible, and draft call quotas given each selective service board, it is quite possible for a man with a high lottery number to be drafted before one with a lower number who happens to be in the jurisdiction of another local board.

The president's aim is to work slowly toward eliminating the draft. Congress should aid him in his efforts by moving on a total review of the selective service system. Though Congress has done much talking, it has been presidential initiative that has achieved the present reforms.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

The ACTING PRESIDENT pro tempore (Mr. METCALF) announced that on today, April 27, 1970, he signed the following enrolled bills and joint resolution which had previously been signed by the Speaker of the House of Representatives:

S. 533. An act for the relief of Barbara Rogerson Marmor;

S. 1177. An act to authorize the documentation of the vessel West Wind as a vessel of the United States with coastwise privileges;

S. 1775. An act for the relief of Cora S. Villaruel;

S. 1963. An act for the relief of Wu Hip;

S. 1968. An act to authorize the Secretary of the Interior to permit the removal of the Francis Asbury statue, and for other purposes; and

H.J. Res. 251. Joint resolution to authorize the President to proclaim the last Friday of April 1970 as "National Arbor Day".

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore (Mr. METCALF) laid before the Senate the following letters, which were referred as indicated:

Three letters from the Chairman, Water Resources Council, Washington, D.C., transmitting, pursuant to law, reports and comprehensive plans for the Sabine River Basin, Louisiana and Texas, dated April 15, 1970; White River Basin, Arkansas and Missouri, dated April 15, 1970; and Pascagoula River Basin, Alabama and Mississippi, dated April 15, 1970; which three letters, together with the accompanying papers, were referred to the Committee on Interior and Insular Affairs.

REPORT OF A COMMITTEE

The following report of a committee was submitted:

By Mr. JORDAN of North Carolina, from the Committee on Rules and Administration, without amendment:

S. Res. 393. Resolution to print additional copies of the hearings of the Intergovernmental Revenue Act of of 1969 and related legislation (Rept. No. 91–806).

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. 3760. A bill to provide for a Commission on Transportation Regulatory Agencies to study and make recommendations with respect to the regulation of transportation by certain Federal agencies; to the Committee on Commerce.

(The remarks of Mr. BAKER when he introduced the bill appear earlier in the RECORD under the appropriate heading.)

By Mr. MANSFIELD:

S. 3761. A bill for the relief of Mario di Rienzo; to the Committee on the Judiciary.

By Mr. YOUNG of North Dakota:

S. 3762. A bill for the relief of Lu Wen Kuan; to the Committee on the Judiciary.

By Mr. MAGNUSON (by request):

S. 3763. A bill to amend the Natural Gas Pipeline Safety Act of 1968;

S. 3764. A bill to extend the provisions of title XIII of the Federal Aviation Act of 1958, as amended, relating to war risk insurance;

S. 3765. A bill to authorize appropriations for fiscal years 1971, 1972, and succeeding fiscal years to carry out the Flammable Fabrics Act, as amended; and

S. 3766. A bill to authorize appropriations to carry out the Fire Research and Safety Act of 1968; to the Committee on Commerce.

(The remarks of Mr. MAGNUSON when he introduced the above bills appear later in the RECORD under the appropriate headings.)

By Mr. MURPHY:

S. 3767. A bill to prescribe the period of limitations within which the offense of failing to register with the Selective Service System may be prosecuted; to the Committee on Armed Services.

(The remarks of Mr. MURPHY when he introduced the bill appear later in the RECORD under the appropriate heading.)

By Mr. ALLOTT (for himself and Mr. DOMINICK):

S. 3768. A bill to change the name of the National Bureau of Standards Radio Laboratory Building in Boulder, Colo., to the Dwight David Eisenhower Laboratories; to the Committee on Commerce.

(The remarks of Mr. ALLOTT when he introduced the bill appear later in the RECORD under the appropriate heading.)

By Mr. MURPHY:

S.J. Res. 194. A joint resolution to authorize the President to proclaim the period from May 10, 1970, Mother's Day, through June 21, 1970, Father's Day, as the "National Multiple Sclerosis Society Annual Hope Chest Appeal Weeks"; to the Committee on the Judiciary.

(The remarks of Mr. MURPHY when he introduced the joint resolution, appear under a separate heading.)

S. 3763—INTRODUCTION OF A BILL TO AMEND THE NATURAL GAS PIPELINE SAFETY ACT OF 1968

Mr. MAGNUSON. Mr. President, I introduce for appropriate reference, a bill to amend the Natural Gas Pipeline Safety Act of 1968. I ask unanimous consent that the letter of transmittal be printed in the RECORD along with the bill.

The PRESIDING OFFICER (Mr. JORDAN of North Carolina). The bill will be received and appropriately referred; and, without objection, the bill and letter of transmittal will be printed in the RECORD.

The bill (S. 3763) to amend the Natural Gas Pipeline Safety Act of 1968, introduced by Mr. MAGNUSON, by request, was received, read twice by its title, referred to the Committee on Commerce, and ordered to be printed in the RECORD, as follows:

S. 3763

Be it enacted by the Senate and the House of Representatives of the United States of America assembled, That section 5 of Public Law 90–481 is amended as follows:

(1) By substituting the word "three" for the word "two" in line 10 of subsection 5(a)(4).

(2) By substituting the words "June 1" for the words "September 30" in line 1 of subsection 5(c)(1).

(3) By substituting the word "fiscal" for the word "calendar" in lines 2 and 7 of subsection 5(c)(1).

SEC. 2. Section 15 of Public Law 92–481 is repealed and the following new section is substituted therefor:

"SEC. 15. Such funds as are required to support the purposes of this Act are hereby authorized."

The letter of transmittal, presented by Mr. MAGNUSON, is as follows:

THE SECRETARY OF TRANSPORTATION,
Washington, D.C., April 13, 1970.

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

DEAR MR. PRESIDENT: There is transmitted herewith a proposed bill "To amend the Natural Gas Pipeline Safety Act of 1968."

At present, section 5(a) of the Natural Gas Pipeline Safety Act provides generally that the states may assume responsibility for the enforcement of the Act if the appropriate State agency certifies annually to the Secretary of Transportation that, among other things, State law provides injunctive and monetary sanctions substantially the same as those found in sections 9 and 10 of the Act. The Act further provides that State certifications may be filed without regard to the injunctive and monetary sanctions requirement" . . . for a period not to exceed two years after the date of the enactment of this Act", *i.e.* August 11, 1970.

Experience thus far indicates that it is administratively advisable for the State certifications to be on a calendar-year basis. That is, "annual" certifications are submitted prior to January 1 of the year they are to cover. If we are to continue with calendar-year certifications, under the present provisions of section 5(a), a State agency will not be able to certify after August 11, 1970 for calendar year 1971, unless the injunctive and monetary sanctions requirement is met.

Under the proposed bill, the period in which certifications may be filed without regard to the sanctions requirement will be extended one year, to August 11, 1971. The two year period provided in the Act, simply failed to accommodate the inevitable delay between the enactment of a Federal law designed to encourage the enactment of certain State laws and the actual opportunity of the State legislatures to pass the appropriate legislation. There was insufficient time, for example, between August 12, 1968, the effective date of the Act, and the 1969 general State legislative sessions to staff the program at the Federal level; to receive, review, and comment on the pertinent State laws; and to have the various State agencies inform their State legislatures of the need for amendatory legislation. Unfortunately, the majority of States will be unable to deal with these problems during 1970. Only 29 states have regular legislative sessions this year and a number of these are restricted to budgetary and fiscal matters. Since a number of States lack the appropriate monetary sanctions, failure to extend the two year period will effectively preclude their submitting a certification for calendar year 1971. This eventuality would place the major burden for safety enforcement on this Department's Office of Pipeline Safety, which has not been staffed to assume such a workload. The proposed one year extension would allow the affected States, in their general legislative sessions in 1971, to pass the legislation necessary to comply with the Act.

In addition, the proposed bill would by a date and word change, convert the grant program under section 5(c) of the Act from a calendar to a fiscal year basis. This change in the Act would bring it in line with most other programs and would greatly facilitate record-keeping and planning.

Lastly, the proposed bill would supplant the present specific appropriations authorizations with an authorization to appropriate ". . . such funds as are required to support the purposes of the Act." This will allow the Executive Branch and Congress the freedom to evaluate the financial needs of the Act each year without the restraints of pre-imposed ceilings which could prove totally unrealistic.

The Bureau of the Budget has advised that there is no objection from the standpoint of the Administration's program to the submission of this proposed legislation to the Congress.

Sincerely,

JOHN A. VOLPE.

S. 3764—INTRODUCTION OF A BILL RELATING TO WAR RISK INSURANCE

Mr. MAGNUSON. Mr. President, I introduce, for appropriate reference, a bill submitted by request from the administration to extend the provisions of title VIII of the Federal Aviation Act relating to war risk insurance.

The bill would extend the authority to provide aviation war risk insurance and reinsurance until September 8, 1975. The present authorization in the act, as amended, will expire on September 7, 1970.

I ask unanimous consent that the bill be printed in the RECORD at this point along with the letter of submission from the Secretary of Transportation to the Vice President.

The PRESIDING OFFICER (Mr. JORDAN of North Carolina). The bill will be received and appropriately referred; and, without objection, the bill and letter will be printed in the RECORD.

The bill (S. 3764) to extend the provisions of title XIII of the Federal Aviation Act of 1958, as amended, relating to war risk insurance, introduced by Mr. MAGNUSON, by request, was received, read twice by its title, referred to the Committee on Commerce, and ordered to be printed in the RECORD, as follows:

S. 3764

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1312 of title XIII of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1542) is amended by striking out the words "Sep-

tember 7, 1970", and by inserting the words "September 7, 1975" in place thereof.

The letter, presented by Mr. MAGNUSON, is as follows:

THE SECRETARY OF TRANSPORTATION,
Washington, D.C., April 15, 1970.

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

DEAR MR. PRESIDENT: Enclosed for appropriate referral and introduction is a draft bill, "To extend the provisions of title XIII of the Federal Aviation Act of 1958, relating to war risk insurance."

The draft bill would amend section 1312 of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1542) (hereinafter called the Act), to extend the authority to provide aviation war risk insurance and reinsurance under title XIII of the Act until September 8, 1975. This authority otherwise would expire on September 7, 1970.

Title XIII of the Act, as amended, authorizes the Secretary of Transportation, with the approval of the President, to provide premium and non-premium war risk insurance for the protection of aircraft and of persons and property transported aboard them, and against other liabilities of a kind that insurance would customarily cover, when commercial insurance cannot be obtained on reasonable terms and conditions from U.S. insurers.

Under title XIII a department or agency of the United States may, with the approval of the President, procure from the Secretary war risk insurance if it enters into an agreement with the Secretary to indemnify him against all losses covered by the insurance provided under the Act. This insurance is provided without premiums and is presently provided to air carriers that have contracts with the Department of Defense and the Department of State. We believe non-premium war risk insurance is a vital element in the program to provide airlift requirements for the war in Vietnam.

The premium war risk insurance program is intended to provide coverage for American carriers in addition to what is available to them commercially. The war risk binders, therefore, agree to provide war risk insurance only at the close of the 24-hour period provided in the commercial policy. The coverage of war risks is necessary because the ordinary aviation insurance policy covers only the usual perils of fire, damage, and other risks, and excepts certain named "war risks" from coverage. Commercial policies usually include a clause, or clauses excluding from coverage any claim for loss or damage occasioned by war, hostilities, insurrection, or acts of foreign enemies, among other explicit situations. An air carrier should not be expected to assume the risk of the loss of its aircraft from such excluded perils. The concentrated, high value of the aircraft and equipment could be a total loss in a single incident.

The Congress has extended the War Risk Insurance Program on three previous occasions: (1) for 5 years to June 13, 1961, under P.L. 84–746; (2) for another 5 years to June 13, 1966, under P.L. 87–89; and (3) for another 4 years to September 7, 1970, under P.L. 89–447. The reasons for these past extensions are equally compelling now. To ensure, therefore, that there is no break in the continual coverage under the War Risk Insurance Program and to ensure that commercial airlift supporting United States Armed Forces in Vietnam is maintained without interruption, we urge that the Congress *properly* enact this legislation.

The Bureau of the Budget advises that there is no objection to the submission of this proposal to the Congress from the standpoint of the Administration's program.

Sincerely,

JOHN A. VOLPE.

S. 3765—INTRODUCTION OF THE FLAMMABLE FABRICS ACT AUTHORIZATION APPROPRIATIONS BILL

Mr. MAGNUSON. Mr. President, I introduce, for appropriate reference, a bill to authorize appropriations for fiscal years 1971, 1972, and succeeding fiscal years to carry out the Flammable Fabrics Act, as amended. I ask unanimous consent that the letter of transmittal and the statement of purpose and need be printed in the RECORD along with the bill.

In introducing this executive request legislation, I must express the hope that it signals a renewed administration effort to accelerate implementation of an act I worked very hard to pass in 1967—an act which should have been more vigorously implemented long before now.

Periodically, I receive press clippings and other information from doctors at Children's Orthopedic Hospital in Seattle. These clippings and personal medical accounts describe in heart-rending detail the tragedies of young children whose clothes have burst into flame after a brief exposure to an open flame. Were the Flammable Fabrics Act, as amended, to be fully implemented, I am confident many of these tragedies could be prevented. So let us get on with it.

The PRESIDING OFFICER (Mr. JORDAN of North Carolina). The bill will be received and appropriately referred; and, without objection, the bill, letter, and statement of purpose and need will be printed in the RECORD.

The bill (S. 3765) to authorize appropriations for fiscal years 1971, 1972, and succeeding fiscal years to carry out the Flammable Fabrics Act, as amended, introduced by Mr. MAGNUSON, by request, was received, read twice by its title, referred to the Committee on Commerce, and ordered to be printed in the RECORD, as follows:

S. 3765

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there are authorized to be appropriated such sums as may be necessary for the fiscal years of 1971 and 1972, but not to exceed a total of $6.0 million, and such sums as may be necessary for succeeding fiscal years, to carry out the purposes of the Flammable Fabrics Act, as amended (15 U.S.C. 1191–1204).

The material presented by Mr. MAGNUSON, is as follows:

MARCH 25, 1970.

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

DEAR MR. PRESIDENT: Enclosed are four copies of the draft bill "To authorize appropriations for fiscal years 1971, 1972, and succeeding fiscal years to carry out the Flammable Fabrics Act, as amended," together with four copies of a statement of purpose and need in support thereof.

We have been advised by the Bureau of the Budget that enactment of this legislation would be consistent with the Administration's objectives.

Sincerely,

MAURICE H. STANS,
Secretary of Commerce.

STATEMENT OF PURPOSE AND NEED

In 1967 Congress enacted significant amendments through Public Law 90–189 to the Flammable Fabrics Act. The original Act was passed in 1953 and except for a relatively minor amendment in 1954 had remained unchanged through the years.

The 1967 amendments to the Act make certain provisions for a more effective attack on the overall problem of deaths, injuries, and economic losses resulting from fires involving fabrics and related materials, and products made from them. Coverage of the Act, by virtue of these amendments, now includes all articles of wearing apparel and interior furnishings.

Under the Act, the Department of Commerce, mainly through the National Bureau of Standards, is responsible for research into the flammability of materials and the feasibility of reducing that flammability, for the development of flammability test methods and apparatus, for appropriate training in the use of such methods and apparatus, and for the establishment of standards and regulations concerning fabrics and related materials as used in wearing apparel or interior furnishings. The legislation requires the Secretary of Commerce to consider the results of research or investigations in determining that a hazard exists and that a standard or regulation, or a revision thereof, is needed to protect the public.

The Act calls upon the Secretary of Health, Education, and Welfare, in cooperation with the Secretary of Commerce, to conduct a continuing study and investigation of the deaths, injuries, and economic losses resulting from accidental burning of products, fabrics, or related materials. The Federal Trade Commission is charged with the enforcement of this Act through the administrative procedures provided for under the Federal Trade Commission Act together with injunction, condemnation and criminal penalty proceedings in the Federal courts where such action is necessary to protect lives and property.

Section 9 of the mentioned Public Law 90–189 authorized appropriations for the fiscal years ending June 30, 1968, June 30, 1969, and June 30, 1970. Accordingly, it is the purpose of this bill to seek an authorization for appropriations for the fiscal years ending June 30, 1971 and June 30, 1972, and for succeeding fiscal years in order that the Secretary of Commerce, the Secretary of Health, Education, and Welfare, and the Federal Trade Commmission may continue to carry out responsibilities with which they are charged under the Flammable Fabrics Act. The amount sought in this authorization for fiscal years 1971 and 1972 for these 3 agencies is a total of $6.0 million.

A breakdown of the amounts sought by each of the three mentioned agencies under this authorization is provided in the table set out below:

Agency	Estimated obligations		
	Fiscal year 1971	Fiscal year 1972	Total [1]
Commerce	813	1,587	2,400
Health, Education, and Welfare	1,175	1,175	2,350
Federal Trade Commission	500	750	1,250
Total	2,488	3,512	6,000

[1] Figures shown are in thousands of dollars.

The requested authorization of $2.4 million for the Department of Commerce will permit the continued orderly buildup of the standards and test method efforts required for the effective implementation of the Flammable Fabrics Act. The major use of such funds will be the expanded development of test methods and standards, the carrying out of research in the flammability of fabrics, and conducting studies on the feasibility of reducing the flammability of fabrics. Under

the procedures for establishing standards of flammability, action has been started on standards for wearing apparel and on rugs and carpets. These standards, however, are expected to be only of an interim nature in order that needed protection to the public may be given promptly. Test method development will have to continue. For example, the initial wearing apparel standards will only apply to a few categories representing the greatest hazard. Different garments represent different levels of risk to the public and, therefore, all garments would not be subject to the same standard. Different standards or a series of standards will be required. These different standards are based on various levels of performance in the same test or tests, or may require different tests. Thus, standards and tests for children's sleepwear, or little girls' dresses will differ significantly from those required for adult sleepwear or men's clothing.

A proposed flammability standard for carpets and rugs was published by the Department of Commerce in the Federal Register on December 18, 1969. This standard, based on a cooperative development effort between the National Bureau of Standards and the carpet and rug industry, is a "first generation" standard. It is intended to provide protection for high-risk carpets and rugs that will propagate flame from a small ignition source under conditions of controlled draft. Continued development of carpet and rug flammability tests will be needed however, because the "first generation" test does not stimulate conditions of air movement that exist in corridors and stairwells, nor does it deal with the hazards of smoke and toxic gases.

The funds will also be used by the Department of Commerce for research activities associated with these efforts in setting standards. Investigations will be conducted to determine how retardants inhibit flames. Although much is known about what materials keep cotton and other cellulosic materials from burning, the reasons why these materials behave in this manner are not fully understood. In addition, good substances to reduce the combustibility of non-cellulosic materials are not available. Improvements in retardant materials for cellulosics will come about when the reasons for their behavior are better known. Moreover, such knowledge will help the development of flame-retardant treatments for non-cellulosic materials as well.

Research will also be done to extend our understanding of the mechanism of the combustion of fabrics. In establishing tests for flammability standards it is necessary to know what the tests are measuring and to relate these measurements to assessment of the ultimate hazard in apparel or interior furnishing fires. Knowledge of the physical and chemical properties of materials involved is important in determining the rate of burning, toxic gas production, heat transfer to the skin and so forth, all of which are factors to be considered in flammability test measurements.

Research has been conducted the past year in this program to relate flammability tests to ultimate hazard use. Funds requested under this authorization would be used to extend ongoing research of test burning of children's sleepwear on instrumented manikins to stimulate actual fire conditions and thus determine the relationship of laboratory tests to hazard.

This past year research was also started into the hazards resulting from bedding fires. Hazards from such fires are primarily smoke and toxic gases which can cause fatalities. The funds requested for authorization would be used to develop test methods that would reflect these hazards clearly.

A futher use of the funds sought under this authorization by the Departments of Commerce and Health, Education, and Welfare will be to investigate the deaths, injuries, and economic losses due to flammable fabrics. This statutory responsibility is shared by the Secretaries of those Departments. Data collections on injuries and deaths and the acquisition of apparel items actually involved in fires has been carried out through a coordinated program by both Departments. The data have been used to help determine what apparel and interior furnishing items constitute unreasonable risks in public use. For example, data on age of victims, frequency of events, and types of garments involved has provided the basis for assignment of first priority to development of flammability standards for children's nightwear. The information is also used for assessing the relationship between test methods and actual hazards encountered in the cases reported. This has been done by testing the materials collected at the scene of the accidents or from the fire victims.

While the Department of Health, Education, and Welfare has expertise in obtaining data on deaths and injuries, the Department of Commerce has competence in assessing the economic losses as a result of fires involving flammable fabrics. Data from sources such as the National Safety Council, the National Fire Protection Association, the American Association of Pediatrics, State and local governments, and fire departments need to be marshalled and used. Besides being used to determine the need for standards and the relationship between test method results and hazards, this information will be disseminated for the use of industry, the research community and individuals concerned with the flammability of fabrics problems.

The funds sought by the Department of Health, Education, and Welfare under this authorization will enable that Department to field eight teams of investigators plus a small clerical support staff to obtain national data on deaths, injuries and economic losses. The field investigation will be supplemented by computer analysis of the data obtained from such investigation. As the table set out earlier herein shows, the requested authorization for the Department of Health, Education, and Welfare in each of fiscal years 1971 and 1972 is $1.175 million.

The table also shows that the Federal Trade Commission seeks $.5 million for fiscal year 1971 and $.75 million for fiscal year 1972 to carry out its enforcement responsibilities under the Flammable Fabrics Act, as amended. The funds sought by the Commission are required to provide additional personnel, particularly investigators, attorneys and scientific and laboratory staff for activities related to carpets and rugs. The Commission also anticipates that additional space and equipment, particularly special laboratory equipment designed to specifically test carpets and rugs and other products within the purview of the Act, will be required.

S. 3766—INTRODUCTION OF A BILL TO AUTHORIZE APPROPRIATIONS TO CARRY OUT THE FIRE RESEARCH AND SAFETY ACT OF 1968

Mr. MAGNUSON. Mr. President, I introduce, for appropriate reference, a bill to authorize appropriations to carry out the Fire Research and Safety Act of 1968. I ask unanimous consent that the letter of transmittal and statement of purpose and need be printed in the RECORD along with the bill.

The PRESIDING OFFICER (Mr. JORDAN of North Carolina). The bill will be received and appropriately referred; and, without objection, the bill, letter of transmittal and statement of purpose and need will be printed in the RECORD.

The bill (S. 3766) to authorize appropriations to carry out the Fire Research and Safety Act of 1968, introduced by Mr. MAGNUSON, was received, read twice by its title, referred to the Committee on Commerce, and ordered to be printed in the RECORD, as follows:

S. 3766

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there are authorized to be appropriated to the Department of Commerce such sums as may be necessary for the fiscal years of 1971 and 1972, but not to exceed a total of $5 million, and such sums as may be necessary for succeeding fiscal years to carry out the purposes of the Fire Research and Safety Act of 1968 (P.L. 90–259; 82 Stat. 34).

The material presented by Mr. MAGNUSON is as follows:

THE SECRETARY OF COMMERCE,
Washington, D.C., March 13, 1970.

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

DEAR MR. PRESIDENT: Enclosed are four copies of a draft bill "To authorize appropriations to carry out the Fire Research and Safety Act of 1968," together with four copies of a statement of purpose and need in support thereof.

We have been advised by the Bureau of the Budget that enactment of this legislation would be in accord with the program of the President.

Sincerely,

MAURICE H. STANS,
Secretary of Commerce.

STATEMENT OF PURPOSE AND NEED

The Fire Research and Safety Act of 1968 (P.L. 90–259) calls upon the Secretary of Commerce to undertake a national fire research and safety program. This endeavor includes the gathering of comprehensive fire data, the establishment of a broad research program aimed at reducing death, personal injuries and property damage caused by fires, providing fire safety education and training programs; and conducting demonstrations of new approaches and improvements in fire prevention control. To carry out this program, the Act authorizes the Secretary of Commerce to conduct directly or through contracts or grants; (1) investigations of fires; (2) research to develop methods for fire prevention and control; (3) educational programs to inform the public of fire hazards and fire safety techniques; (4) fire information reference services; (5) training programs to improve the operation of fire services; and (6) projects demonstrating new approaches and improvements in fire prevention and control.

Section 104 of the Fire Research and Safety Act of 1968 authorized $5 million to be appropriated for the period ending June 30, 1970 to carry out the purpose of the Act. The purpose of this bill is to seek an authorization for appropriations totalling $5 million for the fiscal years of 1971 and 1972 and for such sums as may be necessary for succeeding fiscal years so that the Secretary of Commerce may carry out the responsibilities charged to him under the Act.

Although no funds have been specifically appropriated under the authorization mentioned above, the National Bureau of Standards has re-programmed funds in order that planning for an expanded fire research and safety program could be started. The effort thus far has been limited to studying various aspects of the fire problem and to planning future activities. Based upon the planning done at the National Bureau of Standards

the $5 million authorization request would be allocated in the amount of $1.5 million for FY 1971 and $3.5 million for FY 1972. A significant fraction of the funds would be for contracts and grants. This is especially true for the second year.

The funds obtained through the authorization sought under this bill would be used in four principal areas: (1) data and information collection; (2) fire research; (3) innovation in firefighting equipment; and (4) study of fire service training and education needs.

(1) *Data and information collection.*—Available fire loss records are inadequate and do not indicate reasons for our present high life and property losses. 12,200 lives were lost in 1967 as a result of fires. Direct monetary losses from fire were estimated at $2.1 billion. Knowledge as to why these heavy losses are occurring is essential for determining the short-term and long-term steps which should be taken in research, technical firefighting development, fire detection, fire service training, and the like.

Two cooperative data collection programs would be carried out with the funds requested. One, involving studies of fire injuries and deaths, would be conducted with the assistance of agencies of the Department of Health, Education, and Welfare—that are now engaged in collecting data on accidents of all kinds. This work would, in part, be reimbursed by the Department of Commerce. The other would be directed to understanding factors related to property losses from fires, and would be conducted in cooperation with groups such as the National Fire Protection Association. Such groups would be totally reimbursed for their services with the funds requested. The findings of these studies will provide a means for directing the fire research and safety programs within an optimum cost-effectiveness framework.

(2) *Fire research.*—Present knowledge about building fires and life hazards of fire does not provide a sufficient basis for fire-safe design. To remedy this, a comprehensive fire research program, to be conducted at NBS and through contracts or grants is proposed. This program would include studies of the growth and spread of fire in and damage to buildings and the nature and hazard of smoke and toxic gases. Special emphasis would be given to techniques of fire detection and control. In addition, the optimum organization of a community's firefighting resources would be studied.

(3) *Firefighting equipment.*—Tools and equipment used in firefighting and protective clothing or equipment for firemen are, in many instances, outmoded. Funds requested would be used to stimulate innovation in firefighting equipment. The first step would be to determine the kinds and severity of accidents peculiar to firefighting. Based on these findings, performance criteria would be established for new equipment and protective devices for firemen. Development of improved items would be carried on through a cooperative effort with other Federal agencies, manufacturers, research laboratories, and other appropriate groups. New safety items developed would then be introduced on a trial basis for fire services use. Some improvements could be accomplished quickly and should produce an early payoff in reduced firefighter deaths and injuries.

(4) *Fire service training and education needs.*—The training of firefighters and the education of fire officers needs improving. Present programs are fragmented and of uneven quality. It is intended to use part of the funds requested to determine the educational and training needs of fire services and to develop ways to meet these needs. Modern, effective programs in fire command are desperately needed and would lead through improved command decisions to an immediate improvement in fire control, reduced deaths and injuries, and reduced property loss.

Educational programs to inform the public of fire hazards and fire safety techniques may be costly to execute. Moreover, their effectiveness might prove difficult to evaluate with existing statistical data on fires. Therefore, it is planned to defer large-scale public education programs until a satisfactory technique and data base can be developed to evaluate their effectiveness. The funds requested would be used in part to develop the necessary data, and to mount carefully designed pilot projects for testing educational programs prior to any large-scale implementation.

S. 3767—INTRODUCTION OF A BILL TO PRESCRIBE THE PERIOD OF LIMITATIONS WITHIN WHICH THE OFFENSE OF FAILING TO REGISTER WITH SELECTIVE SERVICE SYSTEM MAY BE PROSECUTED

Mr. MURPHY. Mr. President, I introduce a bill and ask that it be appropriately referred. This measure will reverse the Supreme Court decision on Toussie against the United States, decided on March 20, of this year. This decision held that a young man who failed to register with the draft at age 18 cannot be prosecuted after 5 years had passed. The Court held that prosecution beyond the 5-year period was barred by the 5-year statute of limitation found in 18 U.S.C. section 3282.

Section 3 of the Universal Military Training and Service Act, 65 Stat. 75, requires all young men between the ages of 18 and 26 to register for the draft "at such time or times and place or places, and in such manner as shall be determined by proclamation of the President." Failure to perform this duty is punishable by fine, imprisonment, or both. Pursuant to this statute, a Presidential proclamation was issued providing that young men "shall be registered on the day of his birth, or within 5 days thereafter." Government regulations also promulgated under the act provide:

> The duty of every person subject to registration shall continue at all time, and if for any reason any such person is not registered on the day or one of the days fixed for his registration, he shall immediately present himself for and submit to registration.

The facts of the case before the Supreme Court showed that one Robert Toussie was born on June 21, 1941, and that he failed to register for the draft upon reaching age 18 in 1959. On May 3, 1967, Toussie was indicted for his failure to register for the draft. At the time of the indictment Toussie was 25, and this was 8 years after he reached registration age. In a jury trial he was found guilty of failing to register for the draft. This conviction was upheld by the Court of Appeals for the Second Circuit.

The Supreme Court in reversing the court of appeals reasoned that the crime was completed 5 days after the young man reached age 18 and failed to register and, therefore, the statute of limitation started to run from that time. In doing so, it rejected the position of the court of appeals and the Justice Department that the failure to register was a continuous offense, being committed each day Toussie failed to register. Under this interpretation, the statute of limitation would not begin to run until the young man reaches the age of 26. There seems to be no question regarding the guilt of Toussie in this case. Even the majority opinion said that "there is no doubt that the jury found Toussie willfully failed to register and thereby subject himself to the same possibility of military service that other young men who will comply with the legal obligation." In fact, Toussie, by his own testimony, admitted, in the words of the dissenting opinion, that he attempted "to evade registration and liability for the draft."

Mr. President, the Supreme Court's decision in my judgment is contrary to the intent of the Congress and illogical. The purpose of the registration requirement is to establish a manpower pool from which the Nation may induct young men to meet our defense needs and to defend the country. Yet, the Supreme Court's decision produces a rather incredulous situation. Although a young man is eligible for the draft until age 26, the majority opinion says 5 days after a young man reaches age 18, although a crime has been committed, the young man has no further duty to register. The Court's decision allows draft evaders to escape their obligation for it is the registration act which makes the induction possible. Along with the minority opinion, and with the Justice Department, I cannot believe Congress ever had such an intent. Such a construction is contrary to the purposes of our draft laws, at odds with the existing regulations and commonsense.

The majority opinion seems to recognize the decision could have gone either way, but felt that before they could construe the criminal statutes involved in the "harsher alternative" they would need a "clear and definite" language by the Congress. The majority opinion further observed that "every statute of limitation, of course, may permit a rogue to escape."

The bill I introduce would close this possible draft evaders loophole. The bill will not allow another rogue or another draft evader to escape by this route. It would do so by amending the law to make it clear and definite that the statute of limitation does not begin to run until a young man either registers or reaches the age of 26, the age at which one is no longer eligible for induction. The effect of the amendment would be to subject a person to prosecution until 5 years after he passes the induction age of 26, that is, when he reaches the age of 31.

The language of this bill clearly and definitely spells out what was the obvious intent of the Congress so that our intent will be clear even to the majority. The bill reads that—

> The failure of any person to present himself for registration . . . shall be a continuing violation . . . and any period of limitation . . . shall not begin to run until the date on which such person presents himself for registration or until the 26th anniversary of the date of his birth, whichever is earlier.

Mr. President, on this very day, undoubtedly many young Americans all across this great Nation are reaching or have just reached age 18. Recognizing that our Nation grants many freedoms and that accompanying such freedoms are certain duties and responsibilities, the overwhelming majority of our young men will do their duty, and will register

for the draft as required by law. In so, doing, they expose themselves to possible induction into military service, and perhaps even death if they are called, for an 8-year period, or until they reach age 26. On the other hand, one who disobeys the law and shirks his duty by failing to register for the draft is liable, under the Supreme Court's decision, for prosecution for only 5 years, that is, until 6 days after his 23d birthday. To put it like Justice White did in his dissent, "While all around him young men are being inducted", Toussie, the defendant, "at age 18 years and 6 days is forever free of any duty—and at 23 is forever free from prosecution for his initial failure—to place himself, like them, into the pool from which inductees are selected. I cannot agree."

Mr. President, citizens of California and of this country cannot agree either. I would like to read one of many letters I received from constituents strongly disagreeing with the Supreme Court's ruling. This gentleman already has one son who has served in Vietnam and a second son who will be going there this month. He writes:

CONCORD, CALIF.

Hon. GEORGE MURPHY,
U.S. Senate,
Washington, D.C.

MY DEAR SENATOR MURPHY: As a father who has had one son serve in Vietnam for a year and another son who will be going there in mid April, I abhor and reject the recent Supreme Court decision freeing all draft dodgers on their twenty third birthday under the statute of limitations.

What convoluted reasoning the Court majority employed in reaching the decision is beyond my comprehension.

Congress must amend the law so that the statutes of limitations does *not* start to run until a man reaches age 26 and is no longer subject to induction.

I feel very strongly that a good many of the problems that face the Nation today stem directly from this still too liberal Court's decisions that alter the Constitution and the laws to fit the personal dogmas of the individual judges.

Very truly yours,

IRA E. POOLER.

I hope that the Congress will enact this bill to clarify its intent and thereby plug this possible loophole for draft evaders.

The PRESIDING OFFICER (Mr. ALLEN). The bill will be received and appropriately referred.

The bill (S. 3767) to prescribe the period of limitations within which the offense of failing to register with the Selective Service System may be prosecuted, introduced by Mr. MURPHY, was received, read twice by its title, and referred to the Committee on Armed Services.

SENATE JOINT RESOLUTION 194—INTRODUCTION OF A JOINT RESOLUTION TO AUTHORIZE THE PRESIDENT TO PROCLAIM THE PERIOD FROM MOTHER'S DAY, MAY 10, THROUGH FATHER'S DAY, JUNE 21, AS THE "NATIONAL MULTIPLE SCLEROSIS SOCIETY ANNUAL HOPE CHEST APPEAL WEEKS"

Mr. MURPHY. Mr. President, I introduce today a Senate joint resolution which would authorize the President to proclaim the period from Mother's Day, May 10, through Father's Day, June 21, as the "National Multiple Sclerosis Society Annual Hope Chest Appeal Weeks." The Multiple Sclerosis Society has selected this period as its annual MS Hope Chest Campaign. These dates were not chosen lightly, for they have a very significant meaning to a very specific portion of our population.

Multiple sclerosis means many scars—scars not only of the body, but of wasted years of study, careers which never come to full fruition, family relationships strained to the utmost, economic hardships, lives half lived. For this is the primary handicap of young adults in this country. MS is chronic and progressive—a crippler.

Mr. President, MS is a mysterious neurological disease which numbers its victims in the 20 to 40 age group, probably setting in its roots at about age 15. It takes its toll in dreams and hopes and plans. Our nerve sheaths are protected by a covering called myelin, much the same as a telephone cord is protected by its rubber covering. When myelin is destroyed, a short circuiting takes place, thus messages are distorted from the brain to various parts of the body. The result is staggering and falling, double vision, speech defects, tremors, paralysis.

MS is a mystery because no two patients follow the same course. In each, the disease has its own progression, and there is no predicting what will happen. In the words of a foremost medical authority, "The disease is typically slow and insidious in onset, frequently difficult to diagnose until symptoms have progressed to extensive disability. Early symptoms are mild and transient. Frequently symptoms disappear but recur at a later predictable time, usually in a more severe and persistent form. Occasionally there are unexplained instances of prolonged remission. There may follow a series of symptom recurrences resulting in progressive incapacitation."

Mr. President, MS does not give you a chance. Once it comes, it comes to stay. Picture for a moment with me a young man who has just earned his Ph. D., another who has just received his medical degree, a young mother with three youngsters under 5, a hard-working electrician making a present and a future for his wife and four young children. Today, the young Ph. D. works from his home in a wheel chair; the doctor is bedridden; the young mother tries to manage her home on crutches; the electrician at age 37 is in a rest home.

Mr. President, I have a personal interest in the conquering of this crippling disease, for it has stricken a former member of my staff, my former office manager prior to her having been afflicted with multiple sclerosis. She was bright, exceedingly capable and an asset to any office. Attesting to her abilities was the fact that she was employed beginning with former Senator Knowland and followed by a succession of California Senators, namely, the late Senator Engle, former Senator Salinger, and myself. Anne's case illustrates the tragedy of this disease, but Anne's response—a real profile in courage—has made all of us who have had the pleasure of knowing her and who were proud of her before, even more proud of her today.

Mr. President, for the most heartrending aspect of MS is that it strikes primarily young adults in their most productive years. It disrupts the lives of families making tragic demands on the courage and strength not only of its victims but of their husbands, wives, friends, and children. The problems which arise may often seem insurmountable when the role of breadwinner must be assumed by the wife, or the household chores to the afflicted husband, disillusion and threat of separation or divorce often occurs. The children must be helped to understand the influences operating in the household and also helped to maintain a home to which they can continue to invite their friends. The total resources of the family should be pooled and devoted to insistence on a full and useful life for each member—despite the difficulties encountered. The long life of uncertain disability in a family member imposes a continuous series of adjustments on a total of perhaps two million members of family constellations disturbed by the presence of this disease.

The National Multiple Sclerosis Society is the only voluntary agency concerned with finding the cause, prevention and cure for multiple sclerosis. The society's medical adviser, Dr. Harry M. Weaver, who worked closely with Dr. Jonas Salk, is convinced that the answer to MS can be found provided adequate resources are made available. For research is the only hope that MS patients have, research and the day-to-day help which chapters throughout the country give in their programs or direct service, recreation, transportation.

The joint resolution I introduce today would designate the period of Mother's Day through Father's Day as the National Multiple Sclerosis Society Annual Hope Chest Appeal. The resolution calls upon the Governors of the respective States to issue a similar proclamation calling upon the people of this great Nation to join in providing "the assistance and resources necessary to discover the cause and cure of multiple sclerosis and to alleviate the suffering of the persons stricken by this disease."

Mr. President, there are more than 500,000 victims of MS, and since MS forces the removal of two out of three of its victims from the Nation's work force, it is estimated to result in a $2 billion annual economic loss to the Nation.

Mr. President, this is the 25th anniversary of the National Multiple Sclerosis Society and the society is launching a 5-year development plan aimed at discovering the cause, preventing and treating MS.

I am pleased to be part of this push, and I hope that all America will join in.

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

The PRESIDING OFFICER (Mr. ALLEN). The joint resolution will be received and appropriately referred; and, without objection, the joint resolution will be printed in the RECORD.

The joint resolution (S.J. Res. 194) to authorize the President to proclaim the period from May 10, 1970, Mother's Day, through June 21, 1970, Father's Day, as the "National Multiple Sclerosis Society Annual Hope Chest Appeal Weeks"; introduced by Mr. MURPHY, was received, read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed in the RECORD, as follows:

S.J. RES. 194

Whereas 500,000 Americans, stricken usually between the ages of 20 and 40 years, are affected by the ravages of multiple sclerosis and related neurological diseases;

Whereas 2,000,000 members of American families are deeply concerned with the financial and emotional problems of this disease;

Whereas multiple sclerosis predominantly strikes young fathers and mothers in their wage-earning and family-building years and reduces the buying power of such families;

Whereas such reduction results in a $2,000,000,000 annual economic loss to the Nation and forces the removal of two out of every three disabled multiple sclerosis victims from the Nation's work force;

Whereas multiple sclerosis remains a disease of unknown cause, unpredictable course, and undiscovered cure; and

Whereas the National Multiple Sclerosis Society has launched a five-year research development plan to explore as quickly as possible promising clues that may lead to methods which will prevent, or more effectively treat, multiple sclerosis: Now, therefore be it

Resolved, by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States is authorized and requested to issue a proclamation—

(1) designating the period from May 10, 1970, Mother's Day, through June 21, 1970, Father's Day, as "National Multiple Sclerosis Society Annual Hope Chest Appeal Weeks";

(2) inviting the Governors of the several States to issue proclamations for like purposes; and

(3) urging the people of the United States and educational, philanthropic, scientific, medical and health care professions and organizations to provide the assistance and resources necessary to discover the cause and cure of multiple sclerosis and to alleviate the suffering of persons stricken by this disease.

ADDITIONAL COSPONSORS OF BILLS

S. 1680

Mr. CHURCH. Mr. President, I ask unanimous consent that, at the next printing, the name of the distinguished Senator from West Virginia (Mr. RANDOLPH) be added as a cosponsor to S. 1680, relating to the disposition by the Secretary of the Interior of moneys obtained from the sale of materials from public lands.

The PRESIDING OFFICER (Mr. ALLEN). Without objection, it is so ordered.

S. 3074

Mr. MAGNUSON. Mr. President, I ask unanimous consent that, at the next printing, the name of the junior Senator from New Jersey (Mr. WILLIAMS) be added as a cosponsor of S. 3074, to provide minimum standards for guarantees covering consumer products which have electrical, mechanical, or thermal components, and for other purposes.

The PRESIDING OFFICER (Mr. STENNIS). Without objection, it is so ordered.

S. 3425

Mr. JAVITS. Mr. President, I ask unanimous consent that, at the next printing, the names of the Senator from Indiana (Mr. HARTKE) and the Senator from Vermont (Mr. PROUTY) be added as cosponsors of S. 3425, to amend the Wagner-O'Day Act to extend the provisions thereof to severely handicapped individuals who are not blind, and for other purposes.

The PRESIDING OFFICER (Mr. ALLEN). Without objection, it is so ordered.

S. 3526

Mr. DOLE. Mr. President, I ask unanimous consent that, at the next printing, the name of the Senator from Texas (Mr. TOWER) be added as a cosponsor of S. 3526, to provide more effective means for protecting the public interest in national emergency disputes involving the transportation industry, and for other purposes.

The PRESIDING OFFICER (Mr. ALLEN). Without objection, it is so ordered.

S. 3699

Mr. McGEE. Mr. President, on behalf of the Senator from New Hampshire (Mr. McINTYRE), I ask unanimous consent that, at the next printing, the names of the Senator from New Mexico (Mr. MONTOYA), and the Senator from Maryland (Mr. TYDINGS) be added as cosponsors of S. 3699, to clarify the extent and authority of the Small Business Administration, and for other purposes.

The PRESIDING OFFICER (Mr. STENNIS). Without objection, it is so ordered.

S. 3723

Mr. TALMADGE. Mr. President, at the request of the Senator from New Hampshire (Mr. McINTYRE), I ask unanimous consent that, at the next printing, the names of the Senator from New Hampshire (Mr. COTTON), the Senator from North Carolina (Mr. ERVIN), the Senator from Alabama (Mr. SPARKMAN), and my name be added as cosponsors of S. 3723, a bill to provide for orderly trade in textile articles and articles of leather footwear, and for other purposes.

The PRESIDING OFFICER (Mr. ALLEN). Without objection, it is so ordered.

S. 3724

Mr. McGEE. Mr. President, I ask unanimous consent that at the next printing, the name of the Senator from Pennsylvania (Mr. SCHWEIKER) be added as a cosponsor of S. 3724, to amend the Internal Revenue Code with respect to ammunition recordkeeping requirements.

The PRESIDING OFFICER (Mr. STENNIS). Without objection, it is so ordered.

SENATE CONCURRENT RESOLUTION 62—CONCURRENT RESOLUTION SUBMITTED RELATING TO THE COMMEMORATION OF FRIDAY, MAY 1, 1970, AS A DAY FOR AN APPEAL FOR INTERNATIONAL JUSTICE FOR ALL THE AMERICAN PRISONERS OF WAR AND SERVICEMEN MISSING IN ACTION IN SOUTHEAST ASIA

Mr. DOLE (for himself, and Senators ALLEN, ALLOTT, BAKER, BELLMON, BENNETT, BOGGS, BROOKE, BURDICK, BYRD of Virginia, BYRD of West Virginia, CANNON, CASE, COOK, COTTON, CRANSTON, CURTIS, DODD, DOMINICK, EAGLETON, EASTLAND, ELLENDER, ERVIN, FANNIN, FONG, GOLDWATER, GOODELL, GORE, GRIFFIN, GURNEY, HANSEN, HART, HARTKE, HRUSKA, HUGHES, JAVITS, LONG of Louisiana, JORDON of North Carolina, McGEE, McGOVERN, MATHIAS, METCALF, MILLER, MOSS, MURPHY, PACKWOOD, PEARSON, PELL, PERCY, RANDOLPH, SAXBE, SCHWEIKER, SMITH of Illinois, SCOTT, SPARKMAN, STENNIS, STEVENS, THURMOND, TOWER, WILLIAMS of New Jersey, WILLIAMS of Delaware, YOUNG of North Dakota, and YOUNG of Ohio, submitted a concurrent resolution (S. Con. Res. 62) to designate May 1, 1970, as a day for an appeal for international justice for all American prisoners of war and servicemen missing in action in Southeast Asia, which was referred to the Committee on the Judiciary.

(The remarks of Mr. DOLE when he submitted the concurrent resolution appear later in the RECORD under the appropriate heading.)

SENATE RESOLUTION 399—RESOLUTION SUBMITTED TO CREATE A WORLD ENVIRONMENTAL INSTITUTE

Mr. MAGNUSON. Mr. President I submit for appropriate reference a Senate resolution relating to the creation of a World Environmental Institute to aid all the nations of the world in solving their common environmental problems of both national and international scope.

I submit this resolution on my own behalf, and on the behalf of the Senator from Nevada (Mr. BIBLE), the Senator from Massachusetts (Mr. BROOKE), the Senator from Nevada (Mr. CANNON), the Senator from Kentucky (Mr. COOPER), the Senator from New Hampshire (Mr. COTTON), the Senator from California (Mr. CRANSTON), the Senator from Michigan (Mr. HART), the Senator from Indiana (Mr. HARTKE), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Iowa (Mr. HUGHES), the Senator from Hawaii (Mr. INOUYE), the Senator from Washington (Mr. JACKSON), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Louisiana (Mr. LONG), the Senator from Wyoming (Mr. McGEE), the Senator from South Dakota (Mr. McGOVERN), the senior Senator from Montana (Mr. MANSFIELD), the junior Senator from Montana (Mr. METCALF), the Senator from Utah (Mr. Moss), the

Senator from Maine (Mr. MUSKIE), the Senator from Wisconsin (Mr. NELSON), the Senator from Oregon (Mr. PACKWOOD), the Senator from Rhode Island (Mr. PASTORE), the Senator from Kansas (Mr. PEARSON), the Senator from Rhode Island (Mr. PELL), the Senator from Illinois (Mr. PERCY), the Senator from Vermont (Mr. PROUTY), the Senator from West Virginia (Mr. RANDOLPH), the Senator from Illinois (Mr. SMITH), the Senator from Virginia (Mr. SPONG), the Senator from Missouri (Mr. SYMINGTON), the Senator from Maryland (Mr. TYDINGS), the Senator from New Jersey (Mr. WILLIAMS), the Senator from Texas (Mr. YARBOROUGH), and the Senator from Ohio (Mr. YOUNG).

Mr. President, this resolution represents the first step in creating the World Environmental Institute, and a first step in solving the international aspects of pollution and environmental quality. At a time when so much action is still needed on the environmental front here in the United States, some might question the wisdom of broadening our efforts to the global scale envisioned in this World Environmental Institute proposal. But the inescapable fact is that human ecology is global in nature, and without some form of international cooperation, environmental efforts within a single country like the United States are ultimately doomed to failure.

Before discussing the details of the World Environmental Institute that I have proposed, I would like to discuss briefly the background against which this resolution is offered.

The United States, unquestionably, is the major polluting Nation of the world. But the United States has no monopoly on pollution, environmental problems, or ecological concern. Few, if any, environmental problems are unique to a particular country. With the exception of isolated species of wildlife whose existence is threatened, most environmental problems—like pollution—are common to all industrialized nations, regardless of their size, location, or form of government.

We are all familiar, for example, with the problems of the United States and other Western nations; but it is interesting to note that the Soviet Union is undergoing environmental difficulties similar to our own. Pollutants from pulp mills are quickly destroying beautiful Lake Baikal, and a recent accident in a chemical plant is known to have killed millions of fish in an important Soviet river. And while we in the United States are still in the "talking stage" with respect to noise pollution, the Soviets have already taken action: cars and trucks are no longer permitted to drive through Moscow during the hours when most Muscovites are asleep. Perhaps these developments foretell a new contest to replace the arms race and the space race: an "environment race" between the East and the West to see who will have the cleanest air and water and the quietest streets. This would be a healthy and welcome form of competition indeed.

Yet, the problems of environmental quality are global in scope and extend far beyond the industrialized nations of the East and West. Rapid population growth and economic development efforts make the environment a problem for the modernizing nations of the world as well—regardless of their political systems or their foreign policy. The Ganges River in India is more polluted than the Rhine; DDT is spread far more thickly in the tropics than in North America. Any nation that hopes to increase its gross national product, its per capita consumption, or other indices of economic growth is faced with an inescapable dilemma about the impact of such development on its environment.

It is with this realization in mind—that environmental problems are rooted in the growth of population and technology, not in ideology—that my cosponsors and I have proposed creation of the World Environmental Institute. The Institute is based on a special hope, a hope that I believe is more than just a dream. It is a hope born of concern for the dozens of modernizing nations for whom environmental quality is a necessarily low priority today but for whom the experience of the industrialized nations could provide valuable assistance in making economic growth and environmental quality compatible. These nations have seen, and desire, the glamorous fruits of industrialization; and most of them have not yet paused to consider questions of ecology that we ignored ourselves for generations. A cooperative international effort could clarify the choices these nations face and could help them avoid the costly mistakes that we made in similar stages of our own development.

But my hope is born of other, more ominous concerns about the international aspects of environmental quality: concern about DDT being found in the fat of Antarctic penguins; concern about the oil globules that now dot the surface of the oceans; concern about the steady build-up of carbon dioxide in the earth's atmosphere. These findings indicate that international cooperation on environmental problems would be more than helpful—it may hold the key to survival for all of mankind.

I know that it is not fashionable today to raise the issue of survival when speaking of the environment. We are told not to be alarmists, not to jeopardize public support for environmental programs by raising unjustified fears. But the rate at which the nations of the world are pumping poisons into the air, the water, and the soil makes survival a very real issue in the long run. No portion of the complex chain of life on this planet can die without threatening all other forms of life; the death of the oceans, for example, might seal the fate of mankind.

The issue that this raises is stark: No nation can survive while other nations perish; no country can prosper while other countries pollute the ocean and the atmosphere. Ultimately, for man to continue his existence on this planet, international cooperation and understanding will have to prevail. A pragmatic concern for survival will force us to achieve what an idealistic concern for peace and friendship never could: The realization that we are all brothers, destined to perish or prosper together as a species.

Adlai Stevenson, an American who was really a citizen of the world, summed up this realization long ago. He wrote:

> We all travel together, passengers on a little spaceship, dependent on its vulnerable reserves of air and soil; all committed for our safety to its security and peace; preserved from annihilation only by the care, the work, and the love we give our fragile craft.

Ironically, we had to launch spaceships of our own before we saw what Stevenson had seen: Earth is a spaceship herself, on which every member of the human race travels together through the solar system and the infinitive universe. An Apollo astronaut on the lunar surface can block out the vision of our distant planet simply by lifting his thumb. When he looks at earth, he can see no national boundaries, no capitals, no place names, no armies. All he can see is a tiny, shining ball suspended in the black void of outer space.

Most of us will never stand on the moon. That makes our task even more difficult than the astronauts'. We must learn to see earth as the astronauts have seen it, yet we must do so without ever leaving the ground. If we can achieve this vision—and we must achieve it—we will concentrate less on the issues that divide mankind and more on those matters that emphasize our common problems and our interdependence. We will realize that pollution of the Yangtze, the Ghanges, the Rhine, or the Dnieper is no less important to our continued existence than pollution of the Missouri and the Potomac. We will learn that DDT is no less hazardous to us all if it is sprayed on the Indian subcontinent instead of on the United States. And we will see that all wastes and poisons from around the world mingle together in our common environment—the air, the water, and the soil—to form a blanket of danger that envelopes the guilty and innocent alike.

When we achieve this understanding, we have only two alternatives available: action or despair. To despair is to forget mankind's greatest virtues: his ability to cooperate, his ability to pass knowledge between peoples and between generations, his ability to establish goals for himself and to work until those goals have been met. Even with the aid of these abilities, however, action will not be easy. We will have to overcome centuries of mistrust, generations of conflicting ideologies, and years of suspicion and fear. But we will never be alone: no nation, no government can ignore the issue of survival.

Fortunately, there are many international organizations working today to bring about controls on pollution and harmful substances—the United Nations, NATO, and the Organization for Economic Cooperation and Development, to name only a few. These groups are attempting to establish international treaties, inspection procedures, and environmental police powers. Their success—and the success of many similar organizations—is essential to all men.

But these organizations, important as they are, cannot provide one vital function that must be performed: the gathering and dissemination of environmental information to all nations of the world. Since each of us has a stake in the environmental quality of other nations, we cannot afford to work only through existing international organizations that include some nations and exclude others. NATO by definition involves only one community of nations; the United Nations excludes the largest country in the world.

In addition, each of the existing organizations on the world environmental front is political in nature and is involved in disputes between different nations and blocs of nations. Even though politics will play an important part in environmental treaties and arbitrations, politics must not be allowed to interfere with the free flow of information and knowledge between all nations and all people. The world pool of knowledge and talent is a resource that belongs, like the air and water, to all mankind. No nation should be denied access to this pool because of political disputes with other nations. In fact, the solution to international environmental disputes may hinge on the sharing of knowledge and technology by all nations alike. This knowledge includes more than conventional environmental techniques—the technology of mass transportation, housing development, and automobile safety are clearly related.

So I am proposing, in this resolution, that a new international organization be created. This organization, which might be called the World Environmental Institute, would serve as a central information center for all nations of the world. Every nation—regardless of its form of government or its international and domestic policies—could consult the Institute for expert advice on all forms of environmental problems. The Institute would serve both as a research center and as the repository of that worldwide pool of knowledge and talent. Through the use of computers, any country could obtain a thorough guide to the scientists and scientific studies around the world that relate to a particular environmental problem.

Under the auspices of the Institute, a continual exchange of scientists and technological information between the countries of the world would be possible on a nonpolitical basis—not simply on the unilateral scale of today but on a multilateral level never dreamed of before. Task forces could be set up—consultants who would work as a team and on request visit the distant parts of the globe to undertake special projects. A constant flow of specialists between the Institute and other public and private research centers throughout the world would insure a balance in the Institute's personnel and purpose.

The Institute would be an international organization similar in spirit and purpose to the Olympic games; but, like the games, it would not heal the political divisions of the world, even with respect to environmental problems. International environmental disputes would continue to rage, with British soot falling on Swedish forests and with an Egyptian dam upsetting the ecology of the Mediterranean. The Institute would not attempt to arbitrate such disputes—that is the function of organizations like the United Nations. But the Institute would attempt to provide as much and as accurate information as possible to all those concerned and to the international organization within which such conflicts will be resolved. The Institute, let me emphasize again, would have no police powers—it would be like a reference book available to any and all nations with environmental difficulties.

It is not my intention to supplant the work of those hundreds of research institutions where scientists are now at work on complex ecological problems. On the contrary, the World Environmental Institute would serve as an index to these men and their work—helping to speed the flow of knowledge between those few who discover and those millions who need. The Institute will be an exchange, a reference center, a "clearing house" on environmental information—not a monolithic superbureaucracy. It will be founded on a simple ideal: That the stock of knowledge about environment problems ought to be held in common by all men and that all men should have access to such knowledge whenever they desire it.

Surely the time has come for the United States to take the lead and to propose creation of the Institute to the nations of the world. The time has come for us to realize that world leadership and world prestige are based on the power of ideas, not on the power of weapons. And the time has come for knowledge—that most precious of man's many resources—to be liberated from the prisons of nationalism and the shackles of the cold war.

The Senate resolution I have just introduced is designed to accomplish these aims. The broad, bipartisan support of the resolution's cosponsors indicates that this is a practical proposal, one that can be achieved if we dedicate ourselves to the task. The resolution is intended to produce action, not more rhetoric. And it will produce that action if the Congress, the President, and the leaders of foreign nations accept it with the seriousness and urgency in which more than a third of the Senate has offered it.

The resolution urges creation of the World Environmental Institute "to act as a global research center and to disseminate knowledge of environmental problems and their solutions to all nations of the world upon request." It says that the Institute should be "independent of existing international organizations, nonpolitical, and open to all nations of the world."

The resolution further urges that the World Environmental Institute proposal be presented to the First International Conference on the Human Environment, scheduled by the United Nations for Stockholm in 1972. And it urges that all nations who are not presently members of the United Nations be invited to that Conference in order to discuss the World Environmental Institute concept.

Finally, the resolution asks that creation of the World Environmental Institute be an official policy of the U.S. Government "to be pursued with other nations both formally and informally, at Stockholm and in other appropriate forums where the cause of the Institute can be furthered."

In future addresses, I will expand upon the Institute concept and go into greater detail concerning some of its functions. Today, I have presented the basic thinking behind the Institute and the concerns that led to propose its creation.

Perhaps this World Environmental Institute plan is only a dream; perhaps, despite my hopes, the centuries of nationalism cannot be washed away by all the polluted waters of the world. Perhaps mankind cannot muster the will and the energy to insure his own survival. But as a Nobel Prize-winning novelist once wrote, man is not yet a finished creation: He is a challenge of the spirit. Response to that challenge of the spirit is the measure of man.

Survival is a challenge. Cooperation is a challenge. Peace is a challenge. A world view of the environment is a challenge. We may not meet these challenges, but we must try. For our response to these challenges will determine not only how we are remembered by future generations—it will determine whether or not there will be future generations to remember us at all.

I ask unanimous consent that the full text of the resolution be printed at the conclusion of my remarks.

The PRESIDING OFFICER (Mr. JORDAN of North Carolina). The resolution will be received and appropriately referred.

The resolution (S. Res. 399), which reads as follows, was received and referred to the Committee on Foreign Relations:

S. RES. 399

Whereas human ecology is global in nature and human survival depends ultimately upon the cooperative effort of the entire human species; and

Whereas world-wide pollution of man's common resources—the air, the water, and the soil—poses a threat to all peoples; and

Whereas environmental problems caused by technological and population growth are common to all nations alike, and knowledge of such problems must be shared among all nations to insure the survival and well-being of the human species; and

Whereas existing international organizations are political in nature, noninclusive of all nations, or limited in their environmental activity; and

Whereas a non-political international institution open to all nations of the world is needed to provide objective information and scientific knowledge to each nation and to international organizations dealing with environmental problems; and

Whereas a forum for advocating the creation of such an institution exists in the First International Conference on the Human Environment to be held under the sponsorship of the United Nations at Stockholm in 1972; Now, therefore, be it

Resolved, that the Senate recommends, urges, and supports the creation of a World Environmental Institute to act as a global research center and to disseminate knowledge of environmental problems and their solutions to all nations of the world upon request; and be it further

Resolved, that said World Environmental Institute should be independent of existing international organizations, non-political, and open to all nations of the world, with its location and funding to be agreed upon by representatives of said nations assembled; and be it further

Resolved, that the Senate recommends and urges that the United States representatives to the First International Conference on the Human Environment prepare to propose creation of the World Environmental Institute to the Conference; and be it further

Resolved, that in furtherance of the World Environmental Institute concept, the Senate recommends, urges, and supports the invitation to the Conference of all nations not presently members of the General Assembly of the United Nations; and be it further

Resolved, that the Senate recommends, urges, and supports creation of the World Environmental Institute as an official policy of the United States government, to be pursued with other nations both formally and informally, at Stockholm and in other appropriate forums where the cause of the Institute can be furthered.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on today, April 27, 1970, he presented to the President of the United States the following enrolled bills:

S. 533. An act for the relief of Barbara Rogerson Marmor;

S. 1177. An act to authorize the documentation of the vessel *West Wind* as a vessel of the United States with coastwise privileges;

S. 1775. An act for the relief of Cora S. Villaruel;

S. 1963. An act for the relief of Wu Hip; and

S. 1968. An act to authorize the Secretary of the Interior to permit the removal of the Francis Ashbury statue, and for other purposes.

AMENDMENT OF FOREIGN MILITARY SALES ACT—AMENDMENT

AMENDMENT NO. 599

Mr. YOUNG of Ohio submitted an amendment, intended to be proposed by him, to the bill (H.R. 15628) to amend the Foreign Military Sales Act, which was referred to the Committee on Foreign Relations and ordered to be printed.

THE OPERATION OF DULLES AND NATIONAL AIRPORTS

Mr. SPONG. Mr. President, the Federal Aviation Administration appears to be playing a shell game with Congress and the public over the question of allowing larger jets to operate at National Airport.

A little more than a month ago, I was assured by FAA Administrator John Shaffer that there were no plans to change existing policy in the near future and that the odds were 99 to 1 against it ever being changed. In support of that policy, Administrator Shaffer forwarded with his letter a copy of a recent FAA study which recommended decisevely against lifting the longstanding ban.

Mr. President, it was only 2 weeks later that the big jets were flying in and out of National Airport. Ostensibly, this was an emergency measure to help meet the problems created by the air traffic controllers' slowdown. But it has become clear since that there was a more basic policy change inovlved and the so-called stretch jets appear to be at National for an indefinite time.

Last week I wrote to Administrator Shaffer noting the end of the emergency and asking when the stretch jets would be removed. Mr. Shaffer replied that although he intended to ask the airlines to return to normal operations in all other respects, "the 'stretch' 727 needs to be studied more broadly to properly assess the public interest and cost benefits."

In short, Mr. President, having allowed the big jets into National, we will play havoc getting them out again. Suddenly, and contrary to every assurance given to me, the FAA apparently has decided to let the airlines have their way—the public be hanged.

This policy change comes at a time when the FAA is asking the Civil Aeronautics Board to discontinue its investigation of congestion at National Airport because, in the FAA's view, it is dealing adequately with the problem. But, not only has it not resolved that problem, if it carries through this policy, it will greatly compound it.

The aircraft in question here—the Boeing 727–200, the so-called stretch jet—can carry up to 40 percent more passengers than the largest jet now operating out of National. This airport was designed to accommodate 4 million passengers and already serves more than 10 million and by 1980, the FAA projects a total of 16.5 million passengers. With the introduction of stretch jets and the even larger three-engine air buses, the total could easily run to 25 or 30 million.

It may be true that with larger jets at National, the number of flights could be cut back. But until that is done, until a corresponding 40-percent reduction in flights is ordered, it is clear that growth at National will mushroom.

Mr. President, not only does this new attitude of the FAA contradict the personal assurances I was given only a month ago, and the very emphatic testimony of the FAA last May, but it is in direct conflict with the conclusions of a recent study carried out by the FAA itself, and I quote from the summary of that report:

> Use of the 727–200 at National is considered by the FAA to be inconsistent with the understanding reached with the airlines regarding introduction of jet service to National, in conflict with the purpose of the present operating restrictions, and incompatible with the orderly operation of National Airport.

The report goes on to warn that the introduction of these jets "could reverse the passenger load trend" at National and "might return National to the condition prevalent during the summer of 1966."

Continuing, the report observes that "the present FAA policy with respect to the use of the Boeing 727–200 at Washington National has been made known to the general public and has been repeatedly emphasized in our dealings with the interested planning agencies, including the National Capital Planning Commission."

Mr. President, I can vouch for that last assertion because I chaired a Senate District of Columbia Committee hearing on the question of congestion at National Airport last May. When I asked the FAA representative what the policy was concerning larger aircraft at National, he replied in the most emphatic terms; "the stretched version of these aircrafts would not be permitted nor would the so-called air buses."

WILL PUT CORRESPONDENCE AND FAA REPORT IN RECORD AT CLOSE

However, I would like to quote here a passage from Mr. Shaffer's letter of March 18, 1970, in which he cites another important reason for continuing the exclusion of large jets from National:

> In my opinion, we are getting close to the day when the quota restriction at Washington National Airport will prompt the carriers to transfer service, particularly Chicago service, from National to Dulles Airport and any different action today, particularly during a "soft" period in passenger load factors, might postpone air carrier actions on this matter.

What Mr. Shaffer was saying in that paragraph is that allowing larger jets to use National will push back to some indefinite day the time when we can expect Dulles Airport to begin receiving a reasonable share of the flights and passengers in this region.

As I have noted many times on this floor, Dulles Airport was constructed entirely from Federal funds for the purpose of relieving congestion at National Airport. But because the FAA has failed to establish reasonable limits on the use of National—and indeed seems to promote greater and greater use of that overburdened facility—Dulles Airport has been a deficit operation from the beginning, losing about $7 million a year which must be financed by the Federal Government.

When Dulles Airport was constructed, the FAA concluded that a proper distribution of the region's air traffic by 1975 would be Dulles 45.8 percent and National 33.9 percent. Today, because of the policies I have alluded to, the FAA's projection for that same year are Dulles 19.6 percent and National 52.1 percent.

Mr. President, there are many other reasons for questioning the advisability of bringing larger jets into National Airport and they are noted in the FAA report which I am having printed in the RECORD.

But one of my strongest objections to this action is not so much what is being done as the manner in which it is being carried out.

The FAA has consulted no representative of the community whose environment is seriously affected by the operation of National Airport. Indeed, the one nonuser agency which can be said to have been consulted at all, the National Capital Planning Commission, has strongly recommended against larger jets at National and has called for a 300-mile limitation on flights using that facility.

No other airport in this country is so insulated from the people it serves and no agency of Government that I am familiar with seems more intent on keeping it that way than the FAA in its management of National Airport.

Let me quote again from Administrator Shaffer's March 18 letter to me—

National and Dulles are our airports in every sense of the word and what we do or don't do with either or both locations reflects importantly on our overall management performance.

Mr. Shaffer apparently does not recognize or chooses to ignore the fact that these airports are very much a part of the community in which they are located. They are not FAA property to do with as it pleases but a public trust that is meant to serve the interest of the public.

Mr. President, most of us here participated this week in programs to encourage improvement of the environment. Congress has recognized the imperative need for action in meeting this problem. In the airport-airways legislation which is now pending in a conference committee, we specifically provide for consultation with community representatives concerning the impact of any major airport development.

However, this law does not apply to National and Dulles Airports which are the only federally owned and operated airports in the country. The plain result is that the public interest is totally disregarded in their operation.

There is one other aspect to this apparent policy change that I want to call attention to. About 2 years ago, the FAA commissioned an architectural firm by the name of Kling & Associates to recommend a plan for modernizing terminal facilities at National Airport. One of the assumptions made in the Kling report was that stretch jets and air buses would be permitted to use National.

When confronted with this fact at our hearing, the FAA vigorously denied that it had OK'd that particular assumption—even though it contracted for the study and set out all the other assumptions underlying it. One is certainly led to question that in light of the recent development.

Mr. President, in the last session I introduced a bill, the purpose of which is to give the communities involved a voice in the operation of the National Capital region's airports.

Nothing could more sharply emphasize the need for this legislation than this action of the FAA, nor could there be stronger evidence of the need for resuming the CAB investigation of National Airport congestion. I believe there should be a thorough airing of the FAA's operation of these airports in a Senate hearing.

Mr. President, I ask unanimous consent that the material to which I referred be made part of the RECORD.

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

MARCH 5, 1970.

Mr. JOHN H. SHAFFER,
Administrator, Federal Aviation Administration, Washington, D.C.

DEAR MR. SHAFFER: I regret that I was on the floor of the Senate and unable to talk with you on Tuesday, but I have been briefed by my staff assistant, Jack Lewis, on the conversation.

I was pleased to hear that you will consult with me in advance of any decision to authorize the use of larger-capacity aircraft at National Airport. I would appreciate also being informed in advance of any trial-run of such larger aircraft.

As Mr. Lewis may have told you, the information I received was from a personal friend who has no connection with your administration or the Department of Transportation. My interest in following up this report was based on the unequivocable testimony of the FAA witnesses at the March 29, 1969, Dulles hearing that stretch-727's would not be allowed in the airport. It is encouraging to hear of your assurance that the odds are "99–1 against any change in this policy.

I would appreciate your confirming my understanding of your position on this matter and I look forward to receiving a copy of the FAA report which you indicated would be sent to my office. At your convenience I would be pleased to discuss this whole matter with you.

Sincerely,

WILLIAM B. SPONG, Jr.

DEPARTMENT OF TRANSPORTATION,
FEDERAL AVIATION ADMINISTRATION,
Washington, D.C.

Hon. WILLIAM B. SPONG, Jr.,
U.S. Senate,
Washington, D.C.

DEAR SENATOR SPONG: This is in answer to your letter of 5 March 1970 regarding the possible use of the stretch 727 at Washington National Airport My position on this matter is that 727–200 model airplanes will not be operated in and out of National unless and until the need and benefits overpower all arguments against scheduling the 727–200 in place of BAC–111, Caravelle and other louder and "dirtier" aircraft. The existing policy prohibiting its use accordingly, remains in force, at least for the present.

For your information I am enclosing a paper which outlines the background on the use of jets at National and the exclusion of the stretch 727. This paper focuses on the plane's impact at Washington National; I am not at all certain that it would, if used at National adversely affect the growth of either Dulles or Friendship although this point has an element of validity.

In my opinion, we are getting closer to the day when the quota restrictions at Washington National may prompt the carriers to transfer service, particularly Chicago service, from National to Dulles and any different action today, particularly during a "soft" period in passenger load factors, might postpone air carrier actions on this matter. You of course realize that I'm obligated to study situations such as this as a matter of routine in my ongoing efforts to improve our services to the public. National and Dulles are our airports in every sense of the word and what we do or don't do at either or both locations reflects importantly on our overall management performance. Naturally you will be informed of any change in policy prior to any decision on this subject.

Sincerely,

J. H. SHAFFER, *Administrator.*

USE OF BOEING 727–200 AIRCRAFT AT WASHINGTON NATIONAL AIRPORT

SUMMARY

It is the present position of the Federal Aviation Administration that the Boeing 727–200 series aircraft should not be used in commercial service at Washington National Airport. The FAA policy on this matter is based primarily on the increase in passenger capacity of this plane over the basic 727 models and other jet aircraft serving National, and to a lesser extent (virtually discountable) on its increased size and weight. Use of the 727–200 at National is considered by the FAA to be inconsistent with the understanding reached with the airlines regarding introduction of jet service to National, in conflict with the purpose of the present operating restrictions, and incompatible with the orderly operation of Washington National Airport.

The Boeing 727–200 series aircraft is a "stretch" version of the highly successful, tri-jet 727 aircraft. The 727 was first introduced into commercial service in late 1963, while the first 727–200 deliveries were in late 1967. The 200 series compares to the basic 727 as follows:

	727	727–200
Length	133 feet 2 inches.	153 feet 2 inches.
Wingspan	108 feet.	108 feet.
Maximum taxi weight	161,000 pounds.	170,000 pounds.
Maximum seating capacity	131	170.

To date, nine of the 12 carriers serving National Airport are either operating the 727–200 or have it on order.

Prior to 24 April 1966, the airlines were not permitted to operate jet aircraft at Washington National Airport. Beginning on that date, however, operation of the smaller and shorter range jets was permitted. During the spring and summer months of 1966, the carriers converted many flights to two- and three-engine jet equipment, primarily flights occurring at the peak periods of the day.

This resulted in a situation at National where the passenger demands during the peak periods surpassed the capacity of the facilities. During the summer of 1966, various alternative approaches to controlling the situation at National were arrived at, including the limitation of air carrier activity to 40 scheduled operations per hour. These limitations were intended to restore a balance between demand on the airport facilities and its capacity. The limitations were successful in causing a more uniform pattern of passenger demand throughout the day and the overall situation at the airport again became tolerable. Since one of the prime objectives of the limitations was to control the passenger flow through the terminal, and since the trend at the airport has been toward ever increasing numbers of seats on the aircraft used there (having increased from an average of about 60 seats per aircraft in early 1966 prior to introduction of the jets to a present average of about 85 seats per aircraft), it was obvious that some control on the size of aircraft used by the carriers within the 40 operations per hour framework must also be exercised. The lifting of the jet ban had been limited to "smaller and shorter range jet aircraft." The need to limit the size of aircraft continued to be emphasized and was a vital ingredient in the discussions with the airlines in the summer of 1966. This point was specifically covered in the Notice of Proposed Rule Making issued on 27 July 1966 and was the subject of a letter to ATA in October of 1966.

In November of 1966, we had become sufficiently concerned about the 727–200 effect on equilibrium at National that each of the carriers serving National was informed that this model would not be permitted to operate in and out of National.

The principal objection which the FAA has to the 727–200 airplane is the increase in passenger capacity which it represents in comparison to the present jets serving the airport (a potential increase in seating capacity of 30 to 40% over the basic 727). Introduction of the 727–200 at National would serve to reverse the passenger load trend by allowing greater passenger concentrations within the 40 schedules per hour framework and might return National to the condition prevalent during the summer of 1966.

While the passenger capacity of the 200 series is our prime objection to it, it is not our only concern. The aircraft is larger and somewhat heavier than any jet aircraft now in use at National. In overall length it is 20

feet larger than the basic 727, which now is the largest jet at National. This increased size would create some problems on the aprons at Washington Natitonal. The maximum taxi weight of the 200 series is 9,000 lbs. above that of the basic 727. While the pavement loadings of the 200 series would be within the published weight limits for National, the pavements are quite old and have been experiencing difficulty of late. Since the basic 727 is now the most critical aircraft in service at National from a pavement loading standpoint, it must be assumed that it is primarily responsible for our pavement difficulties. Use of the heavier 727-200 might well be expected to aggravate these difficulties.

Precise comparisons of the noise levels of the 727-200 series aircraft to those of other aircraft now operating at National could only be made on the basis of extensive flight tests conducted in accordance with the noise abatement procedures in force at National. On the basis of available data, however, it is clear that the 200 series, even if equipped with the "hush kits" available from Boeing, would be about the equivalent of the present 727 models.

It should be emphasized that the FAA has not taken an arbitrary position against new equipment being used at National, be it a new plane or a "stretch" version of an existing model. Both the Boeing 737 and the "stretched" DC-9 have been permitted to use National since both were judged to be consistent with the operational policy of National.

The present FAA policy with respect to the use of the Boeing 727-200 at Washington National has been made known to the general public and has been repeatedly emphasized in our dealings with the interested planning agencies, including the National Capital Planning Commission.

APRIL 17, 1970.

Mr. JOHN H. SHAFFER,
Administrator, Federal Aviation Administration, Washington, D.C.

DEAR MR. SHAFFER: I want to thank you for advising my office of the decision to allow 727-200 aircraft into National Airport to help meet the traffic problems created by the air controllers "sickout".

Having noted in the press that the FAA believes the situation has now returned to near normal, I would appreciate knowing what date has been set for removing the stretch jets from National. I realize that some time may be needed for the airlines to make adjustments, but I would like to have your estimate of the period involved.

I look forward to your reply.

With best regards.

Sincerely,

WILLIAM D. SPONG, Jr.

DEPARTMENT OF TRANSPORTATION,
FEDERAL AVIATION ADMINISTRATION,
Washington, D.C., April 22, 1970.

Hon. WILLIAM B. SPONG, Jr.,
U.S. Senate,
Washington, D.C.

DEAR SENATOR SPONG: The recent "sickout" by air traffic controllers has seriously impaired the capacity of the air transport network of the nation. As you are aware, a number of adjustments were necessary during the past several weeks in order to keep the system operating, albeit at a reduced level, with the same high degree of safety which we require.

In addition to making numerous personnel adjustments, certain operating procedures and policies were temporarily modified in order to provide the maximum amount of service for the transport of people and goods. Among the policies affected were lifting of the ban on the use of the Boeing 727-200 (stretch version) and our concurrence with the lifting of the airlines' voluntary nighttime jet curfew (based on existing schedules) at Washington National Airport. I am well aware of your personal interest in these matters; however in the press of activities flowing from the emergency I managed only to give your office oral notice.

In simplest terms, the use of the stretch 727 on certain flights allows air carriers to better accommodate public demand. In other words, one airplane suffices where an extra section (a second airplane) might otherwise be needed. This effectively reduced the demand on the air traffic system and also considerably simplified the air carriers equipment routing problems during this most trying period. The lifting of the curfew allows completion of flights inordinately delayed because of reduced ATC system capacity. I want to emphasize that this change does not allow the carriers to schedule additional or later flights, but rather only permits flights which were properly scheduled but delayed because of system problems to complete their flights into National.

These policy changes were occasioned by our recent problems and I ask your continued indulgence during the restoration period. I plan to ask the airlines to observe their voluntary curfew effective immediately; the "stretch" 727 needs to be studied more broadly to properly assess the public interest and cost benefits.

Sincerely,

J. H. SHAFFER, *Administrator.*

HEARINGS BEFORE THE SUBCOMMITTEE ON BUSINESS AND COMMERCE OF THE COMMITTEE ON THE DISTRICT OF COLUMBIA, UNITED STATES SENATE. EXCHANGE BETWEEN SENATOR WILLIAM B. SPONG, JR., AND MR. ARVIN SAUNDERS, DIRECTOR, BUREAU OF NATIONAL CAPITAL AIRPORTS, FAA

Senator SPONG. You mentioned that Dulles has a capability of handling 747 and DC-10 giant aircraft. Can we assume that these types of planes will not be brought into National?

Mr. SAUNDERS. On many occasions, Mr. Chairman, we have indicated to the airlines at hearings and in writing, that the present type aircraft of the Boeing 727-100 series, for example, and the Douglas DC-9, will be the only ones permitted. The stretched version of these aircrafts would not be permitted, nor would the so-called air buses.

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

Mr. SPONG. I yield to the Senator from Maryland.

Mr. MATHIAS. Mr. President, the point that the Senator from Virginia makes is a very important point. The service to be rendered by the airlines to the National Capital and to the entire metropolitan community, which is a part of the National Capital, is a matter of intense public concern. What is done with reference to the airline industry and the air service which is provided for this community should be done on the basis of intelligent public discussion.

We have three major air facilities in this area. We have not only National Airport, but also we have Friendship International Airport which lies between Baltimore and Washington, and we have Dulles International Airport, to the west of Washington. These are major air facilities.

The utilization of these facilities is not a matter to be decided in some casual matter or in some secretive manner. We should make policy decisions for these facilities and have public discussion based on facts and public need; and I hope there will be no subterfuge in dealing with either National Airport or with the other related and coordinated airports in this area.

Mr. President, I thank the Senator for yielding to me, and I thank the Senator for bringing this matter to the attention of the Senate.

Mr. SPONG. Mr. President, I thank the Senator from Maryland. In the time I have remaining I wish to make a further observation.

For nearly 3 years, either through pursuit of the CAB hearings, which FAA has now asked be suspended, or through hearings before the District Committee, or the introduction of legislation pending before the Committee on Commerce for the consolidation of these three fine airports which the Senator mentioned, the Senator from Virginia has done everything he could to bring about orderly planning for the future of these airports.

I believe the communities of the States involved, Virginia and Maryland, and the political subdivisions therein, and the District of Columbia, should have some voice in what is going to happen to these three airports. I submit that what happened to National Airport in the past weeks is evidence of the total unconcern for the welfare of the people who live in these communities adjacent to these airports.

I thank the Senator from Maryland.

THE NIXON PRESIDENCY IS BEGINNING TO MAKE ITS MARK OF EXCELLENCE

Mr. MATHIAS. Mr. President, every President lives his Presidency on two levels—the realm of public controversies and the realm of history. During the course of his tenure, I suppose every President may feel engulfed with a clutter of immediate concerns. Sometimes it seems also that reporters are more interested in the trivia of the office and the personality than in the major programs and purposes—more interested in President Johnson's beagles than in his Berlin policy; more interested in Tricia's boyfriends than in her father's draft reform proposals. Then there is the continuous and consuming interest in the politics and strategies of the office—sometimes again at the expense of its goals and programs.

Under these conditions, it is often easier to make news than history. And sometimes history does not even make news. Yet from any long term perspective, it is by the history—not the headlines—that an administration is judged; and from this perspective, the Nixon administration is beginning to emerge at a time of momentous opportunity in our history.

In recent days the administration took two steps to transcend the controversies that currently swirl about it. In moving closer to peace in Vietnam and closer to a replacement of our catastrophic welfare system, the administration—with some help from its friends in Congress—also began to assert its claim to a place among the most important administrations in recent times. And by entering the historic realm of programmatic

change, where the American people rise to the real challenges of the epoch, the President is also moving to bring the party and the people together, as he promised during the campaign.

The first step in this process was passage by the House of Representatives of the President's program to replace the current welfare monstrosity with a rational plan—to give the poor a hand up rather than a hand out. The President's program replaces the present system—which penalizes work and employment—with a system that rewards it.

Although initial expenditures will be greater because of the work incentive system, ultimate expenditures promise to be less, because the social service bureaucracy will be reduced and recipients will be induced to take jobs. At present, welfare recipients understandably are reluctant to accept employment—often temporary and less remunerative than welfare. Under the Nixon plan, which I am cosponsoring in the Senate, anyone who works for a living will receive more than he could on welfare.

This approach will cost more to begin with. But the fabric of American society is corroded by the present approach; not only does it penalize work, it also penalizes thrift, marriage, family life, and job mobility. Nixon's plan rewards work, thrift, and family togetherness. It constitutes a major initiative in his determination to reverse the present demoralization of the poor—working or nonworking. Thus it promises to diminish the bitterness and social estrangement now affecting both those who receive welfare—and those who work but see welfare recipients getting more money than workers. Ultimately, I believe, moreover, it will save money, since the cost of drifting along with the current system is incalculable and is measured in crime and despair as well as money.

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

Mr. MATHIAS. Mr. President, I ask unanimous consent that I may proceed for 4 additional minutes.

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

Mr. MATHIAS. Mr. President, this change is the most important new poverty program since the first term of Franklin Roosevelt.

The second major constructive step was the President's announcement that as part of a program to end the war and remove all American troops he would withdraw 150,000 men from Vietnam during the coming year. He accompanied this pledge with a renewed emphasis on the importance of a negotiated settlement permitting the involvement of all Vietnamese in the political life of their country.

I support this dual commitment of the President. It represents such a significant break from the policies of the Johnson administration, however, that I do not think the entire political burden should be borne by the President alone. I believe Congress must participate in this historic process of disengagement, just as I believe it should have been more involved in the decisions of engagement. Therefore, I have introduced a joint congressional resolution endorsing the new policy.

This proposal, which would have to be passed by both Houses and signed by the President, would legislatively replace the Johnson plan for the war, embodied in the Tonkin Gulf resolution, with the Nixon plan for peace. My resolution would bring both the legislative and the executive together on this issue that has so long divided both the Government and the people.

By specifically giving legislative authority for present military policies in conjunction with withdrawal and negotiation, moreover, this resolution would bring new unity and balance to the war roles of the Congress and the executive. In recent years Congress has essentially abdicated its constitutional war powers and responsibilities. We have had bitter attacks from Congress on the war policies. But Congress has refused to fulfill its responsibility to exercise its war powers as prescribed in the Constitution. I believe in the constitutional principle that if the United States fights a war, both the legislative and the executive should be fully involved.

Under President Johnson the Vietnam war was essentially a presidential undertaking. Few of the Nixon administration's approaches promise as much toward bringing us together again as its willingness to coordinate with Congress in developing war policy. Particularly welcome to me is the administration's cooperative attitude toward my resolution.

In recent years Presidents have been acclaimed as great for heroically transcending—or expanding—the Constitution in order to assert an overriding national interest, whether in fighting a war or mitigating a depression. Today, however, there is a real chance—promoted by a change in public attitudes and in the attitudes of scholars of the Presidency—that President Nixon will be judged, as he hopes he will be judged, as a peacemaker. In this capacity, he is making peace not only in Vietnam; he is moving to make peace also within American government and among the American people. And rather than expanding the Constitution, he seems to find greater satisfaction in the more quietly heroic endeavor of preserving its balance of powers. In the realm of history—provided his intentions are not engulfed by secondary controversies—the Nixon Presidency is beginning to make its mark of excellence. And for the future of our country, we have rarely needed excellent leadership—and constitutional marksmanship—so much as now, as we move out of Vietnam and domestic turmoil into a new world.

HEROES

Mr. SYMINGTON. Mr. President, I ask unanimous consent that an interesting and thought-provoking editorial which appears in today's Washington Post, entitled "Heroes," be inserted at this point in the RECORD.

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

HEROES

On one day last week the Letters space on this page was wholly taken up with readers caught in a common quandary, struggling to express a common anguish. They had watched and prayed with the rest of us as Apollo 13 limped home and they were unreservedly proud and grateful for that. And yet they were deeply disturbed by the national trauma that attended three men in trouble in outer space because they could not reconcile it with what seemed to them, by contrast, to be an almost callous indifference to the fortunes of the hundred of men who face greater danger daily in a war on earth.

They spoke in different ways of distorted values and disordered priorities, and of the 141 Americans who died in Vietnam in the week of Apollo 13's ordeal, and of how you square the two. They wanted to take nothing away from the astronauts—only to give something more, somehow, to the unknown, unseen, unsung victims of Vietnam.

We have no way of knowing whether this was in some part a group inspiration or the spontaneous reaction of individuals. But it doesn't matter; the quandary is real. There is no escaping some sense of misplaced values—of inequity if not injustice—in the events, both public and private, of the past ten days.

Publicly, there was Apollo and the aftermath. Congress decreed a moment of silence and the President declared a day of prayer. Business of state was set aside—including, ironically, a presidential report to the nation on Vietnam. Entertainment was cancelled at a White House state dinner. The President flew off to Honolulu to welcome back the astronauts personally. The House voted more money for future space exploration than the administration had proposed.

Privately, out of consideration for those concerned, there was another event. Last Monday afternoon, while President Nixon was still out at San Clemente after "the proudest day of my life" with the astronauts, Vice President Agnew filled in for him at a ceremony in the East Room of the White House at which 15 posthumous Medals of Honor were awarded to the next of kin of 13 marines and two navy corpsmen. It being a closed affair, with no picture-taking, this event was worth a few words on television and about seven inches of type on an inside page of this newspaper. The names of the men were listed, there was a brief description of the ceremony, and that was that.

Perhaps it is idle to seek significance in this discrepancy—the frenzied adulation of one set of heroes and the relative anonymity of another—because mere fame is not the point. What is more, a war and a moonshot are in no way strictly comparable; one is a brief and brilliant adventure, with all the thrill of exploration, the other a grim business, at best a prolonged agony and, in this case, uniquely unglamorous. But *awareness* does matter, in striking balances and fixing a set of values and making judgments. For this, it isn't necessary, let alone possible, to know as much about Vietnam's heroes as Apollo's. What matters is for us to understand how much there is that we are *not* always aware of, how much we cannot see and therefore do not know. To that end—and with no intent to denigrate the cool courage of our space explorers—we would like to tell you something more about the men who were quietly honored at the White House last week.

Their average age was 22. Only one was married. Three were black. They came from 13 different states, North, South, East and West; Massachusetts, Illinois, Texas, Missouri, California, Florida, New York. All were enlisted men. Their citations begin the same way—"For conspicuous galantry and intrepidity at the risk of his life above and beyond the call of duty . . ." And they continue on, not in glorification of battle or

celebration of war, but in one tribute after another to the human spirit.

Oscar P. Austin, Pfc, USMC: ". . . as he neared the casualty, he observed an enemy grenade land nearby and, reacting instantly, leaped between the injured marine and the lethal object, absorbing the full effects . . . he saw a North Vietnamese Army soldier aiming a weapon at his unconscious companion. With full knowledge of the probable consequences (he) resolutely threw himself between the casualty and the hostile soldier, and, in so doing, was mortally wounded."

Robert C. Burke, Pfc, USMC: ". . . Private Burke then fearlessly moved from one position to another, quelling the hostile fire until his weapon malfunctioned. Obtaining a casualty's rifle and hand grenades, he advanced further into the midst of enemy fire . . ."

Wayne M. Caron, Hospital Corpsman Third Class: ". . . again hit by enemy fire, this time in the leg, (he) crawled the remaining distance and provided medical aid . . . again struck by enemy small arms fire, courageously and with unbelievable determination (he) continued his attempt to reach the third marine until he himself was killed by an enemy rocket round."

Ronald L. Coker, Pfc, USMC: ". . . as he began to drag his injured comrade towards safety, a grenade landed on the wounded marine. Unhesitatingly, (he) grasped it with both hands and turned away from his wounded companion . . ."

Thomas E. Creek, Lance Corporal, USMC: ". . . an enemy grenade was thrown into the gully where he had fallen . . . fully realizing the inevitable results of his action (he) rolled on the grenade and absorbed the full force of the explosion with his own body, thereby saving the lives of five of his fellow marines."

Robert H. Jenkins Jr., Pfc, USMC: ". . . a North Vietnamese soldier threw a hand grenade into the friendly emplacement. Fully realizing the inevitable results of his action, (he) quickly seized his comrade, and pushing the man to the ground, he leaped on top of the marine to shield him from the explosion."

Ralph H. Johnson, Pfc, USMC: ". . . Suddenly, a hand grenade landed in the three-man fighting hole . . . realizing the inherent danger to his two comrades, he shouted a warning and unhesitatingly hurled himself upon the explosive device . . ."

Larry L. Maxam, Corporal, USMC: ". . . too weak to reload his machine gun, (he) fell to a prone position and valiantly continued to deliver effective fire with his rifle. After one and a half hours, during which he was hit repeatedly by fragments from exploding grenades . . . he succumbed to his wounds, having successfully defended nearly one-half of the perimeter single-handed."

Lawrence D. Peters, Sergeant, USMC: ". . . (he) continued firing until he was critically wounded by a gunshot wound in the chest. Although unable to walk or stand, Sergeant Peters steadfastly continued to direct his squad in spite of two additional wounds . . ."

Jimmy W. Phipps, Pfc, USMC: ". . . realizing that his assistant and the platoon commander were both within a few meters of him and the imminent explosion could kill all three men, (he) grasped the hand grenade to his chest and dived forward . . ."

William R. Prom, Lance Corporal, USMC: ". . . unable to continue his own fire because of his severe wounds, he continued to advance to within a few yards of the enemy positions. There, standing in full view of the enemy, he accurately directed the fire of his support elements until he was mortally wounded . . ."

David R. Ray, Hospital Corpsman Second Class: ". . . while he was bandaging and attempting to comfort another wounded marine, Petty Officer Ray was forced to battle two enemy soldiers . . . (his) final act of heroism was to protect the patient he was treating. He threw himself upon the wounded marine, thus saving the man's life when an enemy grenade exploded nearby."

Dewayne T. Williams, Pfc, USMC: ". . . reacting instantly to the alert, he saw that the grenade had landed close to where he was lying and without hesitation, in a valiant act of heroism, he rolled on top of the grenade as it exploded . . ."

Alfred M. Wilson, Pfc, USMC: ". . . fully realizing the inevitable result of his actions, (he) shouted to his companion and unhesitatingly threw himself on the grenade . . ."

Kenneth L. Worley, Lance Corporal, USMC: ". . . in a valiant act of heroism, (he) instantly threw himself upon the grenade nearest him and his comrades . . ."

"He gallantly gave his life for his country."

THE NEW TEMPTATION: CAMBODIA

Mr. SYMINGTON. Mr. President, I ask unanimous consent that an article entitled "The New Temptation: Cambodia," which appeared in the New York Times this morning, the title of which gives ample proof of a new problem that faces the United States today, be printed in the RECORD at this point.

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

THE NEW TEMPTATION: CAMBODIA

(By Anthony Lewis)

LONDON.—How familiar it all seems as the generals and the jingoes begin their pressure for American intervention in Cambodia. The situation, we read, gives us a great chance to win the Vietnam war—if only we expand it. We must send arms and encourage the South Vietnamese Army to cross the border. The opportunity to clean out the Communist sanctuary is almost too good to be true. Etcetera.

After the pain of the war and the effort to disentangle ourselves from it, Americans naturally may find it frustrating to see the Vietnamese Communist forces enlarge their operations in Cambodia. And so the President's press secretary, Ronald Ziegler, denounces them as aggressors, aggressors blatantly violating the Geneva agreement in Cambodia as in Laos. But it is not that simple.

FORCES AND TACTICS

For one thing, why should we expect the other side to play by our rules? We have B-52's and helicopters and CS gas and weapons beyond imagination; they have guerrilla tactics and ruthlessness. We operate from bases in Thailand and thousands of miles away; they slip into the other states of Indochina. There does not seem a great moral distinction.

Nor is it so clear that only the Communists are blatant violators of the Geneva accords. The evasions and lies of successive administrations about the American military presence in Laos have begun to be exposed by Senator Symington.

And in Cambodia it was the anti-Communists who upset the *status quo*, with the coup against Prince Sihanouk. The Vietcong and North Vietnamese could hardly have been expected to agree quietly to the cutting of their supply line through Cambodia. Their military activity may be intended primarily as pressure on Gen. Lon Nol to restore the *status quo*.

The character of the Lon Nol regime may also give us pause. After a week of bodies floating down the Mekong River—bodies of innocent Vietnamese residents of Cambodia evidently murdered because of their race—we now have had the Cambodian Army using unarmed Vietnamese civilians as an advance guard to draw enemy fire. Many were killed. The general on the scene attributed that "psychological warfare plan" to Lon Nol.

The underlying conflict here is not political but racial, and centuries old. The Lon Nol Government, to the extent that it does govern, seems to have chosen to play on those ancient animosities. Do we really want to become involved in the encrusted bitterness of the Khmers and the Vietnamese, along with our other alien burdens?

A SIREN APPEAL

President Nixon now faces a siren appeal like the one that lured his predecessors in 1965: win the war by escalation. It may be worth remembering what America has done in that search for victory, and to what effect.

We have bombed Vietnam, North and South, with more explosives than were used in World War II. The military will of the North and of the Vietcong has not been broken.

We have pioneered the use of defoliants on a massive scale. Just now, belatedly, after much outcry, we have officially admitted that one of these chemicals may not only kill plants but cause human birth defects.

We have invented the concept of free-fire zones. That clean-sounding name actually tells American soldiers that they may kill any living thing with a clear conscience.

We have massacred civilians, women and children, in substantial numbers. Or so official investigations have concluded and legal proceedings charged.

Corruption of ourselves is the price we have paid for trying to impose our ideas on a scene where we do not belong. That is what American history will record, not the undoubted sacrifices in a selfless cause that President Nixon mentioned last week. The plea of good intentions will not suffice.

NO EASY WAY OUT

To know all this, as the President must, is not to know an easy way out. But whatever the contradictions of his language, with the rhetorical gestures to victory, Mr. Nixon's policy is to reduce American involvement in Vietnam. And this time, in contrast to 1965, the issue is out in the open. There is no excuse for the President or any of us accepting an enlargement of the war without anticipating the consequences.

THE MOLLENHOFF TAX FLAP

Mr. HANSEN. Mr. President, much has been printed and said about the fact that Presidential Aide Clark Mollenhoff has examined a few Federal tax returns. Mr. Mollenhoff's activities have been called "illegal," "unprecedented," and "questionable" by editorial writers, some Members of Congress, and by key figures in the Democratic Party.

In fact, Mr. President, Mr. Mollenhoff's examination of certain tax returns is not illegal, it is not unprecedented, and it is not questionable, so long as it is done according to the law and for purposes only of promoting honesty and integrity in Government.

When this issue was blown out of proportion by those who would misrepresent the facts, one U.S. Senator produced the facts and figures to place it in proper perspective, so that the American people would know the truth.

Senator JOHN J. WILLIAMS, whose record of exposing wrongdoing and misrepresentation in high places is unmatched, took to the Senate floor in the wake of the furor over Mr. Mollenhoff's activities to disassemble, point by point, the false arguments advanced by some.

For his persistence in always telling the whole truth and in attempting to make certain that Americans have access to the facts, Senator WILLIAMS deserves our deep admiration and everlasting thanks.

The facts of this matter, as expressed so eloquently by Senator WILLIAMS, did not receive the prominent attention of the press which was devoted to the comments of those who would mislead the public. One publication, "Human Events," dealt with the issue at some length in its April 25 edition.

Mr. President, I ask unanimous consent that the article to which I refer, entitled, "The Mollenhoff Tax Flap," be printed in the RECORD at the conclusion of my remarks; and I say, once again, that all of us in this country are fortunate to have in Government a man of such impeccable character and unimpeachable integrity as the Senator from Delaware, JOHN J. WILLIAMS.

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

THE MOLLENHOFF TAX FLAP

Democratic leaders garnered page one headlines last week with sensational charges that President Nixon and his special White House counsel, Clark Mollenhoff, are violating the law which protects the privacy of individual tax returns.

The Democratic outburst followed disclosure that Mollenhoff, the presidential aide charged with ferreting out government corruption, has been given authority to examine the tax returns of individuals suspected of wrong-doing. In all, Mollenhoff has requested—and been supplied—the returns of nine people.

Democratic National Chairman Lawrence F. O'Brien threatened court action "to terminate immediately this illegal access to the confidential tax returns of 80 million Americans." Sheldon Cohen and Mortimer Caplin, who served as commissioners of the Internal Revenue Service during the Kennedy and Johnson Administration, denounced the practice as illegal. Sen. Albert Gore of Tennessee, third-ranking Democrat on the Senate Finance Committee, told a nationwide TV audience it was both improper and illegal for Mollenhoff to see the returns.

Editorial writers waxed indignant. The New York *Times'* Tom Wicker devoted an entire column to "the real mess in Washington" (Mollenhoff's "illegal" access to IRS records).

But when the facts were spelled out later in the week, they were largely ignored by the Washington press corps which had crucified Mollenhoff and the Administration.

Sen. John J. Williams, ranking Republican on the Senate Finance Committee, showed that Mollenhoff was perfectly entitled to the records—and implied that his Democratic critics were well aware of the fact. Williams noted that in 1961 Caplin personally gave another White House aide even broader authority than Mollenhoff has to browse through IRS records. But that particular aide happened to be a Democrat.

Six days after the Kennedys took over, Carmine Bellino, a "special consultant to the President," called at Caplin's office to ask for the IRS files on a number of individuals. "Although we had no precedent to guide us," declares a Caplin memo now in IRS files, "we decided that Mr. Bellino, in his capacity as a representative of the Persident, could inspect our files *without a written request*" (emphasis added).

(It is interesting to note that should Mollenhoff desire a tax return, he has to furnish a written request to IRS Commissioner Randolph W. Thrower.)

In giving Bellino carte blanche to pore through IRS records, Commissioner Caplin voiced the opinion that "Section 6103 of the [U.S.] Code specifically provides that returns shall be open to inspection upon order of the President, and since Mr. Bellino's official capacity constitutes him the representative of the President, the action taken is regarded as conforming to law."

Sen. Williams reminded Caplin f his 1961 ruling last week, then suggested tartly: "If Mr. Caplin really thinks that he was in violation of these tax returns in 1961 with written orders and really wants to go to the Department of Justice to plead guilty, maybe they would render assistance."

Williams also noted that while there is no record of how many returns were examined by Bellino, Commissioner Thrower reports that the Kennedy aide "spent days and days" digging through the secret files.

Williams added that Mollenhoff is hardly the only government official to have access to tax returns. As postmaster general, Democratic National Chairman O'Brien had access to the IRS records. So do officials in scores of other agencies ranging from the Department of Health, Education and Welfare to the Federal Communications Commission. In 1968 alone, the Department of Agriculture went through the returns of 709 taxpayers.

Yet Mollenhoff, a dogged foe of corruption and malfeasance, has examined all of nine returns—and touched off a nationwide furor.

Sen. Williams revealed last week that as a result of Mollenhoff's access to IRS files, he turned up the fact that a current federal judge failed to file an income tax return in eight of the nine years prior to his appointment. Just before he appointment, he filed belated returns for the nine-year period—"and in a matter of months he was nominated and confirmed and is serving today."

"I hope we can get that man to resign," Williams said. "If not, I hope we can get him off the bench." That is the type of information that Mollenhoff is digging up in the "illegal" investigations denounced by O'Brien, Caplin, et al.

SENSITIVE CHILD NEEDS A HEAVY HAND

Mr. HANSEN. Mr. President, I have long admired the journalistic abilities of Mr. William Raspberry, who authors the "Potomac Watch" column in the Washington Post. I often find myself in agreement with the points he makes, but whether I agree or not, Mr. Raspberry always challenges us with his perceptive comments.

In his column of April 27, Mr. Raspberry discusses the problems of America's young people, and he makes a point regarding the parental role that I feel is worthy of consideration by all of us.

Mr. Raspberry notes that when young people turn to drugs and when they "drop out" of society, it often is not because they are seeking more freedom, as they frequently claim, but because they know so few restrictions that they are unable to relate to anything or anyone.

As Mr. Raspberry puts it—

What is even less acknowledged or understood is that often the effort is not to escape from too-strict parental control, but from too much permissiveness and "understanding," which is far more difficult.

I believe this line of thought has particular relevance to the concern about growing drug abuse problems in the small towns and suburbs of America, where young people from middle- and high-income families, supposedly products of wholesome and ideal surroundings, are increasingly turning to drugs.

Unlike their peers in the inner city, whose drug problems often are called consequences of a bad environment, poverty, lack of educational opportunity, and lack of stability in the home, the drug users of suburbia are generally affluent, well educated, and subjected to every tangible opportunity that can be made available to them. Clearly, something is lacking in their environment if they feel they must turn to drugs in order to relate to our society, and I think Mr. Raspberry has singled out the major missing ingredient—parental supervision and control born of a genuine desire to give young people the guidance they need and want.

The kind of guidance and direction required cannot be given in the schools, or in the church, or by the authorities. It must come from the home and from the people who care the most—the parents.

Mr. President, I ask unanimous consent that Mr. Raspberry's column of April 27, 1970, "'Sensitive Child' Needs a Heavy Hand," be printed at this point in the RECORD.

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

"SENSITIVE CHILD" NEEDS A HEAVY HAND

(By William Raspberry)

The educational approach to the prevention of drug abuse is based on the days when a handful of young people were experimenting with drugs because they thought it was "cool."

Much of the experimentation was a way of aping either the sharp dressing, Cadillac-driving hustler who was the big man in the ghetto, or the cool-talking super-hip jazz musician.

It was important, then, to let young people know that being addicted to herion really wasn't such a hip thing after all.

There is still some of the do-it-because-it's-cool attitude, mostly in the slums, and to the degree that it still exists drug education has some usefulness.

But the aspect of the drug problem that has so many Americans upset is the growing number of young people, particularly from middle- and upper-class families, who are turning to drugs less to identify with something cool than to escape from something that is very uncool.

Their parents keep hoping that someone—the schools, the police, the newspapers—will come up with something that will make the children turn away from drugs.

What few of the parents are ready to admit is that as much as anything their children are trying to escape the parents themselves.

What is even less acknowledged or understood is that often the effort is not to escape from too-strict parental control but from too much permissiveness and "understanding," which is far more difficult.

Well-educated, economically successful parents, for a variety of complex reasons, are afraid to death of being rejected by their children, whose intelligence and sensitivity they virtually worship. (Isn't it the kids who are leading the fight against the war, environmental pollution and academic irrelevance?)

When you are convinced that your child and his generation are wiser and more sensitive than you, you are extremely reluc-

tant to exercise your parental authority over him. In fact, the table gets turned completely; it is you who seek *his* approval.

And too often you do it by "understanding" every idiot thing he does or says.

He wants to drop out of college in the middle of his freshman year because the courses are "irrelevant?" Well, you certainly understand that, so you support him while he "finds himself."

He wants to smoke a little pot around the house? Well, you know he's right when he says it's no more wrong (except legally) for him to smoke pot than for you to sip martinis. If you're reasonably understanding, you let him smoke. If you're trying really hard for acceptance, you smoke with him.

But whether he knows it or not, he may be looking not so much for absolute freedom as for some clear understanding of where the limits are. And you, because you know he is bright, forget that he is a child, and you refuse to set limits.

Many a youngster who has escalated his demands for freedom (hoping he could provoke his parents into saying "no") has wound up being treated for drug addiction and worse. And the parents? They worry, of course, and they wish the police would do something about the drug traffic; but they understand just what that poor, sensitive kid must be going through.

Well that poor sensitive kid's major frustration may be that he can't provoke his parents into providing the security of limits. And it's no good for him to come right out and ask that limits be set; that's like a wife asking her husband to please wear the pants. It doesn't work.

I don't mean to suggest that all parents have abdicated to their children.

Occasionally you'll hear a 17-year-old say, "I can't do that; my old man would kill me."

He grumbles while he says it, all right, but you get the feeling he's pretty darned proud of the old man.

ELEMENTARY SCHOOLS' PROGRAM FOR REDUCING VANDALISM SHOWS RESULTS

Mr. PACKWOOD. Mr. President, one of the obvious problems we face in our educational system throughout this country is an increasing surge of vandalism—by and large student vandalism—in public grade schools and high schools.

I should like to call to the attention of the Senate, however, that in the Portland, Oreg., school district vandalism costs, which in 1967 and 1968 were $70,000, dropped to $65,000 in 1968–69, and are expected to drop to $60,000 this school year.

The chief special investigator for the Portland school board gives much credit for this reduction to the students of the Martin Luther King grade school. Several years ago, the students at that school started an antivandalism campaign in their own school. They have since extended it—and bear in mind, these are grade school students—throughout the city. They have sponsored an annual antivandalism conference, with which they have had great success, and now have all the grade schools in the city attending the conference. They put on plays and make speeches at other schools.

I call to the attention of the Senate an article entitled "King Students' Stop Vandalism Campaign Is Paying Big Dividends," written by John Guernsey, and published in the Portland Oregonian of Wednesday, April 15, 1970, calling the public attention to the outstanding success the students in one grade school have had in encouraging participation of students in other grade schools and ultimately in reducing vandalism throughout the city.

I ask unanimous consent that the article be printed in the RECORD.

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

KING STUDENTS' "STOP VANDALISM" CAMPAIGNS PAYING BIG DIVIDENDS

(By John Guernsey)

Two years ago the students at King grade school launched a "stop vandalism" campaign, which students elsewhere would do well to try to duplicate.

Vandalism in most of the nation's schools has increased considerably in recent years, but there has been a decline in vandalism in the Portland School District.

Leonard Schmurr, chief special investigator for Portland schools, gives a lot of the credit to the King students.

Portland school damage amounted to $70,000 during the 1967–68 school year, $65,000 in 1968–69, and is expected to be about $60,000 during the current school year.

A group of King students Monday explained how their program works to the Montavilla Kiwanis Club luncheon.

"Two years ago we called an all school conference to fight vandalism, and 164 students from 34 schools attended," explained student Christopher Casson, chairman of vandalism prevention week.

"Last year 200 students from 67 schools attended, and we hope for more when we have our next vandalism prevention week in December."

Mrs. Dolores Bowman, King school administrative assistant, who has been instrumental in helping the students with their program, lists these key parts of the program:

1. The students maintain a busy schedule of speaking at other schools, urging the formation of more "stop vandalism" programs.

2. Essay contests and many other class writing assignments are geared to stopping vandalism.

3. Creative drama skits stress the importance of stopping vandalism.

4. The school has a volunteer student group which patrols and cleans up the school grounds, and discourages vandalism at the same time.

Clarice Banks, president of the King student body, said students hope to do a magazine type story or produce a short film to spearhead the next "stop vandalism" week in December.

"Our school has the name of a great man (the late Rev. Martin Luther King), and we have to be builders and not wreckers to live up to that name," said student vice president Penny Larkins.

Jack Phillips, a former principal at King School, said the students are on the right track "because punitive measures do not result in less vandalism. They only cause more resentment. Changing student attitude is the key to less vandalism, and that is what students at King are doing."

Phillips has little difficulty recalling when King School, then known as Highland, had the reputation of being the school where you could not park a car on the street without having it damaged, and where police protection was required at night meetings.

He cited one year when 300 school windows were broken in the first three weeks of school, "and the halls were cluttered with papers and stuff all the time."

The halls and grounds at King are exceptionally clean now, and vandalism is next to nothing . . . "because the students are proud of the school," stresses Mrs. Bowman.

The PRESIDING OFFICER (Mr. BAKER). What is the will of the Senate?

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

The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. STENNIS. 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 VOTING FRANCHISE FOR 18-YEAR-OLDS

Mr. MANSFIELD. Mr. President, press reports this weekend state that President Nixon will strongly support the principle of giving the 18-year-olds the opportunity to vote; I dwell upon that support of principle rather than the disagreement by the President with the legislative approach to obtain this franchise. The only way the 18-year-olds will gain this franchise in the foreseeable future will be to exercise the opportunity presented in current legislation. To proceed by constitutional amendment—where that procedure is not necessary—is to require impediments that will frustrate the principle. For 20 to 30 years there has been grandiose rhetoric on extending the voting franchise to 18-year-olds. There is now a clear opportunity—based upon sound constitutional argument—with ample time for a constitutional test prior to any election; to pass up that opportunity is to kill the only opportunity.

Two of the Nation's leading constitutional authorities have said flatly that extending this franchise to vote legislatively would conform fully with the Constitution. I refer to the positions taken by Prof. Paul Freund and professor and former Solicitor General Archibald Cox.

I might point out as well that 64 Senators, both Republican and Democrat, voted in favor of the amendment to the Voting Rights Act—the amendment that extended the right to vote to 18-year-olds. In other words, 64 Members of this body on both sides of the aisle agreed that this procedure is proper and only 17 Members disagreed. And I hope that no action will be taken that would deny the vote to this age group—a group saddled today with enormous responsibilities yet unable to participate in the most fundamental process of all.

Mr. President, I ask unanimous consent that my statement on the 18-year-old vote of March 11, together with a letter from Prof. Paul A. Freund and a story appearing in today's Baltimore Sun as well as a column in the March 29, 1970, issue of the New York Times, by Fred Graham, and a letter to the Washington Post by Senators KENNEDY, GOLDWATER, COOK, MAGNUSON, and myself supporting the legislative approach to giving the 18-year-old the vote, be printed at this point in the RECORD.

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

STATEMENT OF SENATOR MANSFIELD, MARCH 11, 1970

Mr. MANSFIELD. Mr. President, this amendment would extend the right to vote

to every citizen of the United States who is 18 years old and older. It would afford that right in every election—Federal, State and local. Much has been said lately about seeking to extend the ballot by statute. I am not a lawyer. For that reason, I felt compelled to consult distinguished members of the Bar on this subject. In this connection, I contacted Professor Paul Freund of Harvard, one of the Nation's leading Constitutional authorities. On Monday I inserted in the RECORD his letter explaining the Constitutional basis for lowering the voting age by public law. In this connection also, I reviewed the testimony of former Solicitor General Archibald Cox. Speaking before the Subcommittee on Constitutional Amendments last February 24, he said such a matter was fully within the power of Congress.

I shall not be so presumptuous as to sum up the fine points of the legal arguments. I will say, however, that the 14th Amendment states most clearly that the equal protection clause shall be implemented by Congress by appropriate legislation.

The letter from Professor Freund recalls the argument made to the Supreme Court when this Voting Rights Act was contested in the Supreme Court. The argument was that Congress must await the Court's determination that an English literacy test was unconstitutional before Congress could act to abolish these State requirements. I have heard the argument repeated on the issue of 18-year-old voting.

In short, such an argument degrades the role of the Congress. It says that Congress does not have the authority to recognize situations that on their face violate the equal protection clause of the Constitution.

The Supreme Court itself rejected such an argument. It upheld the full Constitutional authority of the Congress. It said that Congress has the power to make the type of judgment embodied in the pending amendment. To use the words of the Court itself: Any other view of the authority of Congress "would depreciate both Congressional resourcefulness and Congressional responsibility for implementing the 14th Amendment."

I repeat, it would "depreciate both Congressional resourcefulness and Congressional responsibility for implementing the 14th Amendment."

I happen to think that Congress believes that those between 18 and 21 are excluded unreasonably from the ballot box. I happen to think the record of such discrimination is clear beyond doubt. Most recently it has been established in hearings before the Subcommittee on Constitutional Amendments.

(A) At 18, 19 and 20, young people are in the forefront of the political process—working, listening, talking, participating. They are barred from voting.

(B) 18 is the age when young men are told to fight our wars even though they themselves may have no right to choose the officials who make the policies that lead to war.

(C) At 18, they become young adults and are treated so by our Courts. They are deemed legally responsible for their actions—both civil and criminal—and must suffer the full penalties of the law.

(D) Eighteen-year-old men and women marry, have children, and need not obtain the consent of parents or guardians to do so.

(E) Young adults of 18 hold down full-time jobs.

(F) They pay taxes at the same level as everyone else; yet they have no voice in the imposition of those taxes.

(G) Those 18 to 21 are simply denied a full voice in a political process to which they are fully subjected and for which they are fully responsible.

To withhold the ballot from them in such circumstances is an unreasonable deprivation. Congress can make that determination. It is a co-equal branch of this Government. And to do so would only be stating the facts.

I ask that the Senate approve the ballot for 18-year-olds at this time, in this fashion and on this, the Voting Rights measure. As a political forecaster, I possess no extraordinary capacities. But I am aware of the public reports by some in opposition to the extension of voting rights—by any method—to 18-year-olds. I believe that the overwhelming majority of Congress are not in accord with that sentiment. The Congress should be permitted to express itself on this issue on this bill. It is my judgment that if the vote is not exended to 18-year-olds now on this particular vehicle—the Voting Rights Act—it will not be achieved this Congress.

CENTER FOR ADVANCED STUDY IN THE BEHAVIORAL SCIENCES,
Stanford, Calif., March 5, 1970.

Hon. MICHAEL J. MANSFIELD,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MANSFIELD: I greatly appreciate your telegram inviting me to elaborate on the opinion which I expressed in an address in June 1968, that Congress might, by statute, lower the voting age for state and Federal elections to the age of eighteen.

The Constitution of 1787 left the question of suffrage basically to the several states. In Article I, section 2, it is provided that the electors in each state for the House of Representatives "shall have the qualifications requisite for electors of the most numerous branch of the state legislature." Article I, section 4, provides that the times, places and manner of holding elections for Senators and Representatives shall be prescribed in each state; Congress is given the power by law to make or alter such regulations. My opinion does not at all rest on the last clause. Although "manner" has been given a generous construction, to include, for example, Federal corrupt practices laws applicable to national elections, the specific provision on "qualifications" in the earlier section would rule out any effort to absorb the requirement of a minimum age for voting into the "manner" of holding such elections. And so if the text of 1787 stood alone there would appear to be no basis for the legislative proposal.

But that original text does not stand alone. The Fourteenth Amendment, with its guarantee of equal protection of the laws (no less than the Fifteenth, prohibiting specifically disqualifications based on race or color) introduced a vital gloss on the authority of the states, namely that unreasonable classifications by law are unacceptable. This general standard applies to the laws of suffrage no less than to other laws, despite the fact that racial disqualifications are treated specifically in the Fifteenth Amendment. It is much too late to question this force of the Fourteenth Amendment in this area. Indeed, the first of the so-called white primary cases was decided on the basis of the Fourteenth rather than the Fifteenth. As Justice Reed later pointed out, "Without consideration of the Fifteenth, this Court held that the action of Texas in denying the ballot to Negroes by statute was in violation of the equal protection clause of the Fourteenth Amendment." *Smith* v. *Allwright*, 321 U.S. 649, 658 (1944), referring to *Nixon* v. *Herndon*, 273 U.S. 536 (1927). The whole line of reapportionment cases rests on the applicability of the equal-protection guarantee to the suffrage; and surely religious qualifications, which are impermissible for office-holding, would be equally forbidden for voting in light of the Fourteenth Amendment.

The essential question, then, is whether Congress, in its power and responsibility to enforce the guarantees of the Fourteenth Amendment, may properly conclude that the exclusion from the suffrage of those between 18 and 21 years of age now constitutes an unreasonable discrimination. That this is a judgment for the Congress to make is plain from the original conception of the Fourteenth Amendment and from recent decisions under it. Section 5 of that Amendment, empowering Congress to enforce its provisions "by appropriate legislation," was regarded as the cutting edge of the Amendment. It was expected that Congress would supply the substantive content for the deliberately general standards of equal protection, due process, and privileges and immunities.

Recent decisions have emphasized the propriety, indeed the responsibility, of Congressional action in the area of voting rights. In 1965, as you know, Congress enacted a provision of the Voting Rights Act that overrode state requirements of literacy in English, where a person had received a sixth-grade education in another language in a school under the American flag. It was argued, in contesting the Federal law, that Congress could so provide only if the English-literacy requirement were regarded by the Court itself as in violation of the equal-protection guaranty of the Fourteenth Amendment. Upholding the Federal law, the Supreme Court emphasized that the judgment of unreasonable discrimination was one that Congress had appropriately made for itself, and that its judgment would be upheld unless it were itself an unreasonable one. Any other view of the Court's function, said the Court, [*would depreciate both Congressional resourcefulness and Congressional responsibility for implementing the 14th Amendment.*] It would confine the legislative power in this context to the insignificant role of abrogating only those state laws that the judicial branch was prepared to adjudge unconstitutional, or of merely informing the judgment of the judiciary by particularizing the "majestic generalities" of section 1 of the Amendment." "[I]t is enough," the Court added, "that we perceive a basis upon which Congress might predicate a judgment that the application of New York's literacy requirement . . . constituted an invidious discrimination in violation of the Equal Protection Clause." *Katzenbach* v. *Morgan*, 384 U.S. 641, 648–649 (1966).

The Supreme Court has held, in a six-to-three decision, that the poll tax as a condition of voting in state elections is unconstitutional even without a Congressional judgment on the matter. *Harper* v. *Virginia Board of Election*, 383 U.S. 663 (1966). Whether or not one agrees with that decision, for present purposes the case has a twofold significance. The first relates to the dissenting opinions. Justice Black, protesting against the "activism" of the majority (as others have termed it), went on to say, "I have no doubt at all that Congress has the power under section 5 to pass legislation to abolish the poll tax in order to protect the citizens of this country if it believes that the poll tax is being used as a device to deny voters the equal protection of the laws . . . But this legislative power which was granted to Congress by section 5 of the Fourteenth Amendment is limited to Congress . . . For Congress to do this fits in precisely with the division of powers originally entrusted to the three branches of government—Executive, Legislative, and Judicial." *Id.* at 679–680. The other dissenters, Justices Harlan and Stewart referred to the possible authority of Congress and said that they "intimate no view on that question," Id. at 680, n.2. Thus it is entirely possible that had Congress itself acted, the decision might have been unanimous.

The second point of significance in the poll-tax case is the bearing of the constitutional amending power. There was then

in effect, of course, the Twenty-Fourth Amendment, abolishing poll taxes in relation to Federal elections. Both the majority and minority opinions show that Congressional authority is not precluded because the subject might be committed, indeed had been committed, to the amending process.

It could be asked whether, on the basis of the views reflected here, it was actually necessary to have achieved woman suffrage through a constitutional amendment. At the time of the Nineteenth Amendment the power of Congress to enforce the equal-protection guaranty was in a dormant state. The alternatives were thought of as a judicial decision striking down exclusively male suffrage, or an amendment to the Constitution. In retrospect, it seems tolerably clear that from the standpoint of constitutional power (putting aside considerations of political expediency), Congress could have determined by law that exclusion from voting on the basis of sex was an unwarranted differentiation.

The question for Congress is essentially the same, whether the exclusion be on criteria of sex, residence, literacy, or age. It is not my purpose to review the considerations that have been brought forward in favor of reducing the voting age. They involve a judgment whether twenty-one has become an unreasonable line of demarcation in light of the level of education attained by younger persons, their involvement in political discussion, their capacity in many cases to marry, their criminal responsibility, their obligation for compulsory military service. Historically, we are told, twenty-one was fixed as the age of majority because a young man was deemed to have become capable at that age of bearing the heavy armor of a knight.

The cumulative effect of such considerations on the continued reasonableness of twenty-one as a minimum voting age will, I am sure, be canvassed by the Congress. My purpose, responsive to your invitation, has been to indicate why I believe that Congress may properly make such a judgment and embody it in the form of a statute.

Yours very sincerely,

PAUL A. FREUND,
Professor, Harvard Law School.

[From the Baltimore Sun, Apr. 27, 1970]

NIXON PLANS VOTE-AT-18 AMENDMENT

WASHINGTON, April 26.—President Nixon plans to ask House leaders to oppose a Senate-passed provision to extend the vote to 18-year-olds but support a constitutional amendment to reach the same goal, a White House spokesman said today.

Bruce Whelihan, a presidential press officer, said in response to queries that Mr. Nixon strongly supports the vote for 18-year-olds in federal elections but thinks that the constitutional-amendment approach would be safer and faster than the statutory approach.

Mr. Whelihan explained that the President feels that extension by statute is of doubtful constitutionality and could lead to litigation that could cloud for years the result of any elections in which the 18-year-olds participated.

In contrast, Mr. Whelihan said, the President feels that sentiment in and out of Congress for lowering the voting age is so strong that it is possible to enact a constitutional amendment in time for the 1972 presidential election.

Mr. Nixon is expected to make his views known in a letter to House leaders this week, possibly tomorrow.

Amending the Constitution requires a two-thirds approval by the House and the Senate and ratification by 38 of the 50 states.

The Senate attached the voting provision for 18-year-olds to an extension of the 1965 Voting Rights Act which it passed March 12.

Advancing the argument that a constitutional amendment could be enacted in the 30 months before the 1972 election, White House aides pointed out that the amendment giving District of Columbia residents the vote in presidential elections was enacted in 11 months.

Although either a statute or a constitutional amendment would apply only to elections for federal office, it is widely assumed that, if 18-year-olds were given this franchise, most states would permit them to vote for state and local offices.

[From the New York Times, Mar. 29, 1970]

LOWERING VOTING AGE IS AN IDEA WHOSE TIME HAS COME

WASHINGTON.—The Age of Aquarius appears to be overtaking the Constitution over the issue of lowering the voting age to 18 by means of a statute rather than a constitutional amendment.

Until the events of the past few days, when the Senate tacked an 18-year-old vote amendment onto the Voting Rights Bill and the House leadership cleared the way for a vote on the measure after the Easter recess, few persons would have thought that lowering the voting age was likely in the foreseeable future. Yet it now seems altogether possible that the 10 million young people between ages 18 and 21 will be granted the franchise in time to vote in the 1972 Presidential election—and that in the process a precedent will be set that will streamline the system of constitutional change to meet some of the pressures of the jet age.

All this developed out of an unlikely political and constitutional background.

The idea of lowering the voting age has been a perennial political lemon in Congress, where the "senility system" rewards advanced age with committee chairmanships, the better to bottle up vote reform bills with. Moreover, with youthful protestors in bad odor lately, the 18-year-old-vote idea had been rejected by the voters of more than a half-dozen states in the past two years.

Furthermore, when women were given the vote and when the poll tax was eliminated in national elections, constitutional amendments were considered necessary to make the changes. It was assumed that the same cumbersome process would have to be used to lower the voting age. With a two-thirds vote of both Houses of Congress and ratification by three-fourths of the states needed to amend the Constitution, Congressmen could be cool to the idea without fear that young people would suddenly get the vote and use it against them.

SENATE STAMPEDE

This picture changed, almost overnight, when Senator Edward M. Kennedy and other Democratic liberals began to argue persuasively that under a novel constitutional theory, the voting age could be quickly lowered by means of a simple statute.

With the prospect looming large that millions of young people might soon have the vote, there was a stampede in the Senate to be for it. An amendment lowering the voting age to 18 in all elections was tacked onto the proposed Voting Rights Act by a 64-to-17 margin, and it was sent to the House, where its chances are bright.

This remarkable political spasm was an impressive tribute to the occasional impact of scholarly work on public policy. Senator Kennedy got the idea originally from a 1966 article in the Harvard Law Review by former Solicitor General Archibald Cox, who argued as follows:

(1) Although the Constitution gives the states the general authority to set voting qualifications, they must not violate any specific individual safeguards of the Constitution, such as the 14th Amendment's prohibition against state actions that deny persons equal protection of the laws.

(2) A section of the 14th Amendment gives Congress the power to enforce the rights created in the amendment "by appropriate legislation."

(3) In a historic 1966 decision, Katzenbach *v.* Morgan, the Supreme Court held that if Congress acts to enforce the 14th Amendment by passing a law declaring that a type of state law discriminates against a certain class of persons, the Supreme Court will let the law stand if the justices can "perceive a basis" for Congress's action.

His conclusion: If Congress declares that state laws that deny the vote to 18-, 19- and 20-year-olds violate their 14th Amendment rights, the Supreme Court will uphold the law, because there is a perceptible basis for such a finding of discrimination.

The law now moving through Congress states that it is unfair and discriminatory for the states to deny the vote to persons who are old enough to be drafted to fight for the country—particularly since there is no compelling reason why they shouldn't be allowed to vote.

The Nixon Administration is opposing the idea by arguing that such fundamental changes shouldn't be made without the consensus of a constitutional amendment. It also contends that doubts about the law's constitutionality might throw the 1972 election into turmoil.

Cynics have suggested that President Nixon, whose popular vote margin in 1968 was only 224,000 votes, would prefer that 10 million young people not be added to the electorate until after he wins re-election in 1972. They also point out that the Government supports the use of a statute rather than a constitutional amendment to eliminate state residency requirements for voting and voter literacy tests, and that both of these measures are based upon the new 14th Amendment theory.

Many observers feel that the 18-year-old-vote proposal has now become an idea whose time has come, and that the more significant question is what broader implications may arise from the acceptance of this new theory that gives Congress the power to make constitutional changes that used to require constitutional amendments.

Mr. Cox cautioned in his article that the development "would have enormous consequences for the Federal system" by introducing "a strikingly novel form of judicial deference to Congressional power" into our constitutional system. He and many other admirers of the activist Warren Court applaud this trend. They hope that it will encourage Congress to enact needed reforms, and relieve the Supreme Court of the temptation to do so itself.

Congress's use of this new power to enfranchise the young is now favored by many liberals, but some liberals are instinctively leery of Congressional power, and there are signs of uneasiness in their ranks about the new trend.

It is being whispered about among liberals that the present exercise might whet Congress's appetite, and that it may soon confront the Supreme Court with laws affecting the rights of criminal suspects and racial minorities that the justices might find objectionable but must uphold because they can "perceive a basis" for what Congress has done.

FRED P. GRAHAM.

[From the Washington Post, Mar. 17, 1970]

FIVE SENATORS ON VOTING-AGE BILL

Your recent editorial [March 14] questioning the constitutionality of the Senate's action in lowering the voting age to 18 by statute is misleading because it omits a number of considerations.

It is not enough simply to quote Article I of the Constitution and ignore the Fourteenth Amendment. Of course, as you say, when the founding fathers wrote Article I

in 1787, they unquestionably intended to leave voting age requirements to the states. But the founding fathers did not write the Fourteenth Amendment, which was adopted in 1868, and which gives Congress broad power to enact legislation enforcing the equal protection of the laws, whether in voting qualifications or any other area of state authority. Not only does Congress have the authority to act in these areas, it also has the responsibility to act. At last, in the Voting Rights Act of 1965 and other measures, Congress has begun to accept this responsibility.

It is no answer to say that an age requirement does not discriminate against races. As the *Morgan* case makes clear, the Supreme Court will sustain a reasonable finding by Congress that there is discrimination, whether on race or any other ground.

By an overwhelming majority last week, the Senate did make such a finding. It recognized the increased education and maturity of our youth, and found unfair discrimination in the fact that 18-year-old Americans who die in Vietnam and who work, marry, and pay taxes like other citizens are denied the most basic right of all—the right to vote.

No where does your editorial mention the fact that the pending voting rights bill uses essentially the same constitutional justification for changing state residence requirements by statute, and for imposing a nationwide ban on state literacy tests. These provisions are contained in both the Senate and House passed bills, and were originally recommended by the administration. If Congress has the authority to act by statute in the areas of literacy and residence, as it must if the administration bill is constitutional, then surely Congress also has the power to change the voting age by statute.

The Senate action is supported not only by Professor Cox, as you mention. It is also strongly supported by Paul Freund, the most renowned constitutional authority in America. The issue is not one that divides liberals from conservatives or Republicans from Democrats. It is a question of Congress embracing its responsibility and in so doing it has been careful to distinguish the unfamiliar from the unconstitutional.

In closing, we affirm our belief that the Voting Rights Bill is the only real hope of enfranchising 18-year-olds. We believe that the Senate has acted on very sound constitutional grounds to achieve this reform. All previous efforts met with uniform frustration for 30 years. In light of the public statements by those in control of House and Senate committees with jurisdiction over the issue, this is the only realistic possibility to carry out this long overdue change. We owe this vote of confidence in American Youth.

EDWARD M. KENNEDY,
BARRY GOLDWATER,
WARREN G. MAGNUSON,
MARLOW W. COOK,
MIKE MANSFIELD,
U.S. Senators.

WASHINGTON.

ORDER OF BUSINESS

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

The PRESIDING OFFICER (Mr. STENNIS). 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 CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of measures on the calendar, beginning with Calendar No. 772.

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

FREEMAN SCHOOL

The Senate proceeded to consider the bill (S. 58) providing for the addition of the Freeman School to the Homestead National Monument of America in the State of Nebraska, and for other purposes.

Mr. HRUSKA. Mr. President, I rise in support of S. 58, to provide for the addition of the Freeman School to the Homestead National Monument in Nebraska.

The Homestead National Monument was established by a law passed in 1936 on the 160-acre tract of land in Gage County, Nebr., which was the first homestead entered upon under the general Homestead Act of May 20, 1862, by Daniel Freeman.

This bill, which I have had the privilege of cosponsoring, deals with the old school building known as the Freeman School. The school is located one-fourth mile from the visitor center of the national monument. Until it was closed in 1967 it was the oldest continually operated school in Nebraska. It had been in use since 1871—96 years. It can serve as the symbol of the little old one-room country schoolhouse that is spoken of so often. Fortunately, it is red; it is built of red brick, and therefore meets all the specifications to serve as that symbol.

Nebraska is proud of the fact homesteading started in our State. The Homestead Monument enables us to give the public a dramatic picture of the historical period revolving around this process of homesteading. Now we have an opportunity to round out that picture further by adding this little school to the monument.

The details of the proposal are summarized in the departmental report. The school building and site can be acquired without cost. When the use of the school was finally discontinued, it passed into the hands of the Homestead Historical Association, and it can now be acquired by the Government without cost. Certain scenic easements must be acquired to protect the view of the school from the monument, but apparently the cost would be nominal. Some reconstruction work on the school structure will have to be done, and particularly parking space and other facilities for tourists will have to be provided. All of these costs are of minor scope.

It seems to us very important to preserve this school to round out the picture we are now attempting to present to the public at the existing Homestead Monument. I therefore urge the passage of S. 58.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–777), explaining the purposes of the measure.

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

BACKGROUND

The Freeman School is located one-fourth mile from the Homestead National Monument visitor center on State Highway 4 in Gage County, Nebr. It was built in 1871 of brick said to have been made on an adjacent farm.

It is generally regarded as the oldest continually operated public school in Nebraska (96 years), and symbolizes the pioneers' determination to civilize the frontier and provide opportunities for the common man. The structure also served as a community meeting hall and church.

Members of the Freeman family served on the school board throughout much of its history, and there was one descendant on said board when the property was conveyed to the Homestead Historical Association on May 31, 1967.

The Freeman School, which is truly symbolic of the Homestead era, is 36 by 20 feet, with walls 12 feet high. It has a shingle roof in fair condition. The original plaster is on the walls, covered by pressboard added in a recent remodeling. It rests on a site 297 by 215 feet.

COST

The estimated costs of acquiring scenic easements on this property is not more than $5,000 and, expenses involved in rehabilitating the school building and providing an adequate parking facility is estimated at $45,000.

COMMITTEE RECOMMENDATIONS

The Senate Interior and Insular Affairs Committee favorably reports S. 58 and urges early approval of the bill.

The bill was ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 58

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in order to further the interpretation and commemoration of the pioneer life of early settlers of the West, the Secretary of the Interior is authorized to acquire by donation or purchase with donated or appropriated funds the following described lands and interests therein, on which is situated the old school building known as Freeman School:

Beginning at the southeast corner of the southeast quarter of section 22, township 4 north, range 5 east, sixth principal meridian, Gage County, Nebraska, thence running north on the east line of the said quarter section 297 feet, thence west 214.5 feet, thence south 297 feet, thence east 214.5 feet to the point of beginning.

The Secretary is further authorized, in order to protect the setting of the Freeman School, preserve an adequate visual relationship with the existing Homestead National Monument of America, and provide access to the school from the national monument, to acquire by any of the above methods such lands and interests therein, as he deems necessary within the areas in certain sections of township 4 north, range 5 east, sixth principal meridian, Gage County, Nebraska, which are described as follows:

Section 22, beginning at a point 297 feet north of the southeast corner of the southeast quarter on the east line of the said quarter section, thence north along the east line of the said quarter section 103 feet, thence west 300 feet, thence south 400 feet to the south line of said quarter section, thence east along the south line of said quarter section 85.5 feet to the boundary of the Freeman School property, thence north along the boundary of the school property 297 feet, thence east along the boundary of the school property 214.5 feet to the point of beginning;

Section 23, the south 300 feet of the southwest quarter thereof;

Section 26, north 300 feet of the northwest quarter northwest quarter thereof; and

Section 27, beginning at the northeast corner of the northeast quarter, thence south along the east line of the said quarter section

300 feet, thence west 300 feet, thence north 300 feet to the north line of said quarter section, thence east along the north line of said quarter section 300 feet to the point of beginning; all containing about 31 acres.

SEC. 2. The property acquired pursuant to this Act shall be administered by the Secretary of the Interior as part of the Homestead National Monument of America, in accordance with the Act of March 19, 1936 (49 Stat. 1184), and the Act of August 25, 1916 (39 Stat. 535), as amended and supplemented (16 U.S.C. 1 et seq.).

SEC. 3. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

BILL PASSED OVER

The bill (S. 2253) to amend the act of August 7, 1961, providing for the establishment of Cape Cod National Seashore, was announced as next in order.

Mr. MANSFIELD. Over, Mr. President.

The PRESIDING OFFICER. The bill will be passed over.

PROGRAM FOR THE PRESERVATION OF ADDITIONAL HISTORIC PROPERTIES THROUGHOUT THE NATION

The bill (H.R. 14896) to amend the act of October 15, 1966 (80 Stat. 915), establishing a program for the preservation of additional historic properties throughout the Nation, and for other purposes, was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–781), explaining the purposes of the measure.

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

PURPOSE

The principal purpose of H.R. 14896 is to extend the national historic preservation program which was established by the Congress in 1966 (Public Law 89–665; 80 Stat. 915; 16 U.S.C. 470). In addition, the bill provides for an increase in the size of the Advisory Council on Historic Preservation and it authorizes limited U.S. participation in the International Center for the Study of the Preservation and Restoration of Cultural Properties. The committee held hearings on the Senate companion bills S. 3013 and S. 3029 sponsored by Senators Henry M. Jackson and Gordon Allott. The principal provisions of the Senate bills were merged into the House-passed bill, H.R. 14896.

BACKGROUND OF THE NATIONAL HISTORIC PRESERVATION PROGRAM

While the national historic preservation program is relatively new, national interest in the preservation of historic sites and structures is not. Over the years, 150 federally administered areas have been recognized for their national historic significance—as national historic sites, national historic parks, national battlefields, etc. An additional 750 buildings, sites, objects, and districts have been designated as national historic landmarks because of their exceptional value or quality in illustrating or interpreting our national cultural heritage.

Considerable progress has been made with respect to the preservation of nationally significant historic places, and the national historic preservation program was not designed to duplicate these past accomplishments. Instead, the program authorized by the National Historic Preservation Act added a new dimension to the overall effort to protect historic places. It sought to accomplish this objective by encouraging the States, and through them their political subdivisions, to preserve properties and objects of regional, State, and local historical significance. To effect this objective, the act authorized limited appropriations to fund a matching assistance program which was to help defer the costs of the historic preservation programs which are incurred by the States and the National Trust for Historic Preservation—a charitable, educational, nonprofit corporation chartered by the Congress in 1949 (63 Stat. 927; 16 U.S.C. 468).

As contemplated by the act, all of the authorized appropriations are to be used for matching assistance to effectuate authorized activities established pursuant to an approved statewide historic preservation program. In fiscal year 1967, appropriations were limited to not more than $2 million and the ceiling for each of the next 3 fiscal years was not to exceed $10 million but, actual funding levels have never totaled more than $1 million in any one year.

There are undoubtedly many reasons why this program has been permitted to languish for the last 4 years, but a large measure of the responsibility must be borne by the Department of the Interior and the Bureau of the Budget since their budget requests have never neared the amounts which they recommended when the program was authorized. For this reason, when the legislation as passed by the House reflects an annual authorization ceiling which appears reasonably realistic in light of our actual experience with the program.

This committee—not to mention those persons responsible for administering the State historic preservation programs—has been greatly disappointed with the lack of progress made through this program to date. The committee is encouraged with the prospects for the future, however, because the President's budget for fiscal year 1971 requests a substantial increase in the level of funding for this aspect of the national historic preservation program if adequate authorizing legislation is approved.

Another provision of the National Historic Preservation Act established the Advisory Council on Historic Preservation. At the present time, the Council is limited to 17 members—seven designated by statute and 10 appointed by the President. The seven statutory members represent Federal departments and agencies, and the National Trust for Historic Preservation. Because of the nature of their employment, the statutory members receive no additional compensation for their services, but the appointed public members are compensated at the rate of $100 per day when engaged in the performance of the duties of the Council.

One of the functions of the Council is to advise the President and the Congress on matters involving historic preservation. In addition to making general studies and special reports, it submits a comprehensive report of its activities to the President and the Congress annually.

Another function of the Council is to provide a forum for the review and consideration of Federal activities which might adversely affect properties which are listed on the National Register of Historic Places—a list of recognized historically significant places compiled and maintained by the Secretary of the Interior. While the Council cannot prevent the Federal agencies from undertaking the projects which might adversely affect a listed property, the review procedures do afford everyone concerned with an opportunity to consider and suggest alternatives. In this respect, the program has been most successful. It has brought together those who seek to preserve the historic integrity of a significant property and those whose activities might alter or destroy it. Progress, of course, cannot be stopped, but there are often alternative measures which can be employed to make it compatible with the preservation effort. In this respect, the Advisory Council has served a useful purpose in resolving some complex and controversial problems.

STONE MOUNTAIN MEMORIAL MEDALS

The Senate proceeded to consider the bill (S. 3435) to provide for the striking of medals in commemoration of the completion of the carvings on Stone Mountain, Ga., depicting heroes of the Confederacy, which had been reported from the Committee on Banking and Currency with an amendment, on page 1, line 8, after the word "'association")'"; insert "not more than five hundred thousand"; so as to make the bill read:

SECTION 1. In commemoration of the completion of the carvings on Stone Mountain, Georgia, depicting heroes of the Confederacy, the Secretary of the Treasury (referred to hereinafter in this Act as the "Secretary") is authorized to furnish to the Stone Mountain Memorial Association (referred to hereinafter in this Act as the "association") *not more than five hundred thousand* medals with suitable emblems, devices, and inscriptions to be determined by the association subject to the approval of the Secretary. The medals authorized by this Act shall be treated as national medals for the purposes of section 3351 of the Revised Statutes.

SEC. 2. The medals shall be made and delivered at such times as may be required by the association, in quantities of not less than two thousand, but none may be made after December 31, 1971.

SEC. 3. The Secretary shall furnish the medals at not less than the estimated cost of manufacture, including labor, materials, dies, use of machinery, and overhead expenses. The medals may not be struck unless security satisfactory to the Secretary is furnished to indemnify the United States for full payment of these costs.

SEC. 4. Medals struck under authority of this Act shall be of such size or sizes and of such metals as may be determined by the Secretary in consultation with the association.

Mr. TALMADGE. Mr. President, I wish to express appreciation to the distinguished Senator from Alabama and the Banking and Currency Committee, which authorized the striking of a medal to commemorate completion of the Stone Mountain Memorial carving.

On Saturday afternoon, May 9, the carving will be officially dedicated at Stone Mountain, in DeKalb County, near the capital city of Atlanta. President Nixon is scheduled to deliver the dedicatory address for this historic event. Many outstanding Americans from throughout the Nation also will participate in the program. Honored guests will include Governors, congressional delegations, and other State and national officials.

This will be a major monument to American history. Begun 52 years ago, the carving is the world's largest sculptural work of art. The Mount Rushmore figures, by comparison, cover an area one-third the size of the Stone Mountain work.

Depicting the mounted figures of Lee, Jackson, and Davis, great leaders of the Confederacy, the carving is Southern in

character. But it is far more than just a monument to the South. It is a timeless memorial to a critical period in the forging of our country. It reflects a period of conflict which, though tragic, gave birth to the united Nation we have become.

It has been my pleasure to serve as chairman of an advisory committee on the Stone Mountain Memorial dedication. We feel that this dedication can convey a national message of special meaning for today: that out of change and crisis can come strength and unity.

President Harding, in 1923, said this about Stone Mountain:

It will be one of the world's finest testimonials, one of history's most complete avowals, that unity and understanding may be brought into the scene where faction, hatred and hostility have once reigned supreme.

I was privileged to introduce the bill, along with my distinguished colleague, Senator RUSSELL, authorizing the Treasury Department to strike and furnish to the Stone Mountain Memorial Association not more than 500,000 medals, at no cost to the taxpayers.

We are grateful to the committee for reporting the bill to the Senate, and hope that it can be approved today.

The amendments were agreed to.

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

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–768), explaining the purposes of the measure.

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

GENERAL STATEMENT

The bill authorizes the Secretary of the Treasury to strike and furnish to the Stone Mountain Memorial Foundation not more than 500,000 medals in quantities of not less than 2,000, in commemoration of the completion of the carvings on Stone Mountain, Ga., depicting heroes of the Confederacy. No medals shall be manufactured after December 31, 1971.

The design of the medals, including emblems, devices, and inscriptions to be determined by the association subject to the approval of the Secretary of the Treasury. The medals struck under this bill shall be of such sizes and of such metals as may be determined by the Secretary in consultation with the association. The medals will be minted at no cost to the United States since security must be furnished satisfactory to the Secretary to indemnify the United States of all costs of the medals.

COMMITTEE AMENDMENT

On the recommendation of the Department of the Treasury, a committee amendment was adopted limiting the number of medals which may be struck under this bill. Upon the recommendation of the chief sponsor of this bill, Senator Talmadge, the number was placed at not more than 500,000.

COMMITTEE ON THE JUDICIARY

The resolution (S. Res. 384) to authorize additional expenditures for the Committee on the Judiciary, was considered and agreed to, as follows:

Resolved, That the Committee on the Judiciary hereby is authorized to expend from the contingent fund of the Senate, during the Ninety-first Congress, $20,000, in addition to the amounts and for the same purposes, specified in section 134(a) of the Legislative Reorganization Act, approved August 2, 1946.

THE COST OF CLEAN AIR

The resolution (S. Res. 369) to print as a Senate document the report of the Secretary of Health, Education, and Welfare entitled "The Cost of Clean Air," was considered and agreed to, as follows:

Resolved, There there be printed as a Senate document, with illustrations, the second report of the Secretary of Health, Education, and Welfare, entitled "The Cost of Clean Air," submitted to the Congress in accordance with section 305(a), Public Law 90–148, the Air Quality Act of 1967, and that there be printed two thousand five hundred additional copies of such document for the use of the Committee on Public Works.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–797), explaining the purposes of the measure.

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

Senate Resolution 369 would provide (1) that there be printed with illustrations as a Senate document the second report of the Secretary of Health, Education, and Welfare entitled "The Cost of Clean Air," submitted to the Congress in accordance with section 305(a), Public Law 90–148, the Air Quality Act of 1967, and (2) that there be printed 2,500 additional copies of such document for the use of the Committee on Public Works.

The printing-cost estimate, supplied by the Public Printer, is as follows:

Printing-cost estimate

To print as a document (1,500 copies)	$4,369.60
2,500 additional copies, at $189.07 per thousand	472.68
Total estimated cost, S. Res. 369	4,842.28

PROGRESS IN THE PREVENTION AND CONTROL OF AIR POLLUTION

The resolution (S. Res. 370) to print as a Senate document a report from the Secretary of Health, Education, and Welfare entitled "Progress in the Prevention and Control of Air Pollution," was considered, and agreed to, as follows:

Resolved, That there be printed, with illustrations, as a Senate document the third report of the Secretary of Health, Education, and Welfare, entitled "Progress in the Prevention and Control of Air Pollution", submitted to the Congress in accordance with section 306, Public Law 90–148, the Air Quality Act of 1967, and that there be printed two thousand five hundred additional copies of such document for the use of the Committee on Public Works.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–798), explaining the purposes of the measure.

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

Senate Resolution 370 would provide (1) that there be printed with illustrations as a Senate document the third report of the Secretary of Health, Education, and Welfare entitled "Progress in the Prevention and Control of Air Pollution", submitted to the Congress in accordance with section 306, Public Law 90–148, the Air Quality Act of 1967, and (2) that there be printed 2,500 additional copies of such document for the use of the Committee on Public Works.

The printing-cost estimate, supplied by the Public Printer, is as follows:

Printing-cost estimate

To print as a document (1,500 copies)	$1,413.51
2,500 additional copies, at $100.86 per thousand	252.15
Total estimated cost, S. Res. 370	1,665.66

TERRITORIAL HIGHWAY STUDY—GUAM, AMERICAN SAMOA, VIRGIN ISLANDS

The resolution (S. Res. 371) to print as a Senate document a report from the Secretary of Transportation entitled "Territorial Highway Study—Guam, American Samoa, Virgin Islands," was considered.

S. RES. 371

Resolved, That there be printed with illustrations as a Senate document a report, "Territorial Highway Study—Guam, American Samoa, Virgin Islands", submitted to the Congress by the Secretary of Transportation, in accordance with the requirements of section 29(b), of the Federal-Aid Highway Act of 1968, Public Law 90–495, and that there be printed two thousand five hundred additional copies of such document for the use of the Committee on Public Works.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–801), explaining the purpose of the measure.

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

Senate Resolution 371 would provide (1) that there be printed with illustrations as a Senate document a report entitled "Territorial Highway Study—Guam, American Samoa, Virgin Islands," submitted to the Congress by the Secretary of Transportation in accordance with the requirements of section 29(b), of the Federal-Aid Highway Act of 1968, Public Law 90–495, and (2) that there be printed 2,500 additional copies of such document for the use of the Committee on Public Works.

The printing-cost estimate, supplied by the Public Printer, is as follows:

Printing-cost estimate

To print as a document (1,500 copies)	$4,192.21
2,500 additional copies, at $193.95 per thousand	484.88
Total estimated cost, S. Res. 371	4,677.09

NATIONAL EMISSION STANDARDS STUDY

The resolution (S. Res. 372) to print as a Senate document the report of the Secretary of Health, Education, and Welfare entitled "National Emission Standards Study," was considered and agreed to, as follows:

S. RES. 372

Resolved, That there be printed as a Senate document, with illustrations, a report of

the Secretary of Health, Education, and Welfare, entitled "National Emission Standards Study", submitted to the Congress in accordance with section 211(a), Public Law 90-148, the Air Quality Act of 1967, and that there be printed two thousand five hundred additional copies of such document for the use of the Committee on Public Works.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91-802), explaining the purposes of the measure.

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

Senate Resolution 372 would provide (1) that there be printed with illustrations as a Senate document a report of the Secretary of Health, Education, and Welfare, entitled "National Emission Standards Study", submitted to the Congress in accordance with section 211(a), Public Law 90-148, the Air Quality Act of 1967, and (2) that there be printed 2,500 additional copies of such document for the use of the Committee on Public Works.

The printing-cost estimate, supplied by the Public Printer, is as follows:

Printing-cost estimate

To print as a document (1,500 copies)	$5,713.86
2,500 additional copies, at $218.91 per thousand	547.28
Total estimated cost, S. Res. 372	6,261.14

THE SOVIET APPROACH TO NEGOTIATION: SELECTED WRITINGS

The resolution (S. Res. 390) authorizing the printing of additional copies of the committee print entitled "The Soviet Approach to Negotiation: Selected Writings" was considered and agreed to, as follows:

S. RES. 390

Resolved, That there be printed for the use of the Committee on Government Operations three thousand additional copies of the committee print entitled "The Soviet Approach to Negotiation: Selected Writings", issued by that committee during the Ninety-first Congress, first session.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91-800), explaining the purposes of the measure.

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

Senate Resolution 390 would authorize the printing for the use of the Committee on Government Operations of 3,000 additional copies of the committee print entitled "The Soviet Approach to Negotiation: Selected Writings," issued by that committee during the 91st Congress, first session.

The printing-cost estimate, supplied by the Public Printer, is as follows:

Printing-cost estimate

Back to press, first 1,000 copies	$682.08
2,000 additional copies, at $149.63 per thousand	299.26
Total estimated cost, S. Res. 390	981.34

PEKING'S APPROACH TO NEGOTIATION: SELECTED WRITINGS

The resolution (S. Res. 391) authorizing the printing of additional copies of the committee print entitled "Peking's Approach to Negotiation: Selected Writings" was considered and agreed to, as follows:

S. RES. 391

Resolved, That there be printed for the use of the Committee on Government Operations three thousand additional copies of the committee print entitled "Peking's Approach to Negotiation: Selected Writings", issued by that committee during the Ninety-first Congress, first session.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91-799), explaining the purposes of the measure.

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

Senate Resolution 391 would authorize the printing for the use of the Committee on Government Operations of 3,000 additional copies of the committee print entitled "Peking's Approach to Negotiation: Selected Writings," issued by that committee during the 91st Congress, first session.

The printing-cost estimate, supplied by the Public Printer, is as follows:

Printing-cost estimate

Back to press, first 1,000 copies	$713.61
2,000 additional copies, at $156.24 per thousand	312.48
Total estimated cost, S. Res. 391	1,026.09

1969 REPORT OF THE SPECIAL COMMITTEE ON AGING

The Senate proceeded to consider the resolution (S. Res. 389) authorizing the printing of additional copies of the 1969 report of the Special Committee on Aging, which had been reported from the Committee on Rules and Administration, with an amendment, in line 2, after the word "Aging", strike out "three thousand", and insert "one thousand eight hundred"; so as to make the resolution read:

S. RES. 389

Resolved, That there be printed for the use of the Special Committee on Aging one thousand eight hundred additional copies of its report to the Senate, "Developments in Aging—1969."

The amendment was agreed to.

The resolution, as amended, was agreed to.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91-791), explaining the purposes of the measure.

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

Senate Resolution 389 as referred would authorize the printing for the use of the Special Committee on Aging of 3,000 additional copies of its report to the Senate entitled "Developments in Aging—1969."

The Committee on Rules and Administration has amended Senate Resolution 389 by reducing the number of additional copies from 3,000 to 1,800, the maximum obtainable under the $1,200 limitation on printing additional copies under a simple resolution.

The printing-cost estimate on Senate Resolution 389, as amended, supplied by the Public Printer, is as follows:

Printing-cost estimate

1,800 additional copies, at $648.87 per thousand	$1,167.99

STUDY OF RESEARCH ACTIVITIES CONDUCTED TO ASCERTAIN THE CAUSES AND DEVELOP CURES TO ELIMINATE CANCER

The Senate proceeded to consider the resolution (S. Res. 376) authorizing the Committee on Labor and Public Welfare to study research activities conducted to ascertain the causes and develop cures to eliminate cancer, which had been reported from the Committee on Rules and Administration, with amendments.

The amendments of the Committee on Rules and Administration are as follows:

On page 2, line 13, after the word "from", strike out "February 1, 1970," and insert "the date of enactment of this resolution"; and at the beginning of line 21, strike out "$2,700", and insert "$2,800"; so as to make the resolution read:

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 (1) the present status and extent of scientific research conducted by governmental and nongovernmental agencies to ascertain the causes and develop means for the treatment, cure, and elimination of cancer, (2) the prospect for success in such endeavors, and (3) means and measures necessary or desirable to facilitate success in such endeavors at the earliest possible time.

SEC. 2. For the purpose of this resolution, the committee, from the date of enactment of this resolution 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 $2,800 than the highest gross rate paid to any other employee; (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; and (4) establish and defray the expenses of such advisory committees as it deems advisable.

SEC. 3. The committee shall report its findings, together with its recommendations for such 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 $250,000, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

The amendments were agreed to.

The resolution, as amended, was agreed to.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91-792), explaining the purposes of the measure.

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

Senate Resolution 376 as referred would authorize the expenditure of not to exceed $250,000 by the Committee on Labor and Public Welfare, or any duly authorized subcommittee thereof, from February 1, 1970, through January 31, 1971, to examine, investigate, and make a complete study of any and all matters pertaining to—

(1) the present status and extent of scientific research conducted by governmental and nongovernmental agencies to ascertain the causes and develop means for the treatment, cure, and elimination of cancer;

(2) the prospect for success in such endeavors; and

(3) means and measures necessary or desirable to facilitate success in such endeavors at the earliest possible time.

The Committee on Rules and Administration is reporting Senate Resolution 376 with two pro forma amendments. The first would provide that authority for the new investigation would commence on the date of enactment of this resolution, and the second would increase the so-called "minority differential" from $2,700 to $2,800. The latter amendment is an adjustment made necessary by the increases in salaries of congressional employees effected by Public Law 91-231, approved April 15, 1970.

Additional information relative to the purposes of Senate Resolution 376 is contained in a letter addressed to Senator B. Everett Jordan, chairman of the Committee on Rules and Administration, by Senator Ralph W. Yarborough, chairman of the Committee on Labor and Public Welfare, which letter (with accompanying budget) is as follows:

U.S. SENATE,
COMMITTEE ON LABOR
AND PUBLIC WELFARE,
Washington, D.C., April 18, 1970.

Hon. B. EVERETT JORDAN,
Chairman, Committee on Rules and Administration, U.S. Senate.

DEAR MR. CHAIRMAN: Now pending before the Senate Committee on Rules and Administration is S. Res. 376, which would provide funds for the Committee on Labor and Public Welfare to study research activities conducted to ascertain the causes and develop cures to eliminate cancer. This resolution was reported unanimously from the Committee on Labor and Public Welfare on April 15 and has been cosponsored by a majority of the Members of the Senate. I urge your committee to act favorably upon this resolution.

When the National Cancer Institute was established in 1938, only one person in five who had cancer lived as long as 5 years with it. This figure has now gone up to one in three, and I believe that it could be one in two if the knowledge involved in early diagnosis and treatment could be given to every man, woman, and child in the country.

Four kinds of cancer previously considered incurable are now subject to cure by the use of chemicals alone. Other forms of previously incurable cancer are being treated with the combined use of surgery and radiotherapy and chemotherapy. The lives of children with acute leukemia have been extended with the use of chemicals and immunotherapy. We can look forward to the complete cure of patients with acute leukemia by means of chemotherapy and the added support of immunotherapy.

There has also been progress in the prevention of cancer. Medical men have moved in two important directions of research in this regard. The first concerns the relationship of viruses to cancer and the second is the role that air pollution and poisons in our environment play in producing cancer.

There is no longer any question in the minds of the research men that many forms of cancer are caused by viruses. And there is hope that some forms of cancer in men may be prevented by vaccine or forms of immunotherapy.

We can see that in these areas of research more work needs to be done to develop the leads that have already been uncovered.

But the question is how do we go about this in an organized way? What is the body of information that we have at our disposal today and how shall we develop that knowledge and information to find the answers to the problems that have not been solved up to now?

We are told by medical researchers that funds are necessary for the conquest of cancer. But how are those funds to be used? What are the programs to be pushed? And how are they to be balanced one against the other? This is what this resolution seeks to accomplish.

The resolution will permit the committee to employ a small but highly expert staff to look into these problems and with the advice of nationally prominent consultants to assist the committee to gather the best and latest information pertaining to—

(1) the present status and extent of scientific research conducted by governmental and nongovernmental agencies to ascertain the causes and develop means for the treatment, cure, and elimination of cancer;

(2) the prospect for success in such endeavors; and

(3) means and measures necessary or desirable to facilitate success in such endeavors at the earliest possible time.

The resolution makes appropriate provision for minority staff in connection with this investigation and study. A budget for the investigation and study is attached.

Sincerely,

RALPH W. YARBOROUGH.

APPOINTMENT OF JAMES EDWIN WEBB AS CITIZEN REGENT OF THE BOARD OF REGENTS OF THE SMITHSONIAN INSTITUTION

The joint resolution (S.J. Res. 193) to provide for the appointment of James Edwin Webb as Citizen Regent of the Board of Regents of the Smithsonian Institution was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S.J. RES. 193

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the vacancy in the Board of Regents of the Smithsonian Institution, of the class other than Members of Congress, which occurred by the death of Robert Vedder Fleming, of Washington, District of Columbia, be filled by the appointment of James Edwin Webb for the statutory term of six years.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91-787), explaining the purposes of the measure.

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

Senate Joint Resolution 193 is identical in text with S. 3459, referred to the Committee on Rules and Administration on February 17, 1970. The committee is expressing its approval of the proposal contained therein by reporting it in the form of an original joint resolution. This action is taken pursuant to section 43 of title 20 of the United States Code (R.S. Sec. 5581) which provides that appointments of the six Citizen Regents of the Board of Regents of the Smithsonian Institution shall be made by joint resolution of Congress.

Senate Joint Resolution 193 would provide that the vacancy in the Board of Regents of the Smithsonian Institution, of the class other than Members of Congress, occasioned by the death of Robert Vedder Fleming of Washington, D.C., be filled by the appointment of Mr. Webb for the statutory term of 6 years.

ELECTION LAW GUIDEBOOK

The resolution (S. Res. 394) authorizing the printing of a revised edition of the "Election Law Guidebook" as a Senate document was considered and agreed to, as follows:

S RES. 394

Resolved, That a revised edition of Senate Document Numbered 76 of the Ninetieth Congress, entitled "Election Law Guidebook", be printed as a Senate document, and that there be printed three thousand additional copies of such document for the use of the Committee on Rules and Administration.

Mr. MANSFIELD. Mr. President, I ask uanimous consent to have printed in the RECORD an excerpt from the report (No. 91-803), explaining the purposes of the measure.

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

Senate Resolution 394 would authorize the printing as a Senate document of a revised edition of Senate Document 76 of the 90th Congress, entitled "Election Law Guidebook"; and further would authorize the printing of 3,000 additional copies of such document for the use of the Committee on Rules and Administration.

The printing-cost estimate, supplied by the Public Printer, is as follows:

To print as a document (1,500 copies)	$5,808.36
3,000 additional copies, at $349.89 per thousand	1,049.67
Total estimated cost, S. Res. 394	6,858.03

RETROACTIVE COMPENSATION FOR CERTAIN SERVICES PERFORMED DURING JANUARY 1970

The resolution (S. Res. 395) authorizing retroactive compensation for certain services performed during January 1970 was considered and agreed to, as follows:

S. RES. 395

Resolved, That payments of retroactive compensation authorized by law for services performed in the month f January 1970 which are chargeable to funds authorized for expenditure through January 31, 1970, by various Senate resolutions, shall be charged to funds authorized by Senate resolutions for expenditure by the committees concerned at the time such payment is made, wherever possible, without regard to the expenditure limitations contained in the Senate resolutions which expired on January 31, 1970.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91-804), explaining the purposes of the measure.

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

The resolution provides a practical plan for the lump-sum payment of retroactive increases of salaries paid certain Senate employees for services performed during the month of January 1970. The resolution has for its objectives the implementation of Public Law 91-231, an act to increase the pay of Federal employees, approved by the President on April 15, 1970, and the simplification of procedures in the Senate Disbursing Office relevant thereto.

SUE ELLEN TYSER

The resolution (S. Res. 396) to pay a gratuity to Sue Ellen Tyser was considered and agreed to, as follows:

S. RES. 396

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay, from the contingent fund of the Senate, to Sue Ellen Tyser, widow of Henri Louis Tyser, an employee of the Architect of the Capitol assigned to duty in the Senate Office Buildings at the time of his death, a sum equal to six months' compensation at the rate he was receiving by law at the time of his death, said sum to be considered inclusive of funeral expenses and all other allowances.

FREDDIE CULLUM, LOUIS D. CULLUM, WILLIE MAE GUYTON, IOLA C. LEWIS, AND ROSA L. BRODIE

The resolution (S. Res. 397) to pay a gratuity to Freddie Cullum, Louis B. Cullum, Willie Mae Guyton, Iola C. Lewis, and Rosa L. Brodie was considered and agreed to, as follows:

S. RES. 397

Resolved, That the Secretary of the Senate here is authorized and directed to pay, from the contingent fund of the Senate, to Freddie Cullum and Louis D. Cullum, brothers; and to Willie Mae Guyton, Iola C. Lewis, and Rosa L. Brodie, sisters of Willie Cullum, an employee of the Architect of the Capitol assigned to duty in the Senate Office Buildings at the time of his death, a sum to each equal to one-fifth of six months' compensation at the rate he was receiving by law at the time of his death, said sum to be considered inclusive of funeral expenses and all other allowances.

KENNITH J. NEWMAN

The resolution (S. Res. 398) to pay a gratuity to Kennith J. Newman was considered and agreed to, as follows:

S. RES. 398

Resolved, That, in lieu of the authorization contained in Senate Resolution 296, agreed to December 11, 1969, the Secretary of the Senate hereby is authorized and directed to pay, from the contingent fund of the Senate, to Kennith J. Newman, brother of James H. Newman, an employee of the Senate at the time of his death, a sum equal to six months' compensation at the rate he was receiving by law at the time of his death, said sum to be considered inclusive of funeral expenses and all other allowances.

TOIYABE NATIONAL FOREST IN NEVADA

The Senate proceeded to consider the bill (S. 3279) to extend the boundaries of the Toiyabe National Forest in Nevada, and for other purposes.

Mr. MANSFIELD. Mr. President I ask unanimous consent that a statement on this bill prepared by the distinguished senior Senator from Nevada (Mr. BIBLE) be printed at this point in the RECORD.

There being no objection, the statement by Senator BIBLE was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR BIBLE

Mr. President, this legislation is of critical importance to the preservation of one of our nation's most beautiful scenic resources. That resource is Lake Tahoe, a magnificent High Sierra lake situated at the California-Nevada border. Anyone who has ever seen the grandeur of this lake can never forget it. Unfortunately, the beauty of Lake Tahoe could soon become no more than a memory. Despite its size—it is the biggest high-altitude lake in the nation—Lake Tahoe has a fragile environment that threatens to be engulfed by rapid and massive urban development. It would be tragic if we failed to act now to protect this irreplaceable resource. The bill before us now offers the fastest, most direct means of achieving that goal by providing authority for federal acquisition of the last remaining stretches of prime, undeveloped shoreline. Quick, direct means are needed or there will be no undeveloped shoreline to protect.

I introduced this bill with the active support of the U.S. Forest Service, the State of Nevada and many local government organizations interested in preserving Lake Tahoe's priceless resources. To the best of my knowledge it is a non-controversial bill. All responsible individuals and organizations, public or private, recognize the very real need to place these valuable lands in government ownership for the benefit of the public today and of succeeding future generations of Americans. The Forest Service is already engaged in an active program of land acquisition at the lake within its existing boundary limitations. As chairman of the Interior Appropriations Subcommittee, it was my privilege to recommend approval of $2.2 million in Land and Water Conservation Fund allocations for this acquisition program in the current fiscal year. More appropriation requests for this program are now pending before my committee, but thse requests depend heavily on the passage of the boundary revision before us now.

I have carefully gone over the proposed boundary revisions with Forest Service representatives on several occasions, and I have consulted with the director of the Nevada Department of Conservation and Natural Resources, who has taken an active and cooperative interest in this legislation. As it is represented to me, the boundary extension excludes all existing private developments but extends wherever possible to the lakeshore itself. It embraces a large block of private land holdings that are now available or are expected to become available for purchase in the very near future. In all, the revision adds nearly 13,000 acres to the Toiyabe National Forest and takes in about six additional miles of unspoiled shoreline. Together with recent state purchases financed in large part by Land and Water Conservation Fund allocations, this extension will permit a continuing acquisition program that would block out nearly all the prime undeveloped shoreline and adjacent mountain forest acreage along the Nevada side of the lake.

It should be noted the Governor of Nevada and the Nevada Legislature, the Douglas County Board of County Commissioners, the Carson City (Ormsby County) Board of Supervisors, the Nevada Tahoe Regional Planning Agency and the Nevada Recreation and Park Society have all expressed their support for this measure.

In connection with this acquisition program, I am happy to report that I have been getting repeated assurances from the administration that Lake Tahoe will continue to receive high priority for Land and Water Conservation Fund allocations.

I should note that action is pending on a separate bill I have introduced, S. 2208, that is closely involved in the overall goal for insuring resource protection and public recreation at Lake Tahoe. This bill would authorize the Interior Department to study the feasibility of establishing a national lakeshore or similar federal recreation area. Quite frankly, I do not know what the ultimate solution for managing this area will be. Whether the Park Service, the Forest Service or the State of Nevada become the principal administering agency—or whether it will be a joint management arrangement—is a question I hope the proposed study can determine.

Meanwhile, the major immediate goal is the acquisition *now* and the necessary protection and wise management *now* of these irreplaceable lands and resources. That is the goal of legislation before us, and I urge the Senate to give the measure its prompt approval.

The bill was ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 3279

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That to aid in the protection and management of the various resources of the area, including the protection, improvement, and maintenance of the watershed, wildlife, recreation, and natural environment values of the lands in the Lake Tahoe Basin, and to promote the management and protection of these lands under principles of multiple use and sustained yield, the boundaries of the Toiyabe National Forest are hereby extended to include the area described in section 2 hereof. Subject to any valid claims now existing and hereafter maintained, any lands of the United States within such area are hereby added to such national forest and shall be subject to laws and regulations applicable to the national forests.

SEC. 2. This Act shall be applicable to the following described lands:

Mount Diablo Meridian, Nevada

Township 13 north range 18 east: Section 2, lot 1 of the northeast quarter, lot 1 of the northwest quarter, south half; section 3, lots 1 and 2 of northeast quarter, lots 5, 6, and 7, northeast quarter southwest quarter, southeast quarter; section 10, lot 1, east half; section 11, all; section 14, north half, southwest quarter, north half southeast quarter, southwest quarter southeast quarter; section 23, west half northeast quarter, northeast quarter northwest quarter; section 24, north half north half, south half northwest quarter, northwest quarter southwest quarter.

Township 14 north, range 18 east: Sections 1 and 2, all; section 3, lots 1 and 2 of northeast quarter, lots 1 and 2 of northwest quarter, northeast quarter southeast quarter; section 4, lots 1 and 2; section 11, northeast quarter, north half northwest quarter, southeast quarter northwest quarter, east half southwest quarter, southeast quarter; section 12, all; section 14, west half; section 15, east half northeast quarter, northeast quarter southeast quarter; section 22, lots 2, 3, and 4, east half southeast quarter; section 23, west half; section 26, west half; section 34, southeast quarter; section 35, northeast quarter northwest quarter.

Township 15 north, range 18 east: Section 13, south half; section 14, lots 3 and 4, east half southwest quarter, southeast quarter; sections 22, 23, 24, 25, 26, 27, 33, 34, 35, and 36, all.

Township 15 north, range 19 east: Section 18, lot 2 of the southwest quarter; section 19, lot 2 of the northwest quarter, lots

1 and 2 of the southwest quarter; section 30, lot 2 of the northwest quarter.

The area described aggregates 12,919.78 acres, more or less.

SEC. 3. Funds appropriated and available for acquisition of lands, waters, and interests therein, in the National Forest System pursuant to section 6 of the Act of September 3, 1964 (78 Stat. 903), shall be available for the acquisition of any lands, waters, and interests therein, within the area described in section 2 of this Act.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–780), explaining the purposes of the measure.

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

BACKGROUND

The beauty of Lake Tahoe is internationally known. Located in the States of California and Nevada, it lies in the Sierra Nevada Mountains at an elevation of 6,223 feet. However, increasing population pressures now threaten not only the clarity and blue color of its waters, but also the Tahoe Basin's total environment. Between 1950 and 1969, the number of permanent residents on the Nevada portion of the basin increased from 213 to about 8,000. In this same area, between 1965 and 1969, subdivision plots for 99 developments were filed and approved.

Lake Tahoe is already being affected by these developments, as siltation adds nutrients to lake water and increases algae and aquatic plants, and reduces the purity and clarity of the lake. An increased amount of pollutants such as fertilizers from lawns, insecticides, and other soluble chemical compounds are going into the lake.

The need is increasing for more publicly owned land to protect the area's natural beauty, environment, and watershed relationships. There is also demand for more space to provide outdoor recreation opportunities for the increasing number of people attracted to this area. This bill, S. 3279, by extending the national forest boundary and authorizing use of moneys appropriated from the land and water conservation fund, would enable the acquisition of substantial areas to meet these requirements.

COST

The Forest Service would plan to acquire about 10,000 acres within the extension at a total cost of approximately $12.5 million. This would be obligated in increments of $1, $1.5, $3, $3 and $4 millions for the first through fifth year, respectively, after enactment.

BILL PASSED OVER

The bill (H.R. 1706) to provide for the conveyance of certain mineral rights in and under lands in Pike County, Ga., was announced as next in order.

Mr. MANSFIELD. Over, Mr. President.

The PRESIDING OFFICER. The bill will be passed over.

HUDSON RIVER COMPACT NEGOTIATIONS

The bill (H.R. 13106) to extend for 4 years the period of time during which certain requirements shall continue to apply with respect to applications for a license for an activity which may affect the resources of the Hudson Riverway and for other purposes was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–771), explaining the purposes of the measure.

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

PURPOSE OF THE MEASURE

The purpose of H.R. 13106, introduced by Representative Ottinger, is to extend for an additional 4 years (until 1973) provisions of the act of September 26, 1966 (80 Stat. 847) which expired on September 26, 1969. These provisions required all Federal agencies contemplating actions which affect the resources of the Hudson Riverway to consult with the Secretary of the Interior and in the case of license applications to notify the Secretary and allow him 90 days to comment before taking final action.

The bill would further amend the act to change the date of the Secretary's report on the progress of negotiations on the Hudson River compact from July 1, 1968 to "July 1, 1970, and annually thereafter".

BACKGROUND

Public Law 89–605 (80 Stat. 847) of September 26, 1966 gave the consent of the Congress to the States of New York and New Jersey (and, if they wish to participate, the States of Vermont, Massachusetts, and Connecticut also) to negotiate a compact "relating to the preservation, restoration, utilization and development of the natural, scenic, historic, and recreational resources" of the Hudson River Basin within the participating States. The act further provided that the Secretary of the Interior represent the United States in the negotiations.

Section 5 of the act, in order to avoid actions which would unfavorably affect the resources of the Hudson Riverway while the negotiations are in progress, provided for consultation between the Secretary and any agencies contemplating "plans, programs, projects, and grants" within or affecting the Riverway. In the case of license applications, a formal 90-day period was established for the Secretary to comment. These provisions were for a 3-year period which terminated on September 26, 1969.

PRESENTLY PROPOSED LEGISLATION

H.R. 13106 was introduced by Representative Ottinger. An identical bill (H.R. 13944) was introduced by Representative Ryan. The bill passed the House on February 2, 1970.

No companion bill has been introduced in the Senate.

The Department of the Interior strongly recommended enactment of the measure and the Bureau of the Budget expressed no objection to the report.

An open hearing was held by the Subcommittee on Water and Power Resources on March 13, 1970.

COMMITTEE RECOMMENDATION

The committee notes that the provisions of this legislation requiring coordination among Federal agencies are superseded by the more rigorous requirements of the National Environmental Policy Act of 1969 (83 Stat. 852). The later act requires all agencies to obtain formal comments and prepare detailed statements concerning proposed actions having environmental impact.

Because the procedure for implementation of the National Environmental Policy Act are still being established, however, the committee believes that the extension of the particular coordination provisions regarding the Hudson Riverway is warranted and can provide valuable interim protection.

The requirement for reports by the Secretary to the President and the Congress regarding the progress of compact negotiations is very important. The committee notes that the report called for in the act of September 26, 1966 has not yet been received by the Congress.

For these reasons, the Committee on Interior and Insular Affairs recommends that H.R. 13106 be enacted.

PETITION FOR REINSTATEMENT OF CERTAIN OIL AND GAS LEASES

The Senate proceeded to consider the bill (S. 93) to authorize the Secretary of the Interior to consider a petition for reinstatement of certain oil and gas leases, which had been reported from the Committee on Interior and Insular Affairs with an amendment on page 2, at the beginning of line 3, strike out "and may reinstate such leases in accordance with the provisions of section 31(c) of the Mineral Leasing Act of 1920,"; and, insert, "and may reinstate such leases and extend the terms thereof for a period equal to the unexpired portion of the lease or any extension thereof remaining at the date of termination in accordance with the provisions of section 31(c) of the Mineral Leasing Act of 1920"; so as to make the bill read:

That the Secretary of the Interior shall receive, consider, and act upon any petition of Allied Chemical Corporation, filed on its own behalf and on behalf of Joseph E. Seagram and Sons, Incorporated, or Tenneco Oil Company, or both, within one hundred and eighty days after the effective date of this Act, for reinstatement of United States oil and gas leases, Anchorage, 045017, 045020, 045973, 046476, 048185, 048189, 048190, 048191, 048192, 048193, 048194, 048195, 048196, 048199, 048205, and 048207, State of Alaska, and accompanied by the required rental, including back rental accruing from the date of termination, and may reinstate such leases in accordance with the provisions of section 31(c) of the Mineral Leasing Act of 1920, and may reinstate such leases and extend the terms thereof for a period equal to the unexpired portion of the lease or any extension thereof remaining at the date of termination in accordance with the provisions of section 31(c) of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 188 (c)): *Provided*, That it is shown to the satisfaction of the Secretary that the failure to pay timely was either justifiable or not due to lack of reasonable diligence.

The amendment was agreed to.

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

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–774), explaining the purposes of the measure.

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

PURPOSE OF MEASURE

S. 93 directs the Secretary of the Interior to consider a petition for reinstatement of 16 oil and gas leases in Alaska which were held by the Allied Chemical Corp. and affiliates. These leases are a part of a larger development project the lessee hopes will result in the discovery of additional supplies of oil and gas within the State.

The leases terminated automatically by operation of law on their anniversary date, October 2, 1967, when the rental payments failed to reach the Bureau of Land Management offices in Anchorage until the following day. The rent checks had been mailed from Houston, Tex., on September 18, but through inadvertence were sent third-class mail, al-

though use of airmail for lease rental payments is standard operating procedure for the company.

Under the 1954 amendments to the Mineral Leasing Act, termination is automatic if rental payments are not physically received in the appropriate Bureau of Land Management office on or before the anniversary date.

S. 93 does not provide for reinstatement forthwith of the leases. A petition for reinstatement must be filed within 180 days after the effective date of the act, and it must be accompanied by the required rental, including back rental from the date of termination. If it is shown to the satisfaction of the Secretary that the lessees' failure to pay in timely fashion, was either justifiable or not due to a lack of reasonable diligence, he may reinstate the leases in accordance with section 31(a) of the Mineral Leasing Act of 1920 (found in 30 U.S.C. 188).

THE COMMITTEE AMENDMENT

The committee amended S. 93 as follows:

On page 2, strike lines 3 and 4 and in lieu thereof insert the following: "and may reinstate such leases and extend the terms thereof for a period equal to the unexpired portion of the lease or any extension thereof remaining at the date of termination in accordance with the provisions of section 31(c) of the Mineral Leasing Act of 1920".

The purpose of this amendment is to place the lessee in the same position in which he would have been had the rental been timely received. This provision will be particularly important with respect to the exercise of options for 1 year extensions granted by the law.

The Interior Department approves of this amendment.

COMMITTEE RECOMMENDATIONS

The committee recommends prompt enactment of S. 93, absent prior enactment of general legislation which authorizes the Secretary to make equitable reinstatements or prevent termination in such situations as that presented by this bill. Such general legislation has been considered in this and previous Congresses, but has not yet been enacted.

CONVEYANCE OF CERTAIN LANDS IN NEW MEXICO TO THE CUBA INDEPENDENT SCHOOLS AND THE VILLAGE OF CUBA

The Senate proceeded to consider the bill (S. 417) to authorize the Secretary of the Interior to convey certain lands in New Mexico to the Cuba independent schools and village of Cuba which had been reported from the Committee on Interior and Insular Affairs with an amendment, strike out all after the enacting clause and insert:

That the Secretary of the Interior is authorized to convey to the Cuba Independent Schools, District 20, Sandoval County, Cuba, New Mexico under the Recreation and Public Purposes Act, as amended (43 U.S.C. 869—869–4) the following lands:

Township 21 north, range 1 west, New Mexican principal meridian, section 21, lots 4, 5, and 6; section 28, northeast quarter north east quarter and lot 1;

SEC. 2. The Secretary of the Interior is authorized to convey to the Village of Cuba, Sandoval, County, Cuba, New Mexico, under the Recreation and Public Purposes Act, as amended (43 U.S.C. 869—869–4) the following lands:

Township 21 north, range 1 west, New Mexico principal meridian, section 22, northwest quarter southwest quarter.

Mr. MANSFIELD. Mr. President, I should like to read to the Senate a statement by the Senator from New Mexico (Mr. MONTOYA):

Mr. MONTOYA. Mr. President, I wish to express my gratitude to the distinguished majority leader Senator Mansfield, for his prompt and effective action in bringing S. 417 to the attention of the Senate action today. He asured me, before I left Washington for New Mexico, that this bill would be passed on the consent calendar and my presence would not be required.

I introduced S. 417 last year to assist the Cuba, New Mexico, School System in their efforts to improve and expand their educational system. S. 417 would authorize the Secretary of the Interior to convey certain lands in New Mexico to the Cuba Independent Schools and the Village of Cuba in order to permit a more orderly growth pattern within the school system.

Mr. President, this is a noncontroversible measure, reported favorably by the Senate Interior Committee on April 23, 1970. Without going into unnecessary detail, I will relate to my colleagues the circumstances which prompted this legislation.

In 1967, representatives of the Cuba Independent School System requested my assistance in securing the transfer of certain land, presently managed by the Bureau of Land Management, to the Cuba Independent Schools for purposes of school development. Included in the programmed development is a proposal for a vocational skills center, to be located on the land involved in S. 417. Part of the lands in question have been utilized by the school system since 1957, under a land use permit, renewable with the BLM every five years. Discussions with BLM, the Department of Interior, and the Department of Agricutlure revealed that the most appropirate remedy for the school system's land problem, and one which would provide the permanent arrangement essential to orderly planning and growth, would be a legislative measure authorizing sale of the land in question to the school system and the village. S. 417 would authorize the Secretary of the Interior to process an application of the Cuba Independent Schools under the Recreation and Public Purpose Act for the needed conveyance of the lands in question. My measure would permit 185.99 acres to be conveyed to the school district, and 40 acres to the Village of Cuba for recreation purposes.

Mr. President, enactment of S. 417 will greatly facilitate the orderly development and use of these lands by encouraging the school system and the village to proceed with their planned improvements to meet their educational and recreational needs.

The amendment was agreed to.

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

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–775), explaining the purposes of the measure.

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

PURPOSE

This bill would authorize the disposal of a tract of land to the Cuba Independent Schools, N. Mex., and another tract to the Village of Cuba, N. Mex., under provisions of the Recreation and Public Purposes Act, as amended (43 U.S.C. 869–869–4). The school, which now occupies the land under a special use permit from the Bureau of Land Management, wishes to add to its building complex but before doing so would like to acquire title to the land. The village of Cuba is seeking acreage for development as a recreation area.

NEED

The land involved was acquired in 1942 by the Department of Agriculture for a land utilization project administered by the Soil Conservation Service. The Department issued a 10-year special use permit for the land covered by the bill to the Cuba Independent Schools, District No. 20 on May 24, 1956, and the district began development of a school complex that now includes a high school building, administrative building, six houses for teachers, a football field, a sewage disposal plant and water storage tanks.

However, after the Department of Agriculture acquired the land for the SCS project, it transferred the land in question to the Department of the Interior, and the Bureau of Land Management subsequently issued a special and use permit to the school district. The present permit expires February 28, 1971.

The school district has a capital investment of about $800,000 on the land and plans to build a gymnasium, administration building, music building, athletic field, playgrounds, parking lots, a sewage system, elementary school and shop building, and to increase teacher housing. The bill permits 185.99 acres to be conveyed to the school district, and 40 acres to the Village of Cuba for recreation purposes.

Since this is not regular public domain land, but "land utilization" acquired land, the Bureau of Land Management has no authority to transfer the land except by exchange.

LAND VALUES

The land covered by the bill was classified as coal land on May 1, 1939, but because of the depth of the coal in the land to be conveyed it is considered to have a very low value. The land is said to be without value for other minerals. Any conveyance under the Recreation and Public Purposes Act would reserve the mineral rights and provide for reversion in case the land is put to another use or attempt made for its transfer without the Secretary's consent. The Department of the Interior says it knows of no other public need for the land in question.

REINSTATEMENT OF AN OIL AND GAS LEASE IN WYOMING

The Senate proceeded to consider the bill (S. 2323) to authorize the Secretary of the Interior to consider a petition for reinstatement of an oil and gas lease which had been reported from the Committee on Interior and Insular Affairs with an amendment, on page 1, line 8, after the word "lease", insert "and extend the term thereof for a period equal to the unexpired portion of the lease or any extension thereof which was remaining at the date of termination" so as to make the the bill read:

That the Secretary of the Interior shall receive, consider, and act upon any petition of Bridwell Oil Company, a Texas corporation, filed within one hundred and eighty days after the date of enactment of this Act, for reinstatement of United States oil and gas lease and extend the term thereof for a period equal to the unexpired portion of the lease or any extension thereof which was remaining at the date of termination in accordance with the provisions of section 31(c) of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 188(c)).

The amendment was agreed to.

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

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–776), explaining the purposes of the measure.

There being no objection, the excerpt

was ordered to be printed in the RECORD, as follows:

PURPOSE OF MEASURE

S. 2323, which is sponsored by the senior Senator from Wyoming, Senator Gale McGee, directs the Secretary of the Interior to consider and act upon a petition for reinstatement of a Federal oil and gas lease in Wyoming which has been canceled by operation of law as a result of an inadvertent error by the Department of the Interior in preparing the lease document and setting forth the incorrect number of acres subject to the lease.

The facts appear to be as follows: The lease was issued effective August 1, 1959, for a stated primary term of 10 years. The original application for the lease contained 1,927.86 acres, but in processing the lease offer the Wyoming Land Office advised that certain described lands would be deleted from the offer and that the lease would be issued only as to the balance of the land remaining after the deletion. The Wyoming BLM Land Office computed the balance to be 1,919.11 acres.

Upon that basis, lease rentals were paid over the years in the total sum of $6,720. On December 5, 1968, the land office advised Bridwell that the lease terminated by operation of law retroactive to the date of its issuance for the failure of the lessee to pay the proper rental amount. This action was taken after almost 10 years had transpired under the lease, and the land office discovered that the land described in the lease actually contained 1,920.11 acres instead of 1,191.11 acres. As a result of this discrepancy, the lessee had in good faith unwittingly failed to pay $3.50.

Under the 1954 amendments of the Mineral Leasing Act of 1920, the lease was terminated even though the error was that of the Department itself and the amount of the deficiency is nominal. The Secretary of the Interior is without authority to grant relief to the lessee, even though equity admittedly demands such action.

THE COMMITTEE AMENDMENT

The committee adopted an amendment to S. 2323 as follows:

In line 8, after the word "lease" insert the following: "and extend the term thereof for a period equal to the unexpired portion of the lease or any extension thereof which was remaining at the date of termination".

The purpose of this amendment is to insure that the lessee is placed in the same position in which he would have been had the lease not been terminated as a result of error. This language is adapted from the terms of S. 1193, 91st Congress, a general bill to authorize the Secretary to rectify administratively a situation such as that presented by S. 2323. The general bill, S. 1193, has passed the Senate but has not yet been enacted into law.

DESIGNATING CERTAIN LANDS IN THE WICHITA MOUNTAINS NATIONAL WILDLIFE REFUGE IN OKLAHOMA AS WILDERNESS

The Senate proceeded to consider the bill (S. 3222) to designate certain lands in the Wichita Mountains National Wildlife Refuge in Oklahoma as wilderness, which had been reported from the Committee on Interior and Insular Affairs with amendments, on page 1, after line 10, strike out:

On page 2, after line 7, strike out:

"SEC. 2. The area designated by this Act as wilderness shall be administered by the Secretary of the Interior in accordance with the applicable provisions of the Wilderness Act.":

And, in lieu thereof, insert:

SEC. 2. The area designated by this Act as wilderness shall be known as the "Wichita Mountains Wilderness" and shall be administered by the Secretary of the Interior in accordance with the provisions of the Wilderness Act.

On page 2, after line 7, strike out:

SEC. 3. Except as necessary to meet minimum requirements in connection with the purposes for which the area is administered (including measures required in emergencies involving the health and safety of persons within the area), there shall be no commercial enterprise, no temporary or permanent roads, no use of motor vehicles, motorized equipment or motorboats, no landing of aircraft, no other form of motorized transport, and no structure or installation within the area designated as wilderness by this Act.

And, in lieu thereof, insert:

SEC. 3. Except as necessary to meet minimum requirements in connection with the purposes for which the area was established and for the purposes of this Act (including measures required in emergencies involving the health and safety of persons within the area), there shall be no commercial enterprise, no temporary or permanent roads, no use of motor vehicles, motorized equipment or motorboats, no landing of aircraft, no other form of mechanical transport, and no structure or installation within the area designated as wilderness by this Act.

So as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in accordance with section 3(c) of the Wilderness Act of September 3, 1964 (78 Stat. 890, 892; 16 U.S.C. 1132(c)), certain lands in the Wichita Mountains National Wildlife Refuge, Oklahoma, as depicted on a map entitled "Wichita Mountains Wilderness—Proposed," dated October 1967, are hereby designated as wilderness. The map shall be on file and available for public inspection in the offices of the Bureau of Sport Fisheries and Wildlife, Department of the Interior.

SEC. 2. The area designated by this Act as wilderness shall be known as the "Wichita Mountains Wilderness" and shall be administered by the Secretary of the Interior in accordance with the provisions of the Wilderness Act.

SEC. 3. Except as necessary to meet minimum requirements in connection with the purposes for which the area was established and for the purposes of this Act (including measures required in emergencies involving the health and safety of persons within the area), there shall be no commercial enterprise, no temporary or permanent roads, no use of motor vehicles, motorized equipment or motorboats, no landing of aircraft, no other form of mechanical transport, and no structure or installation within the area designated as wilderness by this Act.

The amendments were agreed to.

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

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91-772), explaining the purposes of the measure.

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

DESCRIPTION

The Wichita Mountains National Wildlife Refuge is located in southwestern Oklahoma, and was established in 1905 by a proclamation of President Theodore Roosevelt. The principal species protected in the refuge are bison, elk, longhorn cattle, deer and turkey. The Charons Gardens Unit contains unique geological formations of reddish granite mountains and escarpments rising above wooded drainages and rock-studded prairie lands. The North Mountain Unit is essentially a grassland complex with lesser areas of wooded species.

PUBLIC HEARING

A public hearing on the wilderness proposal was conducted in Lawton, Okla., on April 18, 1967, at which 30 persons attended, and there was no opposition to the wilderness classification.

COMMITTEE RECOMMENDATION

The Senate Interior and Insular Affairs Committee favorably recommends and urges early passage of S. 3222.

COMPENSATION FOR DISABLED VETERANS

The Senate proceeded to consider the bill (S. 3348) to amend title 38, United States Code, to increase the rates of compensation for disabled veterans, and for other purposes, which had been reported from the Committee on Finance with amendments, on page 3, after line 8, strike out: "(c) The increase in rates of disability compensation made by subsections (a) and (b) of this section shall become effective July 1, 1970."

On page 4, after line 9, strike out:

SEC. 3. (a) Section 312 of title 38, United States Code, is amended by striking out "For" at the beginning of such section and inserting in lieu thereof "(a) For"; and by adding a new subsection as follows:

"(b) For the purposes of section 310 of this title, the disability of any veteran of a war or of service after January 31, 1955, shall be deemed to be service-connected for a period of not less than one hundred and eighty days during his active military, naval, or air service such veteran (1) was held as a prisoner of war, or (2) while in line of duty was forcebably detained or interned by a foreign government or power, unless the Administrator can show by clear and convincing evidence that such disability was not incurred in or aggravated in line of duty by such veteran while serving in the active military, naval, or air service."

And, in lieu thereof, insert:

SEC. 3. (a) Section 312 of title 38, United States Code, is amended by striking out "For" at the beginning of such section and inserting in lieu thereof "(a) For"; and by adding the following new subsections:

"(b) For the purposes of subsection (c) of this section, any veteran who, while serving in the active military, naval, or air service, was held as a prisoner of war by the Imperial Japanese Government during Korea during the Korean conflict, or the World War II, by the Government of North Government of North Vietnam or the Viet Cong forces during the Vietnam era, or by their respective agents, shall be deemed to have suffered from dietary deficiencies, forced labor, or inhumane treatment in violation of the terms of the Geneva Convention of July 27, 1929.

"(c) For the purposes of section 310 of this title and subject to the provisions of section 313 of this title, in the case of any veteran who, while serving in the active military, naval, or air service and while held as a prisoner of war by an enemy government or its agents during World War II, the Korean conflict, or the Vietnam era, suffered from dietary deficiencies, forced labor, or inhumane treatment (in violation of the terms of the Geneva Convention of July 27, 1929), the disease of—

"(1) Avitaminosis,

Beriberi (including berberi heart disease),
Chronic dysentery,
Helminthous disease,
Malnutrition (including optic atrophy associated with malnutrition),
Pellagra, or
Any other nutritional deficiency,

which became manifest to a degree of 10 per centum or more after such service; or

"(2) Psychosis which became manifest to a degree of 10 per centum or more within two years from the date of separation from such service;

shall be considered to have been incurred in or aggravated by such service, notwithstanding that there is no record of such disease during the period of service."

And on page 7, after line 5, insert a new section, as follows:

SEC. 4. The first two sections of this Act shall become effective January 1, 1971.

So as to make the bill read:

That (a) section 314 of title 38, United States Code, is amended—

(1) by striking out "$23" in subsection (a) and inserting in lieu thereof "$25";

(2) by striking out "$43" in subsection (b) and inserting in lieu thereof "$48";

(3) by striking out "$65" in subsection (c) and inserting in lieu thereof "$72";

(4) by striking out "$89" in subsection (d) and inserting in lieu thereof "$99";

(5) by striking out "$122" in subsection (e) and inserting in lieu thereof "$135";

(6) by striking out "$147" in subsection (f) and inserting in lieu thereof "$163";

(7) by striking out "$174" in subsection (g) and inserting in lieu thereof "$193";

(8) by striking out "$201" in subsection (h) and inserting in lieu thereof "$223";

(9) by striking out "$226" in subsection (i) and inserting in lieu thereof "$250";

(10) by striking out "$400" in subsection (j) and inserting in lieu thereof "$450";

(11) by striking out "$500" and "$700" in subsection (k) and inserting in lieu thereof "$550" and "$750", respectively;

(12) by striking out "$500" in subsection (l) and inserting in lieu thereof "$550";

(13) by striking out "$550" in subsection (m) and inserting in lieu thereof "$600";

(14) by striking out "$625" in subsection (n) and inserting in lieu thereof "$675";

(15) by striking out "$700" in subsections (o) and (p) and inserting in lieu thereof "$750"; and

(16) by striking out "$450" in subsection (s) and inserting in lieu thereof "$500".

(b) The Administrator of Veterans' Affairs may adjust administratively, consistent with the increases authorized by this section, the rates of disability compensation payable to persons within the purview of section 10 of Public Law 85-857 who are not in receipt of compensation payable pursuant to chapter 11 of title 38, United States Code.

SEC. 2. Section 315(1) of title 38, United States Code, is amended—

(1) by striking out "$25" in subparagraph (A) and inserting in lieu thereof "$28";

(2) by striking out "$43" in subparagraph (B) and inserting in lieu thereof "$48";

(3) by striking out "$55" in subparagraph (C) and inserting in lieu thereof "$61";

(4) by striking out "$68" and "$13" in subparagraph (D) and inserting in lieu thereof "$75" and "$14", respectively;

(5) by striking out "$17" in subparagraph (E) and inserting in lieu thereof "$19";

(6) by striking out "$30" in subparagraph (F) and inserting in lieu thereof "$33";

(7) by striking out "$43" and "$13" in subparagraph (G) and inserting in lieu thereof "$48" and "$14", respectively;

(8) by striking out "$21" in subparagraph (H) and inserting in lieu thereof "$23"; and

(9) by striking out "$40" in subparagraph (I) and inserting in lieu thereof "$44".

SEC. 3. (a) Section 312 of title 38, United States Code, is amended by striking out "For" at the beginning of such section and inserting in lieu thereof "(a) For"; and by adding the following new subsections:

"(b) For the purposes of subsection (c) of this section, any veteran who, while serving in the active military, naval, or air service, was held as a prisoner of war by the Imperial Japanese Government during World War II, by the Government of North Korea during the Korean conflict, or the Government of North Vietnam or the Viet Cong forces during the Vietnam era, or by their respective agents, shall be deemed to have suffered from dietary deficiencies, forced labor, or inhumane treatment in violation of the terms of the Geneva Convention of July 27, 1929.

"(c) For the purposes of section 310 of this title and subject to the provisions of section 313 of this title, in the case of any veteran who, while serving in the active military, naval, or air service and while held as a prisoner of war by an enemy government or its agents during World War II, the Korean conflict, or the Vietnam era, suffered from dietary deficiencies, forced labor, or inhumane treatment (in violation of the terms of the Geneva Convention of July 27, 1929), the disease of—

"(1) Avitaminosis,
Beriberi (including beriberi heart disease),
Chronic dysentery,
Helminthous disease,
Malnutrition (including optic atrophy associated with malnutrition),
Pellagra, or
Any other nutritional deficiency,

which became manifest to a degree of 10 per centum or more after such service; or

"(2) Psychosis which became manifest to a degree of 10 per centum or more within two years from the date of separation from such service;

shall be considered to have been incurred in or aggravated by such service, notwithstanding that there is no record of such disease during the period of service."

(b) The catchline of section 312 of such title is amended to read as follows:

"§ 312. Presumptions relating to certain diseases and disabilities"

(c) The table of sections at the beginning of chapter 11 of such title is amended by striking out

"§ 312. Presumptions relation to certain diseases."

and inserting in lieu thereof the following:

"§ 312. Presumptions relating to certain diseases and disabilities."

SEC. 4. The first two sections of this Act shall become effective January 1, 1971.

Mr. TALMADGE. Mr. President, I am pleased that the Senate is now turning to consideration of (S. 3348), a bill to increase compensation payments to veterans whose disability is related to their military service.

In January, I had the privilege of introducing this bill with the cosponsorship of the distinguished chairman of the Veterans' Affairs Subcommittee of the Committee on Labor and Public Welfare, Senator CRANSTON, and the distinguished chairman of the Labor and Public Welfare Committee, Senator YARBOROUGH. On March 18, the Subcommittee on Veterans' Legislation of the Committee on Finance held hearings on legislation to improve the veterans' disability compensation program. The bill received the solid support of every veterans' organization that testified before the subcommittee. The bill was reported unanimously by both the Subcommittee on Veterans' Legislation and the full Finance Committee.

When I introduced (S. 3348), I stated that improvements in the disability compensation program would receive the top priority of the Subcommittee on Veterans' Legislation this year. I am pleased that the actions of the subcommittee have enabled us to fulfill this commitment. I would like to compliment the distinguished chairman of the Committee on Finance, Senator LONG, for his role in bringing the bill up for action in the full committee, and I would like to compliment Senator BENNETT, ranking minority member of the subcommittee for his diligence and constructive action on the bill. I would also like to thank the other members of the subcommittee, Senators HARTKE, RIBICOFF, MILLER, and JORDAN of Idaho for their interest and work on the bill.

Mr. President, as the name implies, the purpose of compensation payments is to compensate the veteran for the average economic loss resulting from the disease or injury sustained during his military service. Thus compensation payments are based not on need, but on the degree of disability of the veteran.

The Veterans' Administration is currently undertaking an intensive study to determine whether the compensation payments in the law actually reflect the average economic loss suffered by a veteran as a result of his disability. The VA is also looking into the question of compensation for losses or impairments that cannot be expressed in economic terms.

Unfortunately, the results of this study are not expected until 1971. The Subcommittee on Veterans' Legislation felt that the Congress should act to increase compensation payments this year.

Two years ago, when the disability compensation program last received congressional review, the monthly payment to a totally disabled veteran was increased to $400. At that time, $400 represented an amount equal to the average after-tax earnings of the 46 million production workers in the private sector. It was sound policy to choose this as the basis for determining the average economic loss suffered by a totally disabled veteran. The bill before us today would increase the monthly payment to the totally disabled from $400 to $450 effective this July. This amount would continue the congressional policy, established 2 years ago, of linking monthly payments to veterans rated 100 percent disabled to an objective index representing the veteran's economic loss.

The bill would also increase monthly payments to veterans rated at 10- to 90-percent disabled. In the past, compensation payments for veterans rated less than totally disabled have been increased only by amounts representing increases in the cost of living. The committee bill, however, incorporates an increase for veterans less than totally disabled which is based on the increase that has taken place in earnings since the present compensation rates were set by law in January 1969. These represent a larger increase than the increase in the cost of living that has taken place since then, and this is only appropriate in view of the fact that the veteran's disability has limited his earning capacity.

Under present law an allowance is provided for the dependents of veterans whose disability is rated at 50 percent or higher. These allowances have not been increased since 1965. The bill increases these allowances by same percentage as the increase in the bill for the veterans who are less than totally disabled.

The final provision of the bill relates to veterans who were prisoners of war and who suffered from dietary deficiencies, forced labor, or inhumane treatment. For purposes of the bill, a former prisoner of war of Japan, Korea, or Vietnam is presumed to have suffered from dietary deficiencies, forced labor, or inhumane treatment. Because these prisoners of war suffered from this kind of abuse, it is sometimes difficult for a former prisoner of war to establish, some time after his military service, that certain kinds of disabilities or aggravations of a previous disability are related to his military service. The committee felt that the veteran should be given the benefit of the doubt in such cases through specific statutory language. Section 3 of the bill therefore lists certain types of disabilities, and presumes their service connection if they are suffered by a former prisoner of war.

I ask unanimous consent to have printed at this point in the RECORD tables showing compensation increases and increases in dependents' allowance under the bill.

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

TABLE 1.—COMPARISON OF COMPENSATION RATES UNDER PRESENT LAW AND UNDER S. 3348

Disability	Present law	S. 3348	Number of veterans
(a) Rated at 10 percent	$23	$25	816,226
(b) Rated at 20 percent	43	48	320,096
(c) Rated at 30 percent	65	72	275,964
(d) Rated at 40 percent	89	99	168,245
(e) Rated at 50 percent	122	135	106,220
(f) Rated at 60 percent	147	163	102,920
(g) Rated at 70 percent	174	193	60,666
(h) Rated at 80 percent	201	223	32,042
(i) Rated at 90 percent	226	250	10,640
(j) Rated at total	400	450	94,825
Limit for veterans receiving payments under (a) to (j) above	500	550	.....
(l) Anatomical loss or loss of use of both hands, both feet, 1 foot and 1 hand, blindness in both eyes (5/200 visual acuity or less), permanently bedridden, or so helpless as to require regular aid and attendance	500	550	7,439
(m) Anatomical loss or loss of use of 2 extremities so as to prevent natural elbow or knee action with prosthesis in place, blind in both eyes, rendering veteran so helpless as to require regular aid and attendance	550	600	5,299
(n) Anatomical loss of 2 extremities so near shoulder or hip as to prevent use of prosthesis, anatomical loss of both eyes	625	675	1,259
Limit for veterans receiving payments under (l) to (n) above	$700	$750	.....
(o) Disability under conditions entitling veteran to 2 or more of the rates provided in (l) through (n), no condition being considered twice in the determination, or total deafness in combination with total blindness (5/200 visual acuity or less)	700	750	.....
(p) If disabilities exceed requirements of any rates prescribed, Administrator of VA may allow next higher rate or an intermediate rate, but in no case may compensation exceed	700	750	.....
(r) If veteran entitled to compensation under (o) or to the maximum rate under (p), and is in need of regular aid and attendance, he shall receive a special allowance of the amount indicated at right for aid and attendance in addition to whatever he is receiving under (o) or (p)	300	300	8,035
(s) Disability rate as total, plus additional disability independently ratable at 60 percent or over, or permanently housebound	450	500	6,870
Total number of cases affected			2,016,746

TABLE 2.—MONTHLY DEPENDENTS' ALLOWANCES (FOR DEPENDENTS OF VETERANS RATED 50 TO 100 PERCENT DISABLED)

	Present law	S. 3348
Wife, no children	$25	$28
Wife and 1 child	43	48
Wife and 2 children	55	61
Wife and 3 children	68	75
Each additional child	13	14
No wife, 1 child	17	19
No wife, 2 children	30	33
No wife, 3 children	43	48
Each additional child	13	14
Mother or father each	21	23

TABLE 3.—*Dependents receiving allowances as of June 30, 1969*

Wives	290,555
Children	462,397
Mothers	15,402
Fathers	3,746
Total	772,100

Mr. MANSFIELD. Mr. President, the senior Senator from Texas (Mr. YARBOROUGH) is necessarily absent today; however, he has a longstanding interest in increasing veterans' disability compensation and S. 3348, and has a statement on this pending bill. I ask unanimous consent that Senator YARBOROUGH's statement be printed at this point in the RECORD.

There being no objection the statement by Senator YARBOROUGH was ordered to be printed in the RECORD, as follows:

Mr. YARBOROUGH. Mr. President, today we have before us a bill of paramount importance to our many veterans who suffer from disabilities they obtained in the military service of the United States. The present compensation laws are supposed to compensate a disabled veteran for the economic loss he incurs as a result of his service-connected disability. Unfortunately, the compensation rates provided in the present law fall far below the average economic loss most disabled veterans have suffered. S. 3348, represents a major step toward curing this injustice.

This bill would increase the monthly compensation payments for totally disabled veterans from $400 to $450. It would increase by 11 percent the compensations payments to veterans whose disability was less than total, and also provide an 11 percent increase in allowances to dependents of veterans with 50 percent or more disability.

In addition to these important increases in compensation, the bill creates a special presumption that certain diseases, resulting from dietary deficiencies and inhumane treatment, suffered by former prisoners of war are service connected. This presumption will ease greatly the burden that many former prisoners of war have in establishing the source of their disabilites.

In summary, S. 3348 is a sound and humane measure. I am proud to be a co-sponsor of it. I commend the distinguished Senator from Georgia, Senator Talmadge, and the other distinguished members of the Finance Committee for the work on this significant bill. I urge all of my colleagues to give their full support to this bill.

The amendments were agreed to.

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

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91-784), explaining the purposes of the measure.

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

GENERAL STATEMENT

By law, compensation is paid to veterans who suffer disabling conditions as a result of military service. As the name implies, the purpose of the payments is to compensate the veteran for the average economic loss resulting from the disease or injury sustained during his military service. Thus compensation payments are based not on need, but on the degree of disability of the veteran. Under present law, monthly compensation rates for disabilities incurred in time of war range from $23 for veterans with a 10-percent disabling condition to $400 for totally disabled veterans, with higher rates provided for certain very serious disabilities. Veterans whose disabilities were incurred during peacetime receive compensation payments at 80 percent of the wartime rate.

In 1968, when legislation to improve the disability compensation program was last considered, the Veterans' Administration told the committee that they were then undertaking an extensive study to determine whether the compensation payments in the law actually reflect the average economic loss suffered by a veteran as a result of his disability. They stated that they intended also to look into the question of compensation for losses or impairments that cannot be expressed in economic terms. Unfortunately, no information is yet available from this study.

INCREASE IN COMPENSATION PAYMENTS TO TOTALLY DISABLED VETERANS

Although compensation payments are not based on need, an earlier study conducted by the Veterans' Administration showed that four-fifths of the totally disabled veterans have no earnings whatever, and that those who do work have only very small earnings.

In 1968, the Congress adopted the policy of setting the monthly rate of compensation to a totally disabled veteran at $400, an amount equal to the average after-tax earnings of the 46 million production workers in the private sector.

The committee bill would follow this same policy in increasing the monthly benefit to $450. The committee feels that it is appropriate to link compensation payments to the totally disabled to such a standard which represents the average economic loss suffered by a veteran.

INCREASE IN COMPENSATION PAYMENTS TO VETERANS WHOSE DISABILITY IS LESS THAN TOTAL

The committee will be interested in the results of the Veterans' Administration evaluation of the disability compensation. However, in light of cost and earnings increases since January 1969, when the payment levels in present law were set, the committee feels that the Nation's disabled veterans should

not have to wait until the study is completed before compensation is adjusted to reflect these increases.

The committee bill accordingly provides about an 11-percent increase in compensation payments to veterans less than totally disabled. This percentage will reflect the increase which has taken place in average earnings since January 1969. The committee feels that this is appropriate in view of the fact that the veteran's disability has limited his earning capacity.

Compensation rates under present law, the committee bill, and the numbers of disabled veterans affected are shown in table 1.

TABLE 1.—COMPARISON OF COMPENSATION RATES UNDER PRESENT LAW AND UNDER S. 3348

Disability	Present law	S. 3348	Number of veterans
(a) Rated at 10 percent	$23	$25	816,226
(b) Rated at 20 percent	43	48	320,096
(c) Rated at 30 percent	65	72	275,964
(d) Rated at 40 percent	89	99	168,245
(e) Rated at 50 percent	122	135	106,220
(f) Rated at 60 percent	147	163	102,920
(g) Rated at 70 percent	174	193	60,666
(h) Rated at 80 percent	210	223	32,042
(i) Rated at 90 percent	226	250	10,640
(j) Rated at total	400	450	94,825
Limit for veterans receiving payments under (a) to (j) above	500	550	.....
(l) Anatomical loss or loss of use of both hands, both feet, 1 foot and 1 hand, blindness in both eyes (5/200 visual acuity or less), permanently bedridden or so helpless as to require regular aid and attendance	500	550	7,439
(m) Anatomical loss or loss of use of 2 extremities so as to prevent natural elbow or knee action with prosthesis in place, blind in both eyes, rendering veteran so helpless as to require regular aid and attendance	550	600	5,299
(n) Anatomical loss of 2 extremities so near shoulder or hip as to prevent use of prosthesis, anatomical loss of both eyes	$625	$675	1,259
Limit for veterans receiving payments under (l) to (n) above	700	750	.....
(o) Disability under conditions entitling veteran to 2 or more of the rates provided in (l) through (n), no condition being considered twice in the determination, or total deafness in combination with total blindness (5/200 visual acuity or less)	700	750	.....
(p) If disabilities exceed requirements of any rates prescribed, Administrator of VA may allow next higher rate or an intermediate rate, but in no case may compensation exceed	700	750	.....
(r) If veteran entitled to compensation under (o) or to the maximum rate under (p), and is in need of regular aid and attendance, he shall receive a special allowance of the amount indicated at right for aid and attendance in addition to whatever he is receiving under (o) or (p)	300	300	8,035
(s) Disability rated as total, plus additional disability independently ratable at 60 percent or over, or permanently housebound	450	500	6,870
Total number of cases affected			2,016,746

Increase in Monthly Dependents' Allowances

Under present law, allowances are provided to dependents of veterans who are rated 50 percent or more disabled. The committee bill would increase these by about 11 percent, as shown in table 2 below.

TABLE 2.—MONTHLY DEPENDENTS' ALLOWANCES (FOR DEPENDENTS OF VETERANS RATED 50–100 PERCENT DISABLED)

	Present law	S. 3348
Wife, no children	$25	$28
Wife and 1 child	43	48
Wife and 2 children	55	61
Wife and 3 children	68	75
Each additional child	13	14
No wife, 1 child	17	19
No wife, 2 children	30	33
No wife, 3 children	43	48
Each additional child	13	14
Mother or father, each	21	23

TABLE 3.—*Dependents receiving allowances as of June 30, 1969*

Wives	290,555
Children	462,397
Mothers	15,402
Fathers	3,746
Total	772,100

Section 3 of the committee bill contains a special provision related to former prisoners of war. Because of the conditions of their captivity and the kinds of long-range harm that may have been caused, it is sometimes difficult for a former prisoner of war to establish, some time after the completion of his military service, that a disability or the aggravation of a previous disability is related to his military service.

In testimony before the committee, Mr. Olney B. Owen, Chief Benefits Director of the Veterans' Administration stated:

Our regulations also attempt to treat former prisoners of war liberally. Physical examinations are particularly thorough, searching for disabilities common to prisoners of war even when they are not complained of, and we assign great weight to imprisonment under unsanitary conditions and to food deprivation in connection with gastrointestinal diseases.

All of these considerations permit the Veterans' Administration to reach an equitable decision on the basis of the facts of each individual case, with any reasonable doubts being resolved in favor of the former prisoner of war.

The Veterans' Administration believes that special consideration should be given to former prisoners of war and strives to assure that they will receive compensation and other benefits in full measure under existing law.

The committee commends the Veterans' Administration for its policies and procedures under the law, but feels that there is justification for modifying the statute itself to establish a presumption of service connection in certain cases.

The provision of the committee bill concerns former prisoners of war who suffered from dietary deficiencies, forced labor, or inhumane treatment. The bill considers any veteran who was a prisoner of war of Japan during World War II, North Korean during the Korean conflict, or North Vietnam or the Vietcong during the Vietnam era, to have suffered from dietary deficiencies, forced labor, or inhumane treatment.

Under the bill, the following diseases would be presumed to be service connected if suffered by a former prisoner of war who meets the criteria discussed above:

Avitaminosis.
Beriberi (including beriberi heart disease).
Chronic dysentery.
Helminthous disease.
Malnutrition (including optic atrophy associated with malnutrition).
Pellagra.
Any other nutritional deficiency.

Under present law, a psychosis which became manifest within 1 year of a veteran's separation from military service is presumed to be service connected. The bill extends this period of presumption of service connection from 1 to 2 years in the case of former prisoners of war who suffered from dietary deficiencies, forced labor, or inhumane treatment.

Cost of the Bill

The Veterans' Administration estimates that the bill will cost an additional $229 million in its first full year, as shown below:

[Additional 1st year cost in millions]

1. $50 increase for totally disabled veterans	$72
2. 11 percent increase for veterans rated less than totally disabled	142
3. 11 percent increase in dependents' allowance	15
Total	229

The detail of the cost estimate on the compensation increase is shown on table 4.

TABLE 4.—COST OF COMPENSATION INCREASE IN S. 3348

Degree of disability or paragraph of sec. 314	Cases at wartime rates: Cases	Rate increase: Present	Rate increase: Proposed	Rate increase: Monthly	Rate increase: Annual	Additional annual cost	Cases of peacetime rates: Cases	Rate increase: Present	Rate increase: Proposed	Rate increase: Monthly	Rate increase: Annual	Additional annual cost	Total cases	Total additional annual 1st year cost
Less than totally disabled:														
10 percent	741,847	$23	$25	$2	$24	$17,804,328	74,379	$18	$20	$2	$24	$1,785,096	816,226	$19,589,424
20 percent	292,805	43	48	5	60	17,568,300	27,291	34	38	4	48	1,309,968	320,096	18,878,268
30 percent	251,619	65	72	7	84	21,135,996	24,345	52	58	6	72	1,752,840	275,964	22,888,836
40 percent	156,545	89	99	10	120	18,785,400	11,700	71	79	8	96	1,123,200	168,245	19,908,600
50 percent	98,520	122	135	13	156	15,369,120	7,700	98	108	10	120	924,000	106,220	16,293,120
60 percent	94,680	147	163	16	192	18,178,560	8,240	118	130	12	144	1,186,560	102,920	19,365,120
70 percent	55,636	174	193	19	228	12,685,008	5,030	139	154	15	180	905,400	60,666	13,590,408
80 percent	29,962	201	223	22	264	7,909,968	2,080	161	178	17	204	424,320	32,042	8,334,288
90 percent	10,040	226	250	24	288	2,891,520	600	181	200	19	228	136,800	10,640	3,028,320
Subtotal	1,731,654					132,328,200	161,365					9,548,384	1,893,019	141,876,384

TABLE 4.—COST OF COMPENSATION INCREASE IN S. 3348

Degree of disability or paragraph of sec. 314	Cases at wartime rates						Cases of peacetime rates						Total cases	Total additional annual 1st year cost
	Cases	Rate increase: Present	Rate increase: Proposed	Rate increase: Monthly	Rate increase: Annual	Additional annual cost	Cases	Rate increase: Present	Rate increase: Proposed	Rate increase: Monthly	Rate increase: Annual	Additional annual cost		
Total disabled:														
100 percent	82,715	$400	$450	$50	$600	$49,629,000	12,110	$520	$360	$40	$480	$5,812,600	94,825	$55,441,800
(L)	6,662	500	550	50	600	3,997,200	777	400	440	40	480	372,960	7,439	4,370,160
(M)	4,766	550	600	50	600	2,859,600	533	440	480	40	480	255,840	5,299	3,115,440
(N)	1,149	625	675	50	600	698,400	110	500	540	40	480	52,800	1,259	742,200
(R)	6,715	1,000	1,250	50	600	4,029,000	1,320	800	840	40	480	633,600	8,035	4,662,600
(S)	6,070	450	500	50	600	3,642,000	800	360	400	40	480	384,000	6,870	4,026,000
Subtotal	108,077					64,846,200	15,650					7,511,800	123,727	72,358,200
Total	1,839,731					197,174,400	177,015					17,060,184	2,016,746	214,234,584

EFFECTIVE DATE

The increase in compensation payments and dependents' allowances becomes effective January 1, 1971.

DEFINING THE TERM "CHILD" FOR THE PURPOSES OF TITLE 38, UNITED STATES CODE

The Senate proceeded to consider the bill (H.R. 10106) to revise the definition of a "child" for purposes of veterans' benefits provided by title 38, United States Code, to recognize an adopted child as a dependent from the date of issuance of an interlocutory decree which had been reported from the Committee on Finance with amendments on page 2, after line 2, insert a new section, as follows:

SEC. 2. Section 413 of title 38, United States Code, is amended to read as follows:

"§ 413. Dependency and indemnity compensation to children

"Whenever there is no widow of a deceased veteran entitled to dependency and indemnity compensation, dependency and indemnity compensation shall be paid in equal shares to the children of the deceased veteran at the following monthly rates:

"(1) One child, $88.

"(2) Two children, $127.

"(3) Three children, $164.

"(4) More than three children, $164, plus $32 for each child in excess of three."

After line 16, insert a new section, as follows:

SEC. 3. (a) Subsection (a) of section 414 of title 38, United States Code, is amended by striking out "$29" and inserting in lieu thereof "$32".

(b) Subsection (b) of section 414 of such title is amended by striking out "$80" and inserting in lieu thereof "$88".

(c) Subsection (c) of section 414 of such title is amended by striking out "$41" and inserting in lieu thereof "$45".

At the top of page 3, insert a new section, as follows:

SEC. 4. (a) The first sentence of section 417(a) of title 38, United States Code, is amended by inserting "(1)" immediately after "unless", and by striking out the period at the end of such sentence and inserting in lieu thereof a comma and the following: "or (2) the total amount paid to the widow, children, or parents of such veteran under any such policy is equal to or exceeds the face value of the policy and such amount paid when added to any amounts paid as death compensation is equal to or less than the total amount which would have been payable in dependency and indemnity compensation following the death of such veteran if such widow, children, or parents had been eligible for such compensation upon the death of such veteran. Any person receiving death compensation at the time he becomes eligible for dependency and indemnity compensation pursuant to clause (2) of the preceding sentence shall continue to receive such death compensation unless he makes application to the Administrator to be paid dependency and indemnity compensation. An election by such person to receive dependency and indemnity compensation shall be final.".

(b) The last sentence of section 417(a) of such title is amended by striking out "preceding sentence" and inserting in lieu thereof "first sentence".

(c) No dependency and indemnity compensation shall be payable to any person by virtue of the amendments made by subsection (a) of this section for any person prior to the effective date of this Act.

And on page 4, after line 2, insert a new section, as follows:

SEC. 5. The amendments made by sections 2 and 3 of this Act shall become effective on the first day of the second calendar month following the month in which this Act is enacted.

Mr. TALMADGE. Mr. President, the House version of H.R. 10106 would revise the definition of the term "child" for veterans' benefit purposes. Under present law, an adopted child is only considered legally adopted and thus eligible for veterans' benefit purposes when the decree of adoption has become final. H.R. 10106 would provide that the child be considered legally adopted at the time the interlocutory decree is issued. This would permit the payment of compensation, pensions or education benefits in these cases before a final decree of adoption is issued.

The committee bill does not change the text of the House bill. However, the committee did add an amendment with two provisions.

First, the committee bill would increase by 10 percent monthly dependency and indemnity compensation payments to children where there is no widow entitled to receive these benefits, and to certain other children age 18 and over specified in the law.

Second, the committee amendment would extend dependency and indemnity compensation eligibility to certain widows now ineligible because their husbands were insured under National Service Life Insurance on a premium-free basis.

Mr. President, I ask unanimous consent that a table be inserted in the RECORD at this point showing the increases in dependency and indemnity compensation benefits under the committee amendment.

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

COMMITTEE AMENDMENT TO H.R. 10106

INCREASE IN DEPENDENCY AND INDEMNITY COMPENSATION BENEFITS TO CHILDREN WHERE NO WIDOW IS ENTITLED AND IN CERTAIN SPECIFIED CASES

	Present law	Committee amendment
1 child	$80	$88
2 children	115	127
3 children	149	164
Each additional child	29	32
Disabled child above age 18—		
Where no widow is entitled to DIC	29	32
Where widow is entitled to DIC	80	88
Student, age 18 to 23, where widow is entitled	41	45

The amendments were considered and agreed to en bloc.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended so as to read:

An Act to amend title 38, United States Code, to revise the definition of the term "child" to recognize an adopted child of a veteran as a dependent from the date of issuance of an interlocutory decree, to increase the rates of dependency and indemnity compensation payable to dependent children of deceased veterans, and for other purposes.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–785), explaining the purposes of the measure.

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

DEFINITION OF CHILD

The current definition of a child in title 38, United States Code, in essence provides that an adopted child is only legally adopted when the decree of adoption has become final. The purpose of this bill is to amend the law to provide that the child shall be considered legally adopted at the time of the issuance of the interlocutory decree and shall continue to be so considered unless such decree is rescinded. This would permit, in cases where warranted, the payment of compensation, pension, or education benefits prior to the issuance of the final decree of adoption.

INCREASE IN DEPENDENCY AND INDEMNITY COMPENSATION PAYMENTS FOR CHILDREN

Benefits when no widow is entitled.—The original 1956 legislation establishing the dependency and indemnity compensation program provided specified amounts of DIC payments to children when no widow was entitled. These amounts were set at $70 for one child, $100 for two children, $130 for three children, and $25 for each additional

child. In 1967, the amounts were set at their present levels of $80 for one child, $115 for two children, $149 for three children, and $29 for each additional child. About 44,000 children receive these benefits today.

The committee amendment provides a 10-percent increase in these benefits, as shown in table 1.

Benefits to certain children 18 and over.—The original 1956 legislation also specified DIC amounts payable in certain cases. A child over age 18 who became permanently incapable of selp-support before reaching age 18 was entitled to $25 additional DIC if there was no widow entitled, and $70 additional DIC if there was a widow receiving DIC. A child between 18 and 21 (now 23) who was a student was entitled to an additional $35 in monthly DIC if there was a widow entitled.

These amounts were set in 1967 at $29, $80, and $41, respectively, the levels under present law. More than 6,000 children 18 and over receive benefits under this section of the law. The committee amendment provides a 10-percent increase in these benefits, as shown in table 1.

TABLE 1.—DEPENDENCY AND INDEMNITY COMPENSATION BENEFITS TO CHILDREN WHERE NO WIDOW IS ENTITLED AND IN CERTAIN SPECIFIED CASES

	Present law	Proposed
1 child	$80	$88
2 children	115	127
3 children	149	164
Each additional child	29	32
Disabled child above age 18—		
Where no widow is entitled to DIC	29	32
Where widow is entitled to DIC	80	88
Student, age 18 to 23, where widow is entitled	41	45

EXTENDING DEPENDENCY AND INDEMNITY COMPENSATION TO CERTAIN SURVIVORS OF VETERANS WHO WERE INSURED UNDER GOVERNMENT LIFE INSURANCE ON A PREMIUM-FREE BASIS

Before the dependency and indemnity compensation was established in 1956, two major types of benefits were offered the survivors of deceased servicemen: monthly death compensation payments, and a $10,000 gratuitous indemnity. The death compensation payments were small monthly payments, with the same amount payable to all widows whose husbands were killed in wartime service. The $10,000 gratuitous indemnity had been authorized at the beginning of the Korean war as a free equivalent to the $10,000 National Service Life Insurance that had been offered to servicemen during World War II. Those servicemen who still had National Service Life Insurance (or pre-World War II U.S. Government life insurance) at the beginning of the Korean war were given the choice of either dropping their National Service Life Insurance in order to receive the $10,000 gratuitous indemnity, or continuing the National Service Life Insurance with the premiums waived—in effect, receiving $10,000 in gratuitous life insurance. The same choice applied to holders of U.S. Government life insurance.

When the Congress in 1956 revised the survivor benefit program, the $10,000 indemnity was eliminated, and in its stead the new program of dependency and indemnity compensation was established, with much more generous monthly payments to widows than had been provided under death compensation.

While the $10,000 gratuitous indemnity was eliminated from the law, however, the Veterans' Administration ruled that they had a contractual obligation to continue National Service Life Insurance on a premium-free basis to those servicemen who had secured the waiver prior to the new law. In the light of this ruling, the Congress decided to deny monthly dependency and indemnity compensation payments to survivors receiving payments under National Service Life Insurance that had been continued in force on a premium-free basis. These survivors were and still are permitted to receive only the lower monthly death compensation payments, which have not been increased in 15 years. In view of this provision, a great effort was made to encourage as many servicemen as possible to resume payment of premiums for their National Service Life Insurance rather than having it continued free, so that their widows would be eligible for the much more adequate monthly dependency and indemnity compensation payments. It is a tribute to that effort that although many servicemen still hold National Service Life Insurance, almost all of them pay premiums to insure that their survivors will be eligible for dependency and indemnity compensation. About 165,000 widows are receiving dependency and indemnity compensation today; however, because of the prohibition in the law just described, some 2,800 widows are barred from receiving dependency and indemnity compensation.

The committee amendment would end this situation which forever denies dependency and indemnity compensation to a widow who received a $10,000 gratuitous insurance benefit upon her husband's death. Under section 4 of the bill as reported, the Veterans' Administration would compute the total amount of dependency and indemnity compensation which would have been payable to the deceased's survivors had they been eligible to receive it. When the total amount of insurance benefits and death compensation actually paid the survivors equals or is less than the DIC they would have received had they been eligible, the survivors would be eligible to apply for dependency and indemnity compensation. The Veterans' Administration estimates that about 700 widows would now be eligible to receive dependency and indemnity compensation under this proposal.

This provision would be fair to these widows who have been limited to receiving death compensation, and it would be fair to the many servicemen who have wisely chosen to pay for their National Service Life Insurance so that their wives are adequately protected. Both groups would be treated equitably.

RECOUPMENT OF DISABILITY SEVERANCE PAY

The Senate proceeded to consider the bill (H.R. 10912) to amend title 38, United States Code, to liberalize the conditions under which the Administrator of Veterans' Affairs is required to effect recoupment from disability compensation otherwise payable to certain disabled veterans.

Mr. TALMADGE. Mr. President, under existing law, members of one of the branches of the Armed Forces who become permanently disabled to such a degree as to make them unfit to perform their duties may be granted disability retirement pay from the branch of the service with which they served, if they have 8 or more years of service and if the degree of disability is 30 percent or more. If the period of service is less than 8 years or the degree of disability is less than 30 percent, as determined under the Veterans' Administration's schedule for rating disabilities, then a lump-sum payment—disability severance pay—is made in lieu of the monthly disability retirement. The law provides that the amount of this lump-sum payment shall be deducted from any compensation for the same disability to which the veteran becomes entitled under laws administered by the Veterans' Administration.

Thereafter, the veteran may not receive the disability compensation to which he would otherwise be entitled until the disability severance pay has been completely repaid. It may happen that a veteran's disability becomes more severe, even severe enough to render him totally disabled. Under present law, the veteran's full compensation payment would have to be recouped leaving him with no income whatsoever.

Under the bill the rate of monthly recoupment would not be increased if the veteran's disability increased in severity.

The Veterans' Administration estimates that few veterans would be affected and that there would be no significant cost.

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

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91-783), explaining the purposes of the measure.

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

EXPLANATION OF THE BILL

Under existing law, members of one of the branches of the Armed Forces who become permanently disabled to such a degree as to make them unfit to perform their duties may be granted disability retirement pay from the branch of the service with which they served, if they have 8 or more years of service and if the degree of disability is 30 percent or more. If the period of service is less than 8 years or the degree of disability is less than 30 percent, as determined under the Veterans' Administration's schedule for rating disabilities, then a lump-sum payment (disability severance pay) is made in lieu of the monthly disability retirement. The law provides that the amount of this lump-sum payment shall be deducted from any compensation for the same disability to which the veteran becomes entitled under laws administered by the Veterans' Administration.

Thereafter, the veteran may not receive the disability compensation to which he would otherwise be entitled until the disability severance pay has been completely repaid. This is true even if his disability becomes more disabling. For example, suppose the severance pay amounted to $5,000 and the disability was 20 percent (which now amounts to a monthly compensation payment of $43) and suppose the veteran's disability should increase to being totally disabling. While the veteran would be entitled to $400 a month based on total disability, he could not receive any of the increased benefits until and unless the $5,000 had been completely repaid representing recoupment of the disability severance pay.

The purpose of this bill which was suggested by the Veterans' Administration and transmitted formally to the Congress is to permit the Veterans' Administration, as in the example indicated above, to deduct the initial rate of compensation rather than the current amount to which he is eligible. In the example used, if this bill is enacted into law, the veteran would receive $400 a month based on his total disability. From that would be deducted each month $43, that being the current rate for 20-percent disability and this $43 deduction would be continued until the $5,000 disability severance pay was completely recouped.

QUAPAW INDIANS, OKLAHOMA

The bill (S. 887) to further extend the period of restrictions on lands of the Quapaw Indians, Oklahoma, and for other purposes was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

A bill to further extend the period of restrictions on lands of the Quapaw Indians, Oklahoma, and for other purposes

S. 887

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the existing restrictions, tax exemptions, and limitations affecting lands of Quapaw Indians in Oklahoma that were extended to March 3, 1971, by the Act of July 27, 1939 (53 Stat. 1127), are hereby extended for a further period of twenty-five years from the date on which such restrictions, tax exemptions, and limitations would otherwise expire.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–793), explaining the purposes of the measure.

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

PURPOSE

The purpose of the bill, introduced by Senator Harris, is to extend for an additional period of 25 years from March 3, 1971, the restrictions, tax exemptions, and limitations affecting lands of the Quapaw Indians in Oklahoma that were extended to that date by the act of July 27, 1939 (53 Stat. 1127). Unless extended, all allotments will become unrestricted on March 3, 1971.

NEED

At the present time there are 79 allotments, comprising almost 12,500 acres, held wholly or partially in a restricted fee status. The Quapaw Indians have lead and zinc leases, but no oil and gas leases. More than 6,500 acres are under permit. Several small towns are located on Quapaw lands, and many of these permits cover town lots. The Bureau of Indian Affairs has had problems collecting rents and expresses a doubt that the residents would pay rent to the Indian owners if the lands become unrestricted. The Indians would probably lose control of the land. There is no existing authority by which the Secretary of the Interior may extend the Quapaw restrictions.

The Department of the Interior advised the committee that there is a definite need to continue supervision and administration of the mineral leases and the town lots. Although the Department recommended substitute language which would have extended the period of restrictions for an indefinite time, the committee has retained the 25-year provision as set forth in the bill as introduced.

COST

No additional Federal expenditure will result from the enactment of this bill.

DISPOSITION OF ESTATES OF INTESTATE MEMBERS OF THE CHEROKEE, CHICKASAW, CHOCTAW, AND SEMINOLE NATIONS OF OKLAHOMA DYING WITHOUT HEIRS

The bill (H.R. 4145) to provide for disposition of estates of intestate members of the Cherokee, Chickasaw, Choctaw, and Seminole Nations of Oklahoma dying without heirs was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–794), explaining the purposes of the measure.

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

PURPOSE

The purpose of H.R. 4145 is to provide that when a member, or the descendant of a member, of the Cherokee, Chickasaw, Choctaw, or Seminole Tribes of Oklahoma dies without a will, and he has no heirs, his interest in any trust or restricted land, or in the rents therefrom, will escheat to the tribe.

NEED

The enactment of this bill is needed to make applicable to the four tribes named the same rule of law that has applied for many years to most other tribes throughout the country (25 U.S.C. 373a).

The general law by its terms does not apply to the Five Civilized Tribes of Oklahoma (which are the four tribes named in this bill, plus the Creek Tribe of Oklahoma). The reason for the exception probably was the fact that a 1918 statute (25 U.S.C. 375) gave the Oklahoma courts jurisdiction to probate the estates of deceased members of these tribes. The 1918 statute made no provision, however, for the estates of persons dying intestate without heirs.

In 1967 an escheat statute was enacted by the Congress for the Creek Tribe, and the enactment of the pending bill will cover the remaining four of the five civilized tribes.

Only one small estate has escheated to the Creek Tribe under the 1967 statute, and the number of estates that may escheat under this bill is expected to be small.

COST

No additional expenditure of Federal funds will result from the enactment of H.R. 4145.

HOPI INDIAN TRIBE, ARIZONA

The Senate proceeded to consider the bill (H.R. 4869) to further the economic advancement and general welfare of the Hopi Indian Tribe of the State of Arizona, which had been reported from the Committee on Interior and Insular Affairs, with amendments, on page 1, after line 2, strike out:

That, for the purpose of assisting in the economic advancement and contribution to the general welfare of the Hopi Indian Tribe of Arizona, the Secretary of the Interior may, in his discretion, upon request of the Hopi Tribal Council, purchase with tribal funds, or otherwise acquire by gift, exchange, relinquishment, or assignment, any lands or interests therein within, adjacent to, or in close proximity to the Hopi Industrial Park in the counties of Navajo and Coconino in the State of Arizona: *Provided,* That any exchange shall be upon a fair and equitable basis with partial money consideration where required and only such Hopi Tribal lands may be given in any exchanges as are within, adjacent to or in close proximity to said Hopi Industrial Park: *And provided further,* That title to all lands, or interests therein, acquired pursuant to this authority shall be taken in the name of the United States of America in trust for the Hopi Tribe and such lands, or interests therein, shall be nontaxable.

And, in lieu thereof, insert:

That, for the purpose of assisting in the economic advancement and contributing to the general welfare of the Hopi Indian Tribe of Arizona, the Congress hereby finds it to be fitting and appropriate to provide the Hopi Tribal Council with certain powers of self-determination that are necessary to enable the Hopi people to carry out the effective development and operation of the Hopi Industrial Park, which is located in the counties of Navajo and Coconino in the State of Arizona.

On page 2, line 20, after the word "lands", strike out "within, adjacent to, or in close proximity to said", and insert "within the"; in line 23, after the word "Industrial", strike out "Park or adjacent thereto, or in close proximity therewith.", and insert "Park."; on page 3, line 10, after the word "from", strike out the word "said"; in line 11, after the word "within", strike out "or adjacent or in close proximity to"; in line 14, after the word "the", strike out the word "tribe" and insert "Hopi Tribe"; on page 4, at the beginning of line 22, strike out "or without"; at the beginning of line 24, strike out "lands acquired by the tribe pursuant to this Act,"; on page 5, line 2, after the word "provision", strike out "of any Federal laws then in effect." and insert "of Federal laws."; and in line 13, after the word "the", strike out "tribal council." and insert "Hopi Tribal Council."

The amendments were considered and agreed to en bloc.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–788), explaining the purposes of the measure.

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

PURPOSE

The purpose of this bill as amended is to give the governing body of the Hopi Tribe the authorities it needs to develop the Hopi Industrial Park.

NEED

The Hopi Industrial Park consists of 200 acres of land located just outside the city limits of Winslow, Ariz., and about 40 miles from the Hopi Reservation. The land was donated to the tribe and the title is held by the United States in trust. The purpose of the donation was to attract industry to, and develop business in, Winslow and thereby provide employment to Hopi Indians. Out of a Hopi labor force of 2,300, about 1,000 are unemployed.

The tribe has leased 40 acres of the industrial park to a subsidiary of the BVD Corp. Under the terms of the lease the tribe is obligated to spend $1,600,000 for constructing and furnishing the factory. These are tribal funds, and involve no expense to the United States. At the present time the company employs 72 employees, 65 of whom are Indians. When the plant facilities are fully utilized 250 persons will be employed, 200 of whom will be Indians.

In order to finance further development of the industrial park, the tribe needs authority to raise the necessary funds by borrowing from commercial lending institutions or by issuing bonds, secured by mortgages on the real property in the park and by a pledge of tribal revenues.

The bill, as amended, grants these authorities, with the following limitations:

(1) The authority to dispose of and mortgage land is limited to lands in the industrial park. The authority does not extend to the Hopi Reservation proper.

(2) The bonds issued by the tribe, and the interest on the bonds, will be tax exempt to the same extent they would have been tax exempt if they had been issued by the State of Arizona or a political subdivision thereof.

(3) Any bonds or other securities issued by the Hopi Tribe will be subject to the fraud provisions of the Securities and Exchange legislation, but will be exempt from its registration requirements. Since the issuance of these bonds and securities will be subject to supervision by the Secretary of the Interior, there is no need to subject them to the registration and disclosure requirements of the Securities and Exchange legislation. This provision of the bill conforms to the recommendations of the Department of the Interior and the Securities and Exchange Commission.

(4) The exercise of all powers granted by the bill is subject to approval of the Secretary of the Interior.

(5) The authority to lease or rent tribal land is granted to the Hopi Tribal Council, but only to the extent authorized by Federal law.

The enactment of this bill will permit the Hopi Tribe to stimulate industrial development that will provide jobs for Indians, in a manner that is consistent with similar efforts by other governmental units, and without any expense to the Federal Government.

The committee has adopted a number of amendments. The most important of these would delete those provisions of the bill which would permit further acquisitions of land around the industrial park in a trust status. It is the committee's policy to not approve trust titles to lands that are situated outside the boundaries of reservations. However, it should be pointed out that there is no restriction of any kind on the tribe acquiring any land in fee outside its reservation boundaries. The other amendments are of a technical and clarifying nature.

COST

Enactment of H.R. 4869 will require no Federal expenditure.

RIVERTON FEDERAL RECLAMATION PROJECT

The Senate proceeded to consider the bill (S. 434) to reauthorize the Riverton extension unit, Missouri River Basin project, to include therein the entire Riverton Federal reclamation project, and for other purposes, which had been reported from the Committee on Interior and Insular Affairs with amendments, on page 1, at the beginning on line 8, insert "fish and wildlife conservation and development recreation,"; on page 2 line 13, after the word "is", strike out "confirmed." and insert "executed."; on page 4, line 9, after the word "other", insert "land"; after line 23, insert a new section, as follows:

SEC. 6. The provision of lands, facilities, and project modifications which furnish outdoor recreation and fish and authorized under the designation "Riverton unit of the Missouri River Basin project".

And on page 5, at the beginning of line 4, change the section number from "6" to "7"; so as to make the bill read:

That the general plan for the Riverton extension unit, Missouri River Basin project, heretofore authorized under section 9 of the Flood Control Act of 1944 (58 Stat. 887), is modified to include relief to water users, construction, betterment of works, land rehabilitation, water conservation, fish and wildlife conservation and development, recreation, flood control, and silt control on the entire Riverton Federal reclamation project. As so modified the general plan is reauthorized under the designation "Riverton unit of the Missouri River Basin project".

SEC. 2. (a) The Secretary of the Interior is authorized to negotiate and execute an amendatory repayment contract with the Midvale Irrigation District covering all lands of the Riverton unit. This contract shall replace all existing repayment contracts between the Midvale Irrigation District and the United States.

(b) The period for repayment of the construction and rehabilitation and betterment costs allocated to irrigation and assigned to be repaid by the irrigation water users shall be fifty years from and including the year in which such amendatory repayment contract is executed.

(c) During the period required to construct and test the adequacy of drains and other water conservation works, the rates of charge to land classes and the acreage assessable in each land class in the unit shall continue to be as established in the amendatory repayment contract with the district dated June 26, 1952; thereafter such rates of charge and assessable acreage shall be in accordance with the amortization capacity and classification of unit lands as determined by the Secretary.

(d) The district's repayment obligation under the amendatory contract shall reflect a credit for any amounts paid by the district in reduction of its repayment obligation under previous contracts, and the repayment period of individual tracts within the district shall be reduced to reflect a credit for any amounts paid by the district in reduction of its repayment obligation under previous contracts which are attributable to such tracts.

(e) During the first ten years of the repayment period under the amendatory contract, the annual payment obligation of the district shall be reduced by the amounts which the district has credited in the previous year to water users who have provided title for the project drainage program: *Provided,* That the total of such reduction shall not exceed $50,000.

SEC. 3. (a) Construction and rehabilitation and betterment costs of the Riverton unit which the Secretary determines to be assignable to lands classified now or hereafter as permanently unproductive shall be nonreturnable and nonreimbursable: *Provided,* That whenever new lands or lands now or hereafter classified as nonproductive are classified or reclassified as productive, the repayment obligation of the district shall be increased appropriately.

(b) All miscellaneous net revenues of the Riverton unit shall accrue to the United States and shall be applied against irrigation costs not assigned to be repaid by irrigation water users.

(c) Construction and rehabilitation and betterment costs of the Riverton unit allocated to irrigation and not assigned to be repaid by irrigation water users nor returned from miscellaneous net revenues of the unit shall be returnable from net revenues of the Missouri River Basin project.

SEC. 4. The limitation of lands held in beneficial ownership within the unit by any one owner, which are eligible to receive project water from, through, or by means of project works, shall be one hundred and sixty acres of class I land or the equivalent thereof in other land classes, as determined by the Secretary.

SEC. 5. (a) Lands available for disposition on the Riverton unit, including property acquired pursuant to the Act of March 10, 1964, shall be sold at public or private sale at not less than appraised fair market value at the time of sale. The Secretary may dispose of such lands in tracts of any size, so long as no such disposition will result in a total ownership within the unit by any one owner in excess of the limitation prescribed in section 4 above.

(b) In the disposition of lands on the Riverton unit resident landowners on the unit who have not obtained relief under the Act of March 10, 1964, as amended, shall have a prior right to purchase tracts in order to supplement their existing farms.

SEC. 6. The provision of lands, facilities, and project modifications which furnish outdoor recreation and fish and wildlife enhancement benefits in connection with the Riverton extension unit shall be in accordance with the Federal Water Project Recreation Act (79 Stat. 213).

SEC. 7. Appropriations heretofore or hereafter made for carrying on the functions of the Bureau of Reclamation shall be available for credits, expenses, charges, and cost provided by or incurred under this Act. The Secretary is authorized to make such rules and regulations as are necessary to carry out the provisions of this Act.

Mr. McGEE. Mr. President, this bill, S. 434, sponsored by me and my colleague from Wyoming (Mr. HANSEN), is to reauthorize the Riverton extension unit of the Missouri River Basin project and to include therein the entire reclamation project.

The Riverton project was first authorized as an Indian project in 1917. It was placed under the Bureau of Reclamation's jurisdiction in 1920. Thereafter, over a period of 20 years, the first and second divisions, containing 45,000 acres, were developed into a successful irrigated farming operation.

The third division, which contains 25,000 acres, was authorized by the Flood Control Act of 1944 as the "Riverton Extension Unit, Missouri River Basin Project." It is presently owned by the U.S. Government.

Since 1964 approximately 8,900 acres of irrigable lands in the third division have been leased to the farmers of the Midvale irrigation district which is comprised of the first and second divisions of the Riverton project. These lands of the third division are now being farmed successfully as a result of the skillful endeavors of the Midvale farmers, even though they are operating under a distinct disadvantage due to the short-term temporary leases. Continued farming of this land on the basis of 1-year leases is unsatisfactory for at least two reasons. The land remains in Federal ownership and is thus removed from the local tax rolls placing an unreasonable burden on the local community and school districts. Also this temporary leasing arrangement discourages efficient long-range farming practices. It does not lend itself to providing incentives for the construction and maintenance of permanent improvements on the land.

Simply stated, this proposed legislation would transfer to private ownership by sale those irrigable lands of the third division now owned by the United States. The lands within the boundaries of the Midvale irrigation district would be included. The result would be one legally constituted entity having the care, operation, and maintenance of all irrigable lands of the Riverton reclamation project. The simplicity of administration, the economy of operation, and other advantages from this proposal are obvious. It is intended to enable all parties concerned to carry into effect the idea

of one irrigation project operated and maintained by one irrigation district. The bill would also provide the means to accomplish the much needed rehabilitation and repairs on the first and second divisions.

S. 434 contains the necessary provisions to accomplish these worthwhile objectives. I would like to set forth very summarily the provisions of this proposed legislation, but first let me make one point which I think is important. This is not a new proposal. It has involved many persons with an expertise in reclamation matters. On at least three occasions the Secretary of the Interior has appointed a commission to review the Riverton project. Survey teams have made on-the-spot investigations and studies of the project. The Bureau of Reclamation and the Midvale farmers have gained a great deal of experience on the third division since 1964 when the irrigable lands were first leased. The bill which we have before us today has been proposed and drafted as a result of the recommendations made by the review commissions and the Bureau of Reclamation. It is based upon a wealth of experience which all of the parties have gained over the years.

Section 1 of S. 434 would reauthorize the entire Riverton project as a unit for the Missouri River project. The three divisions, as they are now known, would be consolidated under the existing Midvale irrigation district as the operating agent.

Sections 2 and 3 would authorize the negotiation and execution of a new repayment contract with the Midvale irrigation district with a 50-year repayment period. An accounting of all costs and revenue to date would be made with a writeoff of the costs associated with the marginal and nonproductive land remaining in the old third division. Missouri River Basin power revenues would be used to assist in the repayment of costs which go beyond the irrigators' 50-year repayment capacity. These sections of the bill provide important relief which is imperative to the Midvale irrigation district on the first and second divisions. The existing Midvale contract has a repayment period of 108 years. As it now stands the rehabilitation and betterment work which is necessary to Midvale could only be repaid beyond that lengthy period of time. Therefore it is obvious that the new 50-year repayment contract is all important.

Section 4 adopts the "class 1" equivalency concept which would permit individual units to include more than 160 acres where lower land classes are involved in a single ownership.

Section 5 of the bill would authorize the Secretary of the Interior to sell lands on the third division at no less than their appraised fair-market value. The resident landowners on the Riverton project would be given a first priority to purchase these lands which have been proven under the leasing arrangements since 1964 to be irrigable and productive farmlands. This, of course, would allow the present farmers to expand their operations into a more desirable size and allow them to earn a fair return on their labors.

Mr. President, I will close on one last remark. The soundness of this project, the importance of this project, and the proven effectiveness and efficiency of this project have closed all of our ranks in support of this legislation. In our State of Wyoming this is no partisan matter. It is all too important and above politics. It is vital to the economy of the Riverton area. This is important. It attests to the high level of the project and its importance to my State.

Mr. President, I respectfully urge favorable consideration of S. 434 by the Senate.

Mr. HANSEN. Mr. President, favorable action by the U.S. Senate on S. 434, a bill reauthorizing the Riverton reclamation project, makes this a bright day for Wyoming and for the Riverton area in particular.

S. 434 reauthorizes the Riverton project as a unit of the Missouri River Basin project. It provides for negotiations of a repayment contract which will permit much needed rehabilitation and betterment work on the first two divisions of the project. In addition, this legislation provides for the resale of the lands on the project's third division. The resale will place these lands back in private hands and back on the tax roles where they can make a much greater contribution to the economy of the area.

The legislation just passed by the Senate has the unanimous support of the entire Wyoming congressional delegation and of the State of Wyoming. We have worked long and hard for this day and we will continue to work together to insure early House action on this legislation. The people most responsible for the Senate's action today are the citizens of the Riverton area themselves. The county officials, the local school boards, the chamber of commerce all banded together with the families on the Riverton project and actively worked for passage of this legislation.

Reauthorization of the Riverton project and the resale of the third-division lands will give new economic stability to the entire area. The tax revenues will help pay for the schools and roads. The rehabilitation work will insure that a good project which has been in existence since 1917 and which has paid approximately $1.5 million to the Federal Government under the terms of its repayment contract will continue to contribute to the local economy, the State, and Nation.

Recently more Members of the Congress have begun to realize that the best way to solve the problems of our urban centers is to insure a strong economy in our rural areas. If rural America can provide the opportunities for men and women to make a decent living on the land and in the rural communities, and the migration to the cities will be slowed. By stemming the tide of migration to the cities, the Congress can contribute greatly to a solution to the problems of the cities.

The passage of S. 434 is an example of how Congress can act to help provide for a strong economy in a rural area of this Nation.

The amendments were considered and agreed to en bloc.

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

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–789), explaining the purposes of the measure.

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

PURPOSE OF THE MEASURE

The purpose of this legislation, which was introduced by the Senators from Wyoming, is to consolidate the Riverton reclamation project, presently in operation, and the lands of the former Riverton extension unit of the Missouri River Basin project, now in Federal ownership, within a single authorized unit of the Missouri River Basin project. The consolidation will provide a new repayment plan for the entire unit including necessary rehabilitation and betterment of existing facilities, write-off of costs associated with the development of lands found to be nonproductive, and provision of repayment assistance from power revenues of the Missouri River Basin project.

BACKGROUND

The Riverton project was first authorized as an Indian project in 1917. It was placed under Bureau of Reclamation's jurisdiction in 1920. The first and second divisions (45,000 acres) were developed over a 20-year period.

The third division (25,000 acres) was authorized by the Flood Control Act of 1944 (58 Stat. 887) as the "Riverton Extension Unit, Missouri River Basin Project." After about 12,000 acres of the division were developed, the landowners of the third division encountered operating problems, chiefly waterlogging and salination, and financial problems. The Congress, by act of March 10, 1964 (78 Stat. 156) authorized the United States to acquire lands in the third division. All but about 80 acres have been purchased and are now owned by the United States. The cost of repurchasing the lands was about $3,200,000.

After the lands of the third division were brought back, the Bureau made about 9,000 acres available for leasing on an annual permit basis. The farmers of the Midvale Irrigation District which comprises the first two divisions of the Riverton project have leased these lands and are farming them successfully.

Continued farming of this land on the basis of temporary leases is unsatisfactory because (1) the land is in Federal ownership and thus is removed from local tax roles, and (2) temporary leasing does not encourage efficient, long-range farming practices or the maintenance of improvements on the lands.

The lands of the Midvale Irrigation District included in the first and second divisions are in need of rehabilitation and betterment work. Lands are being lost to seepage and erosion. Canal lining and drain construction are required. Original structures need replacement, particularly those which were constructed prior to the availability of modern alkali-resistant concrete and which have been attacked by alkaline soils and frost action.

Based upon the water users ability to repay, the costs of the needed rehabilitation along with the existing construction debt will require a repayment period considerably in excess of 100 years if repayment assistance is not provided.

PRESENT LEGISLATION

The bill, S. 434, was introduced by Senator McGee for himself and Senator Hansen on January 21, 1969. The Subcommittee on Water and Power Resources held an open hearing on March 20, 1970.

The Department of the Interior by letter of March 19, 1970, recommended enactment of the bill if amended. The committee has adopted the amendments recommended by the Department. The Bureau of the Budget by letter of March 13, 1970, expressed no objection to the reauthorization but expressed reservations concerning the inclusion of third division lands.

TRANSFER OF THE BROWN UNIT OF THE FORT BELKNAP INDIAN IRRIGATION PROJECT ON THE FORT BELKNAP INDIAN RESERVATION, MONT., TO THE LANDOWNERS WITHIN THE UNIT

The bill (S. 3007) to authorize the transfer of the Brown unit of the Fort Belknap Indian irrigation project on the Fort Belknap Indian Reservation, Mont., to the landowners within the unit was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 3007

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is authorized to convey all of the right, title, and interest of the United States in the facilities of the Brown unit of the Fort Belknap Indian irrigation project, located in township 28 north, ranges 23 and 24 east, Montana principal meridian, including, but not limited to, easements, rights-of-way, canals, laterals, drains, structures of all kinds, and water rights held for the benefit of the unit, to an organization or association having form and powers satisfactory of the Secretary which represents the owners of the lands served by the unit. As a condition to said conveyance, the grantee organization or association shall assume full and sole responsibility for the care, operation, and maintenance of the unit upon conveyance, and shall hold the United States free of all loss or liability for damages or injuries, direct or consequential, caused by the existence or operation of the unit or any of its features or structures, from and after the date of its conveyance.

SEC. 2. Upon conveyance of the Brown unit of the Fort Belknap Indian irrigation project as provided for in section 1 of this Act, the Secretary is authorized to cancel all accrued operation and maintenance charges and all construction charges with respect to the said unit.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–782), explaining the purposes of the measure.

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

PURPOSE OF THE MEASURE

The purpose of S. 3007, which was introduced by the Senators from Montana, is to authorize the Secretary of the Interior to transfer title for the facilities of the Brown unit of the Fort Belknap Indian irrigation project to the owners of the lands served by the unit. The landowners would then assume responsibility for operation and maintenance.

Section 2 of the bill would cancel all outstanding operation and maintenance charges and deferred construction charges on the project.

BACKGROUND

The first irrigation development on the Fort Belknap project was accomplished by the Indians in 1892.

The Government's first work was rebuilding and extending the existing irrigation in 1949 and 1950, under the authorization of the act of June 10, 1896 (29 Stat. 350).

The Brown unit is a separate and distinct unit of the Fort Belknap Indian irrigation project and is located about 20 miles away from the main project. The unit's water supply is limited and only about 376 acres are being served.

PRESENT LEGISLATION

The bill was drafted at the request of landowners owning 86 percent of the irrigated land. The owners believe that they can operate and maintain the facilities more economically than the Bureau of Indian Affairs because of the travel to and from the unit which is presently involved.

Under the provisions of law applicable to Indian irrigation projects (act of July 1, 1932, 47 Stat. 564) the repayment of construction costs is deferred so long as the lands served are in Indian ownership. Section 2 of S. 3007 would cancel such charges against the Brown unit in the amount of $50,106. It would also cancel outstanding operation and maintenance charges in the amount of $1,257. It seems unlikely that ownership of the lands of the unit will pass from Indian ownership.

The Subcommittee on Water and Power Resources held an open hearing on April 17, 1970.

COMMITTEE RECOMMENDATION

The Interior and Insular Affairs Committee recommends that S. 3007 be enacted.

BILLS PASSED OVER

The bill (S. 1751) to declare that certain federally owned land is held by the United States in trust for the Lac du Flambeau Band of Lake Superior Chippewa Indians was announced as next in order.

Mr. MANSFIELD. Over, Mr. President.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 1461), to amend section 3006A of title 18, United States Code, relating to representation of defendants who are financially unable to obtain an adequate defense in criminal cases in the court of the United States, was announced as next in order.

Mr. MANSFIELD. Over, Mr. President.

The PRESIDING OFFICER. The bill will be passed over.

JOSE ANTONIO NOVARRO COMMEMORATIVE MEDALS

The bill (H.R. 13959) to provide for the striking of medals in commemoration of the many contributions to the founding and early development of the State of Texas and the city of San Antonio by Jose Antonio Novarro was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–769), explaining the purposes of the measure.

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

GENERAL STATEMENT

The bill authorizes the Secretary of the Treasury to strike and furnish to the San Antonio Conservation Society not more than 100,000 medals in commemoration of the contributions to the founding of the State of Texas, and to the development of Texas and the city of San Antonio, of Jose Antonio Navarro. The emblems, devices, and inscriptions of the medals, along with their sizes and composition, are to be determined by the Society with the approval of the Secretary. No medals shall be struck under this bill after December 31, 1970. The medals will be furnished at no cost to the United States since security satisfactory to the Secretary of the Treasury shall be furnished to idemnify the United States for all costs of the medals. The medals may be furnished only in quantities of 2,000 or more, except for gold or silver copies, if any, specially approved by the Secretary of the Treasury.

CONVEYANCE OF SO-CALLED SCATTERED TRACTS IN OKLAHOMA

The Senate proceeded to consider the bill (S. 1498) to provide for the conveyance of so-called scattered tracts in Oklahoma acquired under the act of June 26, 1936 (49 Stat. 1967) which had been reported from the Committee on Interior and Insular Affairs with an amendment. Strike out all after the enacting clause and insert:

That the Secretary of the Interior is authorized and directed to convey, in accordance with the provisions of section 2 of this Act, all of the right, title, and interest, including mineral interests, of the United States and of the Indian tribe involved in and to lands in Oklahoma that were acquired as a part of the Oklahoma scattered tracts project pursuant to authority of the Act of June 26, 1936 (49 Stat. 1967), with title taken in the name of the United States in trust for (a) an individual Indian, or (b) an Indian tribe, or (c) for an individual Indian during his lifetime, then to the tribe of which the individual was a member, until such time as the use of the land was assigned by the Secretary of the Interior to a cooperative group organized under said Act or to an individual Indian, then in trust for such group or individual.

SEC. 2. Conveyances made by the Secretary of the Interior under section 1 of this Act may, in his discretion, be to the former Indian owner, or to the life tenant, or, if the former owner or the life tenant be deceased, to one or more of the relatives of the decedent selected by the Secretary: *Provided,* That, if in the judgment of the Secretary of the Interior, it is in the best interest of any of the intended grantees to convey the title subject to restrictions against alienation and continued tax exemption the deed shall so provide, otherwise the conveyances of the title shall be in fee, free of all restrictions and tax exempt status.

The amendment was agreed to.

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

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–796), explaining the purposes of the measure.

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

PURPOSE

The purpose of the bill, introduced by Senator Harris, is to authorize the Secretary of the Interior to convey to certain individual members of the Five Civilized Tribes interests in former restricted lands that were acquired by the United States pursuant to the Oklahoma Indian Welfare Act of 1936.

NEED

The lands were formerly allotments which, although restricted against alienation, were subject to taxation. During the 1930's the Indians were in danger of losing their property because of nonpayment of taxes. To protect them the Secretary of the Interior, using authority contained in the 1936 act and Federal funds, established the scattered tracts project in the Five Tribes area.

Titles to the lands acquired were for the most part taken in the name of the United States in trust for an individual Indian, during his lifetime, then to the tribe of which the individual was a member, until such time as the use of the land is assigned by the Secretary of the Interior to a cooperative group organized under the 1936 act, or to an individual Indian, then in trust for such group or individual. There are 18 tracts remaining in trust.

The individual Indian beneficiaries have only a limited interest in the properties which is terminated on their demise. The mineral interests formerly owned by the parent or relative of the life tenant are now held by the United States in trust for the benefit of all of the Indians of Oklahoma.

Some question exists as to whether the grantors of the lands fully understood the significance of the conveyances. Since the consideration paid by the Government in most cases was nominal and had no relation to the fair market value, and tribal representatives are in general accord with the basic proposal to vest title in the life tenant or his heirs, devisees, successors, or assigns, the Department of the Interior believes this should be done. The Department's substitute bill will permit the Secretary to divest the United States of all interests in the properties and make conveyances that will avoid title complications.

COST

No additional Federal expenditures will result from the enactment of this bill.

CROWN OF THORNS STARFISH

The bill (S. 3153) to authorize the Secretaries of Interior and the Smithsonian Institution to expend certain sums, in cooperation with the territory of Guam, the territory of American Samoa, the Trust Territory of the Pacific Islands, other U.S. territories in the Pacific Ocean, and the State of Hawaii, for the conservation of their protective and productive coral reefs was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 3153

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purpose of conserving and protecting coral reef resources of the tropical islands of interest and concern to the United States in the Pacific and safeguarding critical island areas from possible erosion and to safeguard future recreational and esthetic uses of Pacific coral reefs, the Secretary of the Interior and the Secretary of the Smithsonian Institution are authorized to cooperate with and provide assistance to the governments of the State of Hawaii, the territories and possessions of the United States, including Guam and American Samoa, the Trust Territory of the Pacific Islands, and other island possessions of the United States, in the study and control of the seastar "Crown of Thorns" (Acanthaster planci).

SEC. 2. In carrying out the purposes of this Act, the Secretary of the Interior and the Secretary of the Smithsonian Institution are authorized to—

(1) conduct such studies, research, and investigations, as they deem desirable to determine the causes of the population increase of the "Crown of Thorns", their effects on corals and coral reefs, and the stability and regeneration of reefs following predation;

(2) to monitor areas where the "Crown of Thorns" may be increasing in numbers and to determine future needs for control;

(3) to develop improved methods of control and to carry out programs of control in areas where these are deemed necessary; and

(4) to take such other actions as deemed desirable to gain an understanding of the ecology and control of the seastar "Crown of Thorns".

SEC. 3. For the purpose of carrying out the provisions of this Act, there is authorized to be appropriated for the period commencing on the date of its enactment and ending June 30, 1975, not to exceed $4,500,000.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–795), explaining the purposes of the measure.

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

PURPOSE OF THE MEASURE

The purpose of this measure as introduced by Senators Fong, Inouye, Jackson, and Allott, and as recommended for enactment by the administration, is to authorize the Secretaries of Interior and the Smithsonian Institution to expend $4.5 million in cooperation with the territories of Guam, American Samoa, the Trust Territory of the Pacific Islands, other U.S. territories in the Pacific Ocean, and the State of Hawaii, for the conservation of their protective and productive coral reefs.

The bill is designed to control the devastating crown of thorns starfish, which, because of a recent population explosion, currently threatens the economic livelihood of Guam and may soon have an adverse impact upon the economy of the Trust Territory of the Pacific Island. Although relatively little is known about the intensity of starfish infestations in other areas of the Pacific under the jurisdiction of the United States, this menacing creature has been noted in American Samoa and the State of Hawaii.

Other functions of the bill are to ascertain what caused the population explosion of seastars, what longterm effects the damage already done will have upon the reef ecology of the insular possessions of the United States, and what should be done to prevent a reoccurrence of this problem.

BACKGROUND

Late last spring the Committee on Interior and Insular Affairs was informed by noted marine scientists that since 1967 more than 23 miles of the coral reefs of Guam had been almost completely destroyed by massive infestations of the crown of thorns starfish, which feeds upon living coral. The committee was further told that this menacing animal was also noted in other areas of the tropical Pacific, and if something was not done soon to control its population, it could have long-range economic repercussions, particularly since many of islanders are dependent upon the reefs and their fisheries resources for subsistence. Evidence was presented which indicated that following the destruction of the living parts of the coral by the starfish, the dead coral becomes encrusted with algae and the resident fishes diminish in total numbers because their food supply has been reduced.

In addition to providing a habitat and food source for fish, the living coral reefs offer protection to the islands during tropical storms. If the coral dies, and begins to erode, the islands become susceptible to erosion and other damage caused by typhoons.

Subsequent to this briefing, Senator Jackson wrote the Secretary of Interior on June 20, 1969, and stated in part:

"Because of the obvious detrimental effects of an unchecked starfish population, I urge you to take immediate action to assess the extent of coral reef damage in the western Pacific, and to recommend a program of starfish control."

Until recently scientists believed this starfish was generally in balance with its environment and not particularly harming corals. Between 1964 and 1966, however, a population explosion of the crown of thorns starfish on the Great Barrier Reef off Australia destroyed over 100 square miles of the reef. More recently, serious coral damage has occurred on Guam, caused by the seastar.

Although several hypotheses have been offered as to why this starfish has undergone such a tremendous population increase in the past 2 years, it is the belief of several leading marine biologists that it was caused by manipulation of the reef environment by man, which upset the balance of a delicate ecosystem.

Somehow the balance of nature has been upset and has enabled the starfish to reach a position of dominance among the living creatures of the reefs. The triton, the chief predator of the adult crown of thorns starfish has been removed in large numbers from coral reefs because of the value of its beautiful shell.

Also, the dynamite blasting and excavation of coral reefs may have greatly assisted the starfish. As anomolous as it may seem, the living parts of coral are actually predatory on small starfish and help keep its population in check. When the coral is killed by blasting, the juvenile starfish survive in large numbers, and subsequently expand their geographic limits until they have matured and become predatory upon the coral.

Early last summer, the Department of the Interior contracted with the Westinghouse Ocean Research Laboratory to organize and carry out a survey of the crown of thorns starfish, particularly in the islands of the trust territory.

Last October, the results of the survey by 10 teams of scientists were made public in their final report on the crown of thorns starfish, entitled "Impact on Pacific Coral Reefs." The findings of the study substantiated reports of recent population increases of starfish in the tropical Pacific. The scientific team noted heavy starfish infestations in Saipan, Tinian, Truk, Ponape, Rota, Palau, Ant, Guam, Majuro, and Arno.

The report summary stated that:

"Team leaders considered the problem significant and in need of considerable research. A control program, which includes research into various aspects of the starfish should be instigated immediately. Such a control program should establish an active eradication effort on infested reefs that have economic or scientific value as well as an educational program to inform islanders of the nature of the problem and how they can contribute to research and control programs."

NEED

On March 18, a hearing was held on S. 3153, before the Subcommittee on Territories and Insular Affairs, at which time testimony was received from administrative witnesses, territorial representatives and leading marine scientists. Dr. Robert Jones, director of starfish control and research activities on Guam, and a marine ecologist at the University of Guam stated:

"Today, while this hearing goes on, thousands of these starfish are devouring coral species on the island of Guam and our neighboring islands of the trust territory. The people of Guam are delighted to see this bill presented and to observe its progress through the orderly and precise channels of democracy. We look forward with great hope

to its eventual passage and with anticipation for the help it will bring to us."

Dr. R. H. Chester, the marine scientists who first noted the starfish problem while working at the University of Guam, testified at the hearing, stating that:

"There are large infestations of the crown of thorns starfish killing vast amounts of coral in the U.S. possessions and trusts of the Pacific. This was proved last summer by an expedition of 45 prominent scientists and divers from several countries.

"It is important to recognize this as fact. The infestations are there and reefs are dying rapidly and on a large scale. The expedition also proved that the starfish is quite rare on healthy reefs. Both these facts had been recognized before the expedition through work done in Australia and Guam. The expedition demonstrated that the starfish represents a broad-based problem, not an isolated curiosity, and it provided evidence for the necessity of action from a large number of qualified observers whose collective analysis is unimpeachable."

(2) Corals require a long time to grow. A conservative estimate of the age of corals killed in Guam indicate that many were over 200 years old. Clearly this means the reefs will not reach their former development for another 200 years if they began to recover immediately. In Australia, however, reefs killed up to 10 years ago by the crown of thorns show only scattered regrowth by a few specias of coral and starfish can be found feeding on this new settlement.

(3) Modern coral reefs developed over 50 million years ago. They are the oldest biological assemblage on this planet. Balance of existence in such a community is intricate and delicate. Destruction of the major element, living coral, has profound after effects on the surviving animal life.

(4) Coral reefs are economically important to man. In the U.S. Pacific possessions and trusts, depending on the size and development of the community, the economic worth centers on recreation, fisheries, and coastline protection.

(a) *Recreational.*—Because of their great beauty and unusual assemblage of exotic life, coral reefs provide a natural environment that is important for recreation and is a valuable tourist resource. This is true not only in the State of Hawaii and the territory of Guam which are already tourist centers of widespread recognition, but also in the U.S. trust territory. The trust territory, despite its natural splendor, is economically impoverished and hopes to enrich itself through a growing tourist industry. Coral reefs offer the main attraction of these remote islands.

(b) *Fisheries.*—Fishing, besides being of recreational value, is done on a sustenance level in many parts of the Pacific. In the U.S. trust territory people fish to survive. Living coral forms a basic part of the ecology and food web of reef fishes.

(c) *Protection of coastlines.*—Coral reefs protect coastlines from erosion by oceanic and storm waves. The nature of the reef and of the coastline dictates the importance of living coral in any particular case.

The need for enactment of this measure is elaborated upon further in the report submitted on S. 3153 by the Department of the Interior.

AUTHORIZING EACH OF THE FIVE CIVILIZED TRIBES OF OKLAHOMA TO SELECT THEIR PRINCIPAL OFFICER

The Senate proceeded to consider the bill (S. 3116) to authorize each of the Five Civilized Tribes of Oklahoma to select their principal officer, and for other purposes which had been reported from the Committee on Interior and and Insular Affairs with amendments on page 1, line 6, after the word "Oklahoma", strike out "may be selected" and insert "shall be popularly elected"; in line 8, after the word "the", strike out "respective tribes." and insert "officially recognized tribal spokesman and or governing entity. Such established procedures shall be subject to approval by the Secretary of the Interior."; on page 2, at the beginning of line 3, strike out the word "tribes" and insert "officially recognized tribal spokesman and/or governing entity"; in line 6, after the word "officer", strike out "selected", and insert "elected"; in line 16, after the word "chief", insert "or governor"; at the beginning of line 20, strike out "selected", and insert "elected"; and in the same line, after the word "principal", strike out the word "chief." and insert "chief or governor."; so as to make the bill read:

That, notwithstanding any other provisions of law, the principal chiefs of the Cherokee, Choctaw, Creek, and Seminole Tribes of Oklahoma and the governor of the Chickasaw Tribe of Oklahoma shall be popularly elected by the respective tribes in accordance with procedures established by the officially recognized tribal spokesman and or governing entity. Such established procedures shall be subject to approval by the Secretary of the Interior.

SEC. 2. The Secretary of the Interior or his representative is hereby authorized to assist, upon request, any of such officially recognized tribal spokesman and/or governing entity in the development and implementation of such procedures.

SEC. 3. A principal officer elected pursuant to section 1 of this Act shall be duly recognized as the principal chief, or in the case of the Chickasaw Tribe, the governor, of that tribe.

SEC. 4. Any principal officer currently holding office at the date of enactment of this Act shall continue to serve for a period not to exceed twelve months or until expiration of his most recent appointment, whichever is shorter, unless an earlier vacancy arises from resignation, disability, or death of the incumbent, in which case the office of principal chief or governor may be filled at the earliest possible date in accordance with section 1 of this Act.

SEC. 5. Nothing in this Act shall prevent any such incumbent referred to in section 4 of this Act from being elected as a principal chief or governor.

The amendments were considered and agreed to en bloc.

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

The title was amended so as to read: "A bill to authorize each of the Five Civilized Tribes of Oklahoma to popularly elect their principal officer, and for other purposes."

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–805), explaining the purposes of the measure.

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

EXPLANATION OF THE BILL

In conjunction with Oklahoma's admission to statehood, the act of April 26, 1906 (34 Stat. 137), was to provide for the final disposition of the affairs of the Five Civilized Tribes. While the act severely limited the authorities of the principal officers, it recognized their continuing authority to dispose of tribal property. Section 6 of the act authorizes the President of the United States to remove these officers should they refuse to perform their duties under the act. The President is also authorized to fill any vacancy arising from removal, disability, or death by the appointment of a citizen by blood of the tribe. The President delegated his authority to the Secretary of the Interior in Executive Order 10250, dated June 5, 1951.

Changes in the circumstances surrounding the Five Civilized Tribes are not consistent with the continuation of the appointive process. The descendants of the Five Tribes are taking greater interest in the affairs of these tribes. Popular participation in the choice of the principal officers will encourage even greater involvement in tribal activities. The incumbent officers have announced their support for elections.

As amended, S. 3116 would insure that the manner of determining subsequent principal officers shall be by popular election and would make clear that for purposes of developing election procedures the current leadership shall bear that responsibility.

AMENDMENTS

The committee has adopted several clarifying amendments recommended by the Department of the Interior.

TOMOSUKE UYEMURA AND CHIYO UYEMURA

Mr. MANSFIELD. Mr. President, that completes the call of the calendar in sequence, except I now ask unanimous consent that the Senate proceed to the consideration of calendar No. 553, H.R. 13183, and that it be given immediate consideration.

The PRESIDING OFFICER (Mr. JORDAN of North Carolina). Without objection it is so ordered.

The bill (H.R. 13183) for the relief of the heirs at law of Tomosuke Uyemura and Chiyo Uyemura, his wife was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–558), explaining the purposes of the measure.

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

PURPOSE

The purpose of the bill is to pay $1,511 to the heirs at law of Tomosuke Uyemura and Chiyo Uyemura, his wife, in full settlement of all claims against the United States based on the vesting under the Trading With the Enemy Act of the proceeds of an insurance policy on the life of the late Tadashige Uyemura.

STATEMENT

The Department of Justice does not favor enactment of the legislation.

The proposed legislation was passed by the House of Representatives October 7, 1969. The facts of the case as stated in the accompanying House Report 91–530 are as follows:

The subcommittee hearing was conducted on May 1, 1968, on a similar bill, H.R. 16381, introduced in the 90th Congress. The testimony presented at that hearing established the facts which provide, in the opinion of this committee, the equitable and moral basis for legislative relief in this case. The report of the Department of Justice which questions relief states the strict legal basis for the vesting which occurred on January 26, 1951; however, that report fails to state the facts and circumstances of the case particularly

as regards the events immediately preceding the vesting.

The Uyemura family lived in California prior to World War II. Along with other persons of Japanese ancestry, they were interned in 1942 and placed in an interment camp. The land occupied by the family in California was lost and all of the father's bank accounts were frozen as a result of their removal and internment. The committee was advised that the family lost virtually all that they owned. This committee had occasion to examine into the circumstances of the evacuation of persons of Japanese ancestry during World War II in connection with its consideration of the Japanese American Evacuation Claims Act of 1948 and subsequent amendments to that act, and is aware of the unfortunate effects of that evacuation. The Department of Justice has referred to the fact that the family returned to Japan following the end of hostilities in World War II in 1945 but fails to refer to the other facts referred to above. The departmental report states that the father had renounced his citizenship in 1945.

At the hearing it was pointed out that this was erroneous for the fact that both the mother and the father were aliens and could not have become citizens of the United States because of the restrictions which applied to persons of Japanese origin prior to World War II. However, the children, as native born Americans, are citizens of the United States. In 1945, the father was 67 years of age. He had suffered the losses already referred to and with no possessions or home to return to, the parents returned to Japan accompanied by their children. Their father, Tomosuke Uyemura, died. Subsequently, the insured son, Tadashige Uyemura, died of diphtheria in Japan. The mother, Chiyo Uyemura, became entitled to the proceeds of the policy. Those proceeds were vested by the United States under the Trading With the Enemy Act on the basis that the widow and mother was an enemy alien resident in Japan during the period prior to the "end of the war," as defined in connection with the Trading With the Enemy Act. It would appear from the Department of Justice report that the date fixed as "the end of the war" was April 5, 1954. It therefore results that a family who suffered losses and privations as a result of Japanese ancestry during the war and actually resided in the United States during the period of hostilities, was further penalized by the vesting of the proceeds of this small insurance policy by reason of a literal interpretation of the Trading With the Enemy Act which had the effect of extending this wartime measure to a period long after the cessation of hostilities. It is also relevant to note that following the death of the mother and father, the surviving members of the family returned to the United States and are presently living here. The committee has secured additional information as to the identity of these persons and has been advised that there are 10 survivors. Accordingly, it is concluded that the bill should properly provide for a payment to the heirs of Tomosuke Uyemura and Chiyo Uyemura, because it appears that all are equally entitled to the proceeds. Accordingly, it is recommended that the bill be amended to provide for a payment to the heirs at law and that the title of the bill be amended to reflect this fact.

In agreement with the views of the House of Representatives, the committee recommends the bill favorably.

ADDITIONAL STATEMENTS OF SENATORS

TRUE SOCIAL REFORM

Mr. SCOTT. Mr. President, too often in the past we have been provided with the rhetoric of social reform without the substantive changes necessary for true reform. I am proud to say this has not been the case in the Nixon administration. During his first year in office President Nixon has done much to decrease rhetoric and increase actual reform. I shall set forth just a few of his accomplishments:

A proposed family assistance plan which will dramatically reform our present welfare system.

A higher education program which centers on assisting low-income individuals.

A reordering of budget priorities to place more emphasis on domestic problems.

A redirection of the Office of Economic Opportunity to provide research and experimentation to find new ways to help the poor.

A column published recently in the Philadelphia Inquirer details the actions President Nixon has taken to erase poverty. I ask unanimous consent that it be printed in the RECORD.

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

[From the Philadelphia Inquirer, Mar. 25, 1970]

WHAT UNITED STATES IS DOING TO ERASE POVERTY

(By Roscoe and Geoffrey Drummond)

President Nixon is not deserting the poor. That is a most significant and often overlooked fact in Washington today. Mr. Nixon is shunning big promises. But he is actually doing more to reduce poverty than his predecessors:

Action on poverty—When Congress passes, the Nixon-proposed family assistance plan the first effect will be to lift 7 million poor above the technical poverty-level.

Mr. Nixon never promised that was what he would do. But that's what he is delivering.

The Nixon welfare reform is the biggest antipoverty measure ever advanced by the Federal Government. It will extend financial assistance to 12 million more than presently covered. It will take most of the burden from the states.

It will enable recipients of welfare to work, part time or whole time, and thus increase their net income with welfare reductions less than the increased earnings. It is a meaningful step toward a guaranteed annual income to end poverty altogether.

Action on education—The President's higher education program, now before Congress, centers on helping low-income students. "No qualified student," Mr. Nixon told Congress, "who wants to go to college should be barred by lack of money. That has long been a great American goal. I propose that we achieve it now."

Action on priorities—Critics and supporters alike have wanted the President to reorder national priorities to put far more emphasis upon acute domestic problems. He is doing so.

The percentage of the Federal budget going to the military is less today than in any year since 1951.

More than 40 percent of the total 1971 budget is allocated to major social programs.

The antipoverty and human resources part of the 1971 budget is up 21 percent over 1969.

Action on innovation—Mr. Nixon isn't planning to stop with what he has already done. He is looking for better programs which will better accomplish their purpose. That is the main job of the reorganized Office of Economic Opportunity. The OEO is to be the cutting edge by which the administration moves into unexplored areas. Its 38-year-old, dedicated director, Donald Rumsfeld, is making sure that it does. He not only has a pipeline to the President, he is the pipeline and he and Mr. Nixon are very much in rapport.

The OEO is budgeted and manned today to do continuous research and try out with new antipoverty programs before—rather than after—they are adopted. After Rumsfeld has found out what will work best, then agreed programs will be operated by old-line agencies of the government. One of the most valuable pieces of research by OEO is the New Jersey Graduated Work Incentive Experiment.

Its findings are now nearly complete. It initiated an experimental project to measure the effects of a program that assures families a minimum income level in a manner designed to protect their incentive to work—like the welfare reform now before Congress. A Congressional staff report suggested that the family assistance program would be bad because it would make its recipients lazy and indolent and that they would shun work because they preferred to live on a dole.

Not true.

The OEO experiment found that the low-income individual "is strongly motivated toward work," that the majority "aspire for a better job and are willing to move to another city or take training even if it meant a pay cut to get a better job."

It showed that welfare income assistance to bring the poor above the poverty level will not reduce their work effort and that the great majority prefer to work themselves out of welfare when they can do so.

The old myths about welfare can now be discarded.

PROTECTION OF THE ENVIRONMENT

Mr. MANSFIELD. Mr. President, America has a new and very important preoccupation—the protection and preservation of our environment. This concern was a stimulant for Earth Day and the variety of activities which took place throughout the country.

In Montana, our Governor, Forrest Anderson, delivered a very fine and inspiring address to the students of the University of Montana. Governor Anderson summarized the problems which a State like Montana faces and offered some suggestions on how the Treasure State might proceed to protect its natural resources with a program highlighted by a real interest in environmental control.

Mr. President, I ask unanimous consent that Governor Anderson's speech of April 22, 1970, be printed in the RECORD.

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

SPEECH BY GOV. FORREST H. ANDERSON, EARTH DAY, MISSOULA, MONT., APRIL 22, 1970

I did not come to the University to tell most of you what you want to hear.

I came to tell all of you what I believe.

As Governor, I cannot listen to only the loudest or the most persistent, or the friendliest voices. I must listen to all the voices of the people of Montana—the people I serve.

On any issue there are conflicting interests. A political leader, elected by the people, does not have the luxury of making a decision for himself. He must make a decision for the people.

I cannot have a cause unless that cause is supported by the public.

I cannot be a crusader unless the objectives of that crusade will benefit the people of Montana.

I do not have the privilege of being adamant or even stubborn.

Politics has been called the art of the possible—and compromise, adjustment, and understanding make politics possible.

I am not free to make strictly philosophical decisions. I must make decisions to serve the needs of the people.

I agree with the philosophy of Earth Day.

This is a noble cause. It is a crucial cause. And those who have gathered for Earth Day observances all across the country must keep this cause alive.

It is time that we cease destroying our environment.

Our population will reach 300,000,000 by the beginning of the next century—just 30 years from now.

This nation continues to use a disproportionate share of the earth's natural resources.

Americans comprise only 6 percent of the world's population, yet they consume approximately 50 percent of the world's natural resources.

The obvious result of these excesses is the environmental destruction that we see everywhere in America.

Each generation further despoils its legacy—the land—and leaves it uglier and dirtier for the following generation.

When I was attending law school in Washington, D.C. you could swim in the Potomac River. Today you could almost walk on the sludge in the Potomac River.

Factories and automobiles discharge noxious gases and particulates into the atmosphere. The skies are hung with an acrid shroud.

Oil leakages smear the sea coasts and kill off marine wildlife.

Haphazard land usage destroys the natural terrain and replaces hills and vegetation with stark concrete horizons.

Strip mining desolates forests and prairies.

The psychological effects of overcrowding are reflected in our crime and mental health statistics.

Our rivers have been turned into continental sewage systems.

Pesticides infect both humans and wildlife.

People have finally realized that this is unacceptable.

We should have listened to Adlai Stevenson long ago, when he said, "While our cars have grown longer, our TV screens broader, our washing machines grander, our kitchens brighter—at the same time our schools have grown more dilapidated, our roads more crowded, our cities more messy, our air more fetid, our water more scarce, and the whole framework on which our private living depends, more shabby and wornout."

I believe we must begin an environmental counter-revolution to halt the long-term excesses of the industrial revolution.

We must substitute quality for quantity.

Today—Earth Day—this nation must begin to move in the other direction.

Most of the environmental problems we have today are the result of well-established, almost sacred attitudes, in our society.

For years, Americans have been proud of the nation's high standard of living, soaring gross national product, fantastic industrial production, amazing technological achievements and ever-expanding affluence and increasing population.

Materialism has been established as a national religion.

This nation's voracious consumer economy has made enormous demands upon natural resources and is largely responsible for the destruction of the environment.

If pollution is to be ultimately controlled, consumer demands on industry and resources must be reduced and the population explosion must be stopped. People will have to become willing to accept less powerful cars, fewer appliances and gadgets and smaller families. We will have to come to believe that material progress is not social progress.

This will require deep and personal attitudinal changes by all Americans.

Is this possible?

Not tomorrow, nor for many tomorrows.

If the individual changes of attitude necessary to preserve the environment cannot be immediately achieved, government, industry and technology must carry the fight. They must act to conserve natural resources before they are irretrievably destroyed.

Government must write and enforce laws to control pollution.

Technology must develop the processes to control pollution.

Industry must have the conscience to control pollution.

This is not the final solution to environmental problems, but it is a beginning and I believe this in an essential beginning.

In the past, government largely ignored its responsibility to protect the environment. Like the people, government was caught up in the national passion for production, consumption and junk.

Of course, in those times there was no publicized environmental movement. This is a recent development, the newness of which can be demonstrated by a series of events that occurred recently in Montana.

Last fall, my administration opposed the installation of the ABM system on the prairies of north central Montana. I considered the ABM a flagrant malappropriation of funds that were needed for social programs. I feared the boom and bust impact it would have on the communities of Shelby, Conrad and Chester. I did not appreciate the fact that our state would become the national bullseye in case of attack. And I didn't believe it was wise to tear up valuable wheatland to make room for defense system of very questionable strategic value. I needed support—and received very little.

Where were the environmentalists last fall?

There were none, because at that time the environmental movement had not yet formed.

This is a new cause and a dynamic cause. It is growing.

Last fall, the ABM system came almost unheralded into Montana.

Today, seven months later, there is a national environmental teach-in on a variety of issues, which I would hope would include exorbitant military spending.

This country is beginning to develop an environmental conscience.

Governments, at the local, state and national levels, are becoming increasingly aware of the environmental crisis. Legislation has been enacted and programs developed to stop pollution and reclaim the environment.

Cities and towns are building sewage treatment plants. States, through regional cooperation, are attempting to clear rivers. The national government has initiated a $10-billion program to fight water pollution. Government, at all levels, has joined the fight against pollution.

This progress is encouraging, but it is not nearly sufficient.

It must continue.

In Montana we have taken what I believe are significant steps toward adequate protection of the environment.

During 1969, the Governor's Council on Natural Resources and Development became a functioning part of state government.

Decisions based on agency self-interest have been largely eliminated. Major environmental and natural resource issues are now subject to broad review by all agencies.

I believe the Council will allow us to consider the interests of all Montanans relative to environmental and resource questions.

The revitalization of the Council is beginning to have effect.

It has pushed for enforcement of existing anti-pollution laws.

Strip-mining of coal poses the greatest future danger to Montana's environment. The demand for coal is increasing. In Kentucky and elsewhere we have grim evidence of the destruction that occurs when that demand is unconsciously answered.

In November of last year, members of my administration recognized the inadequacy of reclamtaion contracts presently in force with coal operators in Montana.

The Council was asked to examine the problem. An advisory committee was set up, and has since been attempting to develop a model contract which will *assure* adequate protection of the environment. The committee will have completed most of its work by May, hopefully allowing time to make the changes before more prairie land is dangerously stripped.

The Council is concerned not only with environmental problems which are readily visible.

Recently we sent a letter to the Department of Health, Education and Welfare requesting that a long-range study be undertaken to examine health conditions in the smelter industry.

We have begun the long and difficult process of surveying our land and water resources. I believe this is an initial step in developing management programs compatible with environmental considerations.

Conservationists consider Montana's Stream Preservation Act model legislation to protect game fish from the effects of channel changes caused by road building.

We have laws in Montana to protect the environment. I believe next year we will have better laws and more effective enforcement.

Why?

Because myself, the members of the Legislature, and other state officials are politicians. As such, we must act on behalf of the public. The people want the environment protected. And politicians, who intend to remain in office, do what the people want.

We need better pollution laws to eliminate existing problems and to provide protection against future contingencies.

I believe the next Legislature will enact these laws because of the growing public concern for environmental quality.

A law is only good if it can be enforced.

Montana must begin now to enforce its existing anti-pollution laws. We must not allow our laws to become ineffective because of inaction and hesitation.

The state is not the only level of government responsible for pollution control in Montana.

Municipal governments must build sewage treatment plants to stop the discharge of stream fouling effluents.

The federal government must finance and initiate pollution control and reclamation projects.

The states must cooperate, on a regional basis, to clean up the water and air.

I believe a regional solution to environmental problems would be particularly effective.

It is important to establish uniform anti-pollution laws for an entire region. This would eliminate the possibility of one state lowering its standards to gain a competitive advantage in the search for new industry.

Also, air and water pollution move with the wind in the sky and the current in the rivers. A state boundary is no barrier against pollution.

We have taken the initial steps to form a Missouri River Regional Economic Development Commission to include the state of Montana, Wyoming, Nebraska and North and South Dakota. This Commission and the Federation of Rocky Mountain States, of which I am President, will provide the organizational framework to develop a comprehensive

and uniform pollution control program for the region.

Technology made this nation what it is. It is responsible for both our affluence and the environmental crisis. From this time forward, we need a balance between technology and environment.

We cannot escape to the past.

We cannot solve the environmental crisis by abandoning our machines and technology.

We must use technology to meet the legitimate needs of the people, and at the same time to control the effect and quality of our lives.

Technology is ingenious.

Every day we are amazed by the feats of the scientists and technicians.

I believe that the technological tools needed to protect and reclaim the environment are available in our society.

What is lacking is the priority and motivation.

The continuation and further development of the environmental movement will create the priority and establish the motivation.

I believe that if environmental quality is established as a high priority in this nation, technology will be able to achieve substantial results in preserving and restoring the air, water and land.

The United States has spent 35 billion dollars on the space program. During the same period we spent only four billion dollars on environmental control.

We continue to ridiculously bankroll the Defense Department in a dangerous arms race.

We continue to throw good money after bad all over the world.

The entire structure of national priorities is twisted and bent.

I believe there is more challenge on an Indian reservation than in all of outer space.

There is more hope for security in environmental technology than in nuclear technology.

If priorities can be changed, technology will be released from present commitments to give its attention to a higher commitment—the environment and the quality of men's lives.

America can control pollution, because it is a wealthy nation. Poorer societies must spend all available money to provide for the basic needs of the people. They do not have the financial resources nor the public support to enable them to deal with pollution problems.

Affluence will provide the enormous sums of money that will be required if this country is to control pollution.

Planning will be extremely important in the fight against pollution. We must plan now for selective industrial development, land usage and protection of the environment. Planning will allow us to select the best sites for industrial developments. It will enable us to inventory resources and assess needs and problems in regard to the environment.

The State Department of Planning and Economic Development is presently making studies in these areas. More studies will be conducted by the Missouri River Economic Development Commission and the Federation of Rocky Mountain States.

Pollution will never be eliminated in an industrial society. But, I believe, technology can control pollution.

This will have to be a concentrated effort.

It will cost money.

It will impose restrictions.

It may mean a lower standard of living.

But, we have an obligation to answer this question.

What quality of life is possible in an industrial society?

Conservation, protection of the environment and pollution control are only pieces of the total science of ecology.

To the general public, ecology is a new and little understood science.

A year ago, few people knew that the science existed. Today, few people know what the science is about.

Ecology is not restricted to considerations of air and water pollution and degradation of the landscape. It is a much larger discipline. It is concerned with the living organism's relationship to its environment. It is the science of the total environment.

Watts is as much an environmental question as the Santa Barbara Channel.

Malnutrition is as much an environmental question as Los Angeles smog.

An Indian family living in destitution on a reservation in eastern Montana is as much an environmental question as the Lincoln Back Country.

Quality of life in a total environment is the concern of ecology.

Beyond the environment, there is another type of pollution.

The pollution of the spirit that occurs when a man does not have a job, or cannot get an education, or is inadequately housed and fed, or is the subject of discrimination.

These, you might say, were the concerns of the sixties.

We are now in the seventies, but these problems still exist.

Is the protection of the environment so important that we must ignore unemployment, poverty and discrimination?

I do not believe so.

We must take up the new cause, while continuing to fight for the old causes.

In Montana, we *are* doing something to help people.

We have established the Council on Human Resources, a cooperative organization of 24 state agencies, working to maximize the potential of the people of this state.

We have set up a state-wide advisory committee on children and youth.

We initiated the first Governor's Conference on the Aging. And have worked to help Montana's older people with their problems.

We have hired a professional penologist, not a political creditor, to be warden at the state prison.

We have established the Governor's Crime Control Commission to help insure a safer life and provide a modern law enforcement system for the people of this state.

We now have a Commission on Drug and Alcohol Dependence to deal with these very serious social problems.

If you would like to see a serious environmental problem, visit an Indian reservation. There are seven reservations in Montana. The poverty, living conditions and lack of opportunity afflicting the Indians are problems that I will not ignore.

The statistics relating to the Indian population are appalling. And I remind you that these are not simply numbers—these are people.

The life expectancy among the Indian population is 6½ years below the national average. The suicide rate among Indian teenagers is three times the rate among whites, and 10 times higher on some reservations.

The rate of accidental death in the Indian population is four times the national rate. Suicide and homicide rank among the ten leading causes of death in the Indian population. They are not among the ten leading causes of death in the white population.

The educational level of this region's Indian population is 25 to 30 years behind the remainder of the nation.

Unemployment ranges from 20 percent on the more affluent reservations, to 80 percent on the poorer reservations.

Officials estimate that 90 percent of the housing on reservations is substandard.

What are we going to do about this?

We have established a Task Force on Indian Problems which will make recommendations to the next Legislature on action needed to help solve some of the problems facing Montana's Indians.

We initated a survey of minority racial employment, which indicated the State of Montana had been neglecting minority groups, especially Indians. We then sent out a memorandum to all state agencies, requesting that they actively recruit minorities, particularly Montana's Indians.

These are only small steps into a large and shameful problem.

I believe there must be expanded opportunities for all of the people of Montana.

We must have jobs for the people and an expanded tax base to allow government to provide the services people require.

We cannot do this by closing the state off to development.

Montana cannot be a wilderness—and it will not be a wasteland.

We have serious pollution problems. We also have the third highest unemployment rate in the nation.

It is the purpose of my administration to improve in both areas.

I believe that conservation and economic development are not mutually exclusive.

We must write and enforce judicious laws to protect the environment.

We must maintain public awareness of the environmental problem.

We must demand that industry develop an environmental conscience.

We must also develop an economy that will allow people to continue to live in Montana.

We have serious economic and social problems in Montana.

Per-capita income in the state is far below the national level.

The rate of out-migration, particularly among the young, is among the highest in the country.

The demand for increased governmental services in our static economy drives taxes upward each year.

There is a severe shortage of opportunities for our college educated people.

We need schools, hospitals and other public facilities.

The need for doctors is becoming critical in Montana.

Institutional care must be improved.

And these are only a few of our needs.

I said sacrifices would be necessary to control pollution. I do not believe, however, that the people of Montana should be the only people to make these sacrifices.

I do not believe that the well-being, security, safety and opportunities that Montanans have the right to expect should be sacrificed.

We must expand the tax base to provide public education, health services, law enforcement, highways, institutional care, and a constantly expanding number of other governmental services.

As we move forward, we must look in two directions. We must protect the natural beauty of the environment of Montana—and we must protect the interests of the people of Montana.

To assure the protection of the environment and to improve the quality of life in Montana, I propose the following 10-point program.

1. An annual State of the Environment Report. To include areas of problems and progress in relation to the environment.

2. Programs of environmental education to convince people that preservation of the environment is essential.

3. Pesticide control, to include classification and labeling to eliminate the possibility of accidental contamination.

4. Definition of industry's responsibility to the environment to promote increased dedication and reductions in current levels of pollution.

5. Establishment of better land management policies to provide the means to control land usage and reduce degradation of the landscape.

6. Continuation of the roadside park and rest area construction program to enhance the environment and help control litter.

7. A legislative program to write new laws to correct existing environmental problems and to provide protection for future contingencies.

8. Expanded environmental research programs at the various units of the University System.

9. Selectivity and consideration of long-range effects in industrial development.

10. Progressive governmental programs to strive for, among other things, improved opportunities in employment and education, highway safety, improved institutional care, and regional and national cooperation to improve the quality of life in Montana.

Recently, members of the Nixon administration said that they thought the environmental movement was a political fad that would last 18 months.

I disagree.

The environmental problems afflicting this nation are too serious.

If this is a fad, we may be missing our last chance.

A NEW CONCERN FOR SOCIETY AND ITS PROBLEMS

Mr. SCOTT. Mr. President, I invite the attention of Senators to an article written by Mr. Henry W. Pierce, staff writer for the Pittsburgh Post Gazette.

Mr. Pierce points up in his article:

A new concern for society and its problems has been showing up in addresses by top industry leaders.

Mr. Pierce goes on to cite several industry spokesmen whose statements "may reflect a sincere desire to clean up."

I commend the article to the Senate and ask unanimous consent that it be printed in the RECORD.

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

[From the Pittsburgh Post Gazette, Apr. 20, 1970]

BUSINESS TACKLING POLLUTION

(By Henry W. Pierce)

A new concern for society and its problems has been showing up in addresses by top industry leaders here.

Instead of putting top emphasis on profits, they appear, in their public statements at least, to feel mounting concern over the conglomeration of conditions known as "quality of environment"—which takes in just about everything from slums to seaweed.

For their initial thrust, they've chosen a subject that has wide current appeal—pollution.

MOTIVES

Their statements may reflect a sincere desire to clean up, or they may be joining an active movement to mollify public opinion. Whatever their motives, however, they are now on record.

Last week B. R. Dorsey, president of Gulf Oil Corp., told the National Association of Accountants:

"First is our obligation to the ecological balance—that mutual relationship between life and our environment; then the elimination of poverty—in our nation's urban centers as well as in developing nations; and finally the attainment of world peace through international understanding, to stop wasting our life and material resources."

John D. Harper, president of Alcoa, assured his company's shareholders last week that concern over the environment rates tops among Alcoa's concerns. "More than 40 people in our corporate headquarters devote their entire time to environment problems," he declared.

Recently Fletcher L. Byrom, board chairman of Koppers Co., and Douglas Grymes, Koppers president, told their shareholders of growing opportunities in the enivornmental control market, acknowledged that Koppers hasn't taken strong enough action to clean up its own pollution, and expressed intent to increase pollution control activities.

Donald C. Burnham, board chairman of Westinghouse Electric Corp., has called housing and jobs Pittsburgh's two most critical problems. He has predicted growing emphasis on these problems by companies as they continue rebuilding in the city, and he envisions success in the fight to stop river pollution.

In another talk, Burnham laid heavy emphasis on business and ethics, noting:

"Some people think businessmen will do anything to make a doliar," but in his experience, he said, successful businesses depend on high ethical standards. Aided by a concerned business community, he predicted, Pittsburgh's ghettos will be gone in 10 years.

But what was probably the most resounding statement came last week from the board chairman of student-harassed Dow Chemical Co. Dr. Carl A. Gerstacker in a talk in Pittsburgh declared:

"Our goal should be to march hand in hand with these public demands (for a clean environment) even though at first sight they may seem difficult, outrageous, or even impossible."

Gerstacker urged the chemical industry, whom he addressed to take these steps:

"I believe we should encourage, not oppose, the demands for environmental improvements."

"We should support public demands for new ways to control—or, even better, prevent—pollution."

"We should support public demands for better sewage treatment systems for our municipalities."

"We should encourage public demands for textile dyeing methods with less pollution problems, encourage demands for better disposable packaging systems, encourage demands for a better answer than the non-returnable beer cans and pop bottles that litter our landscape."

Not everyone agrees, however, that industries really intend to make a real effort to stop pollution. Speaking to about 100 women at the Oakmont Country Club last Thursday, Theodore R. McKeldin, former Maryland governor, said the "determination of polluters" to keep polluting air and waterways seems stronger than the public's determination to end pollution.

What, then, is behind industry's new image? Have large corporations really decided to put public welfare ahead of profits? Gulf's President Dorsey put it this way: "Maximum financial gain, the historical number one objective, drops to second place whenever it conflicts with . . . society."

Serving the public welfare—in the broadest sense of the word—possibly is the best long-run road to riches. In his address, Dorsey said of pollution abatement:

"It's the very heart of our business. Oil and its by-products are real and potential polluters of our air and water. Every drop . . . wasted is a loss item to an oil company. So we have a very greedy self-interest in preventing such losses."

And this from Dow Chairman Gerstacker:

"I hardly need point out to you that this nation is really run by public opinion . . . what the public wants, the public gets. If it wants clear air and clean streams, it will get them; they will be legislated and enforced when public sentiment in their favor is strong enough.

What appears to be emerging, then, is a growing industry awareness that pollution and ghettos and such are bad public relations, that tough new laws will be enacted in coming years and that the less industry has done about pollution, the tougher those laws will be.

And there will be increasing recognition that a prosperous community means prosperous industries. Enlightened business leaders know that ghettos cost businessmen money in the long run.

There is nothing wrong, of course, with these motives. They are solid, recognizable, trustworthy incentives. And they may get the job done.

THE MESSAGE OF EARTH WEEK

Mr. PROXMIRE. Mr. President, as all of us are aware, last week was Earth Week. It is my fervent hope that now that it has passed, we will not allow its message to be consigned to dusty newspapers. Earth Week's message is a clarion call for action, and action now. Failure to act could spell the end of our lease on this planet.

Mr. President, we easily lose sight of the fact that our existence here on earth really is just a tenancy—we do not own the place. The pollution crisis is a vivid reminder of this. A dialog composed some years ago by Arthur Hoppe for the San Francisco Chronicle puts this extremely well. The dialog was brought to my attention by the minister of my church, Rev. Robert W. Hoskins, of the Cleveland Park Congregational United Church of Christ, when he read it at a sermon in honor of Earth Week.

I ask unanimous consent that the dialog, entitled "Our Landlord Is a Softy," be printed in the RECORD.

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

OUR LANDLORD IS A SOFTY

Scene: A pearly-lit executive suite. The Landlord seated on a throne-like chair, is listening to the annual year-end report of his Chief Collection Agent, Mr. Grabriel.

Mr. Gabriel: And so, Sir, there's no question that you have a beautiful piece of property there, all right. Ah, the way the grass smells after a rain. The brilliance of a snowfield on a crisp morning. The softness of a desert in the moonlight. The way a sea fog creeps in—

The Landlord (sighing): Yes, yes, Gabriel, I know. But let's get down to facts and figures. What about depreciation this past year?

Mr. Gabriel (shaking his head): Not so good, Sir. They've burned some more holes in Vietnam; they're beginning to break up the place in Laos and Cambodia; and you wouldn't believe how they're fraying things in the Middle East.

The Landlord: Just write it off under "Normal Wear and Tear," Gabriel.

Mr. Gabriel (dubiously): Well, if you say so, Sir. But what about the air?

The Landlord: Well, what about the air?

Mr. Gabriel (consulting notes): They've poured another 16.2 million tons of exhaust fumes, industrial smoke and other garbage into the air, Sir. Really, it's rapidly lowering the value of the entire property. (Grudgingly) Of course, I will say they haven't made it as radioactive as they used to do.

The Landlord (nodding): See? That's an encouraging note.

Mr. Gabriel: But it's a different story with the water supply.

The Landlord (sadly): I suppose it is.

Mr. Gabriel: Yes, they've spilled oil into the seas and they've dumped 13.2 trillion more gallons of sewage, mud, industrial chemicals and other poisons into virtually every rivulet, creek and river. You cannot lie on your belly and drink from a cool, clear stream any more without chancing typhus, hepatitis, cholera.

The Landlord (holding up his hand): Please, how were crops? I assume they've been growing things.

Mr. Gabriel: Yes, but that DDT is beginning to spoil everything. And I must tell you about the soil erosion. During the past 12 months no less than 82.5 billion tons of rich loam . . .

The Landlord (hastily): But they have been improving the property, I'm sure. What about new construction?

Mr. Gabriel: Yes. Let's see, they have built 112,232 new public buildings, all of which they claim will look very nice. Once the trees grow. They have also erected 27,342 new oil derricks on once-pleasant hillsides, paved over 43 alpine meadows with freeways and . . .

The Landlord (wincing): Not the alpine meadows!

Mr. Gabriel (relentlessly): Yes, the alpine meadows. And thanks to advances in rocketry, they reached new heights with their debris. At the same time, they have been busy exploring new oil sources in the arctic, and tearing up the perma-frost.

The Landlord: It's more curiosity than vandalism.

Mr. Gabriel: Sir, you must face facts. You have a beautiful piece of property and undesirable tenants. By any conceivable rule of property management, you have but one choice. (Raising a golden horn to his lips.) Shall I sound the eviction notice now?

The Landlord (hesitating): No. Let's extend their short-term lease for just one more year, Gabriel.

Mr. Gabriel: But you've been saying that for ages, Sir.

The Landlord (sighing deeply): I know, Gabriel. But I keep thinking that sooner or later they're going to stop acting as though they owned the place.

EXPERIENCES WITH CERTAIN BOOKSELLERS

Mr. McGEE. Mr. President, I wish to share with Senators the experiences I have encountered with certain book publishers in recent weeks.

On two separate occasions this week, I received books which I did not order and for which I have no use. The first one, "How Federal Tax Angles Multiply Real Estate Profits," was sent to me by the Institute for Business Planning, together with an invoice in the amount of $43.08. The second one was a publication entitled "Illustrated Encyclopedic Dictionary of Real Estate Terms" at a cost of $18.12.

Earlier this year I received a book entitled "Building Contractor's and Home Builder's Handbook," with an invoice for $18.07 enclosed. On this occasion I wrote a personal letter to the company and advised them that I had not ordered this publication. In response to this personal letter, I received a form letter from them advising me that "Your order has been shipped and that you will receive it soon." Later I received another form letter in which it was suggested that this order might have been placed in my name by a "prankster." To avoid this type of thing in the future, I was assured that the company has set up an "internal control" so that no further shipments would be made to me until an order had been sent to me for verification. The book was returned at that time. Still later, I received another bill from the firm, this time with a "friendly reminder" that my account was overdue and they would appreciate prompt remittance.

As a result of a telephone call to the company at its offices in Englewood Cliffs, N.J., I received a postcard advising me that this billing had been canceled and that the company looked forward to serving me again. I must presume that they took this commitment literally, since in this morning's mail I received the second unsolicited book from them as I indicated previously.

I do not know if this is a new technique within the industry to sell additional books, but if this is the case, I think it is a most reprehensible practice. I have no doubt that if these invoices and statements are not satisfied in a timely manner, the "friendly reminder" which I received from the publishing company after the book in question was returned would be followed by less "friendly" action and demands. This type of computerized and adverse credit information could quite reasonably be expected to filter down to or through credit agencies with the result that an individual's credit status could be adversely affected through no fault of his own and as a result of questionable schemes to sell more books.

I bring this matter to the attention of the Senate primarily to determine just how widespread the practice might be. It might be that for some unfortunate reason I have been singled out and that my experiences represent some isolated and unrelated incidents. If it does appear, however, that this reflects any general pattern within the industry, it might well be an area which Congress or an appropriate Federal agency could investigate.

THE SBA'S NEW "ACTIVIST" ROLE

Mr. McINTYRE. Mr. President, on April 9 I introduced the Small Business Amendments of 1970, S. 3699, with the cosponsorship of six Senators. This is the bill submitted to Congress by SBA Administrator Harry Sandoval, Jr., as implementation of the President's Message on Small Business of March 20.

On the same date, President Nixon issued Executive Order 11518 entitled "Providing for the Increased Representation of the Interests of Small Business Concerns Before Departments and Agencies of the United States Government." Like the proposed legislation, it is based on recommendations of the President's Task Force on Improving the Prospects of Small Business.

The National Small Business Association, which has long advocated the strengthening of SBA with the kind of policymaking consultation required of other agencies and departments by the new order, has presented the significance of this movement to make it an "activist" agency with a greater policymaking contribution throughout Government. The current Small Business Bulletin of the NSB contains an analysis of this presidential "Mandate for New Authority." I ask unanimous consent that the article be printed in the RECORD.

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

PRESIDENT GIVES SBA MANDATE FOR NEW AUTHORITY

The Small Business Administration, by a presidential Executive Order, has been given an enlarged and strengthened authority in line with long-pressed views urged by the National Small Business Association.

In separate letters addressed to President Nixon and to SBA Administrator Hilary Sandoval, NSB has commended the action and listed six specific areas in which a "timely exercise of SBA's new authority" should be put into practice.

"INCREASED REPRESENTATION"

President Nixon's order is officially titled as "Providing for the Increased Representation of the Interests of Small Business Concerns Before Departments and Agencies of the United States Government." It begins by noting that the policy of the Government is "to insure the continuance of a strong and healthy free enterprise system," and that such a system is "directly related to the well being and competitive strength of small business concerns." It cites President Eisenhower for the Executive Branch policy "to strive to eliminate obstacles to the growth of small business" and the Small Business Act on similar Congressional policy. Then, noting that SBA has responsibility for "an established program of advocacy in matters relating to small business," it directs the agency to "advise and counsel small business concerns in their dealings" with the Government.

But the heart of the order is its instructions that executive departments and agencies are no longer merely required to "consult and cooperate" with SBA when requested by the Administrator. Instead, they are now *directed* to do so, without waiting for SBA to initiate a request, on a wide range of "matters which reasonably can be construed as materially affecting" small business. In their actions, departments and agencies "*shall* act in a manner calculated to advance the valid interests of small business concerns." (Italics added.)

SBA MAY INTERVENE

Further, SBA is now authorized to intervene on its own initiative with other departments and agencies to present the small business viewpoint and secure its consideration. It may now, under the order, "participate in investigations, hearings, or other procedures" pending anywhere in the government "and submit evidence, briefs, and arguments" in accord with the department or agency rules of practice and procedure.

SBA under its new legal and administrative authority thus has the opportunity to move from a passive to an active and constructive leadership role. If the Labor Department, for instance, is formulating new minimum wage legislation, it now "shall" consult SBA for views on the small-business effect rather than moving first and then saying in effect, "Sorry, but you just have to live with it." Or if the Internal Revenue Service issues a proposed ruling, SBA can present arguments based on its judgment that undue hardship will result for small business. Thus, instead of coming in after policy is already fixed, SBA's new activist authority will bring it into the decision-making arena in advance for its fair share of consideration.

NSB ASKS ACTION

The NSB letter to Mr. Sandoval was aimed at encouraging the SBA to exercise its new authority in six areas "of both immediate and long-range concern to American small business." They were listed as:

"1. The impact on small business of the current tight money market.

"2. The impact on small business of general economic legislation by participating in its formulation in the drafting stage.

"3. The impact on small business of the loss of the investment tax credit.

"4. The impact on small business of the reserve ratio test on depreciation policies.

"5. The difficulty many small business firms have in obtaining insurance in certain areas.

"6. The impact on small business of the trend toward mergers and acquisitions in the general business community."

"The ultimate significance of Executive Order 11518," NSB noted, "lies in its enabling the Small Business Administration to serve as an activist agency to defend the interests of its small business constituency from the danger of further infringement by big government, big labor, and big business."

PRESIDENTIAL SMALL BUSINESS MESSAGE

On the same day as the Executive Order was issued, President Nixon sent to Congress a message on small business. It was the first exclusively on that subject to be presented by any chief executive. The legislative proposals contained in it are the result of recommendations by a Task Force on Small Business, whose findings, President Nixon said, pointed to "three major problem areas"—the needs for capital, for "sound management counseling" and for trained people.

To help meet these needs, legislation will be forwarded to the Congress calling for expanded research on small business problems and the impact of Government on small business; for lifting the Office of Minority Business Enterprise in the Commerce Department to assistant secretary level; revising Subchapter S to facilitate small business treatment by the Internal Revenue Service as a partnership; a ten-year (instead of five) tax loss carry-forward period to aid new business; and changes to improve SBA's lending ability through working with banks on a tax-incentive basis. Other proposed legislation will be directed particularly at encouragement of minority business enterprise.

APPEARANCE ON CBS NEWS "FACE THE NATION"

Mr. SCOTT. Mr. President, yesterday, the assistant Republican leader, the Senator from Michigan (Mr. GRIFFIN), appeared on the CBS news program "Face the Nation." Members of the panel were George Herman and David Schoumacher, of CBS News, and Richard Stewart, of the Washington bureau of the Boston Globe.

I ask unanimous consent that the text of the questions and answers be printed in the RECORD.

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

FACE THE NATION

(As broadcast over the CBS Television Network and the CBS Radio Network, Sunday, April 26, 1970)

Origination: Washington, D.C.

Guest: Senator Robert P. Griffin, Republican, of Michigan.

Reporters: George Herman, CBS News; Richard Stewart, Boston Globe; David Schoumacher, CBS News.

Producers: Sylvia Westerman and Prentiss Childs.

Mr. HERMAN. Senator Griffin, a number of Republican Senators have advocated Senate action to limit President Nixon's ability to move into Cambodia in any eventuality. Where do you stand, as Republican Whip, on thi idea?

Senator GRIFFIN. The 40,000 North Vietnamese and Viet Cong in Cambodia are part of the same Communist force that are crossing over on a hit-and-run basis and killing American troops in South Vietnam. I think we have got to give very serious consideration to providing military aid to Cambodia, certainly not American troops. This is a decision that involves diplomatic considerations however, as well as military considerations. But if President Nixon should make the tough decision to provide limited military assistance to Cambodia, I am one Senator who is 100 percent behind him.

ANNOUNCER. From CBS/Washington, in color, "Face the Nation," a spontaneous and unrehearsed news interview with the Senate's Minority Whip, Senator Robert Griffin, Republican, of Michigan. Senator Griffin will be questioned by CBS News Correspondent David Schoumacher, Richard Stewart, Congressional Correspondent of the Boston Globe, and CBS News Correspondent George Herman. We shall resume the interview with Senator Griffin in a moment.

Mr. HERMAN. Senator Griffin, specifically on the amendments proposed by Senators Goodell and Cooper, I presume, from what you just said a moment ago, that you will oppose this and work to give the President a free hand to do whatever he thinks necessary in Cambodia.

Senator GRIFFIN. Well, certainly, I would oppose the amendment proposed by Senator Goodell, which would completely tie the President's hands and provide for no flexibility whatsoever. The amendment proposed by Senator Cooper, as I understand it, would only provide that no American troops could go into Cambodia but would leave the option open for other forms of military, economic and medical assistance. I don't think that Senator Cooper's amendment would be out of line with any possible action that the President might take, and certainly would be in line, I think, with the application of the Nixon Doctrine, if it were to be applied to Cambodia.

Mr. STEWART. Speaking about flexibility, Senator, what are the prospects for the growing involvement, of the prospects of a growing war in Cambodia, in Laos, for the President actually to make good on his promise the other night to bring out 150,000 troops from Vietnam within a year?

Senator GRIFFIN. Well, Mr. Stewart, I think the very tough question that the President has to answer is whether or not it will be easier or harder to keep his commitment by giving some limited military assistance to Cambodia. Here is a country which is fighting the same enemy that we're fighting in South Vietnam. They want to fight. And that is our policy, it seems to me, is to encourage Asian nations to defend their own territory, non-Communist Asian nations, and that we will help them, if they want to fight the Communist aggressors. There are 40,000 Communist aggressors in Cambodia, and they are the same people that we are fighting in South Vietnam. If we can prevent them, by helping Cambodia, it seems to me our American boys can come home that much sooner and it could very well be easier for President Nixon to keep his commitment of 150,000 more troops withdrawn within a year.

Mr. SCHOUMACHER. Senator Griffin, if we could pin down a couple of things here: First of all, you say it is in line with President Nixon's thinking, this Cooper amendment that would permit the President to do up to anything but ground troops. Have you discussed this with the President?

Senator GRIFFIN. No. Let me make it clear that I am saying that I am confident in my own mind that the Nixon administration has no intention whatsoever and is giving no consideration to sending American troops into Cambodia. Obviously, there is a request pending before the administration as to whether or not other forms of aid are to be given, and that is under consideration at the present time.

Mr. SCHOUMACHER. Just to be sure of our language, you say it is not ground troops, but, for instance, advisors?

Senator GRIFFIN. Well, I myself would be very leary about sending advisors in. I think that would probably be the prevailing view in the Senate.

Mr. SCHOUMACHER. What about air strikes?

Senator GRIFFIN. I think we need some flexibility there.

Mr. HERMAN. Does that not dismay you, the idea of possibly sending in air spotters, perhaps even air bombers to help out?

Senator GRIFFIN. I think it depends on what will serve our vital interests in that area and what will be the best course to take. Now, President Nixon has got to take into account that there are certain diplomatic initiatives that are under way. There are meetings going on in Peking and in Moscow. There are contacts being made now as far as Laos is concerned. And all of these things have got to be weighed, the diplomatic considerations and impact, as well as the military situation at the moment. And also a judgment has got to be made, and he has got the best intelligence to make it, as to just what the Communists are up to in Cambodia. Are they really trying to overrun the country? Do they merely have limited objectives which they had in the past, of maintaining their sanctuaries? And these are some of the factors that go into the tough decision.

Mr. STEWART. You use the phrase "our vital interests." What are our vital interests in Cambodia, in Laos, in South Vietnam, for that matter?

Senator GRIFFIN. I think our vital interest right now is to turn a land war in Asia, that should be fought by the Asians, over to the Asians as quickly as we can do so and still maintain the right of those people to have their own government. And this is the reason that the decision in Cambodia is a very tough one. It may very well be that some limited military assistance in Cambodia will hasten the day when American troops can come home.

Mr. SCHOUMACHER. Well, Senator——

Mr. HERMAN. Do you really have any confidence that the Cambodian troops at this stage in their development will be able to use the arms? Thinking of how long it took us to train the South Vietnamese to be able to meet the North Vietnamese, do you think the comparatively untrained Cambodian troops can really use these arms successfully?

Senator GRIFFIN. Well, I certainly think small arms and unsophisticated weapons, keeping in mind that for the most part that is guerrilla-type warfare over there—I think your point is well taken, that if we tried to introduce very sophisticated weapons, which would require training and so on——

Mr. HERMAN. Well, I am thinking of the comment that I saw quoted in one of the dispatches by a Cambodian army brigade chief who said, "Give us 200,000 American troops"—men, ground troops, on the ground—"for two years and then we will be able to hold our own," that he seemed to feel that at the moment they didn't have the training, they didn't have the discipline, they didn't have the leadership to be able to use our arms, even small arms, successfully against the disciplined North Vietnamese.

Senator GRIFFIN. Well, this is a question, of course, that involves military judgment, which is very difficult to make from this point in the world, and I think those are fac-

tors I don't—we certainly hear the other side of it, and President Nixon has got a very tough decision to make. I think that if he decides that some limited assistance should go to Cambodia and it is in our interests to do so, I am going to support him.

Mr. STEWART. Well, isn't it already true, Senator, that we are shipping arms to Cambodia? We say they are captured Russian rifles from South Vietnam but, regardless of where they come from or what the nomenclature of the rifles are, these are weapons that we are providing so we already are, in effect, supplying military weapons to Cambodia.

Senator GRIFFIN. To a very limited extent. We didn't supply them directly. They went from the South Vietnamese to the Cambodians, but we were aware of it and we approved of the transfer.

Mr. STEWART. It was our initiative, wasn't it, Senator?

Senator GRIFFIN. I really can't tell you. I don't know.

Mr. SCHOUMACHER. Do you feel that the President violated that informal agreement he had with the Foreign Relations Committee to consult with them before any arms shipments to Cambodia, any change in the status?

Senator GRIFFIN. No, I don't think so.

Mr. SCHOUMACHER. Senator, in some of your discussions you seem to be agreeing with the kind of massive for-background-only briefings that have been going around in Washington in the past week, particularly over in the Pentagon, where they say that this is a golden opportunity, that North Vietnam is now over-extended, the VC are over-extended by being there in Cambodia, and we can chop them off and shorten the war in Vietnam. Is that your opinion at this point?

Senator GRIFFIN. Well, I don't think I can go any further than I have already gone, and I think the extent of information that I have is limited. There are very important military decisions that have to be made. The only thing is that on the basis of all the facts and information that are available, I can very well see that we could be losing the opportunity to get out of Vietnam sooner, possibly we could be losing it if we didn't move at this time.

Mr. SCHOUMACHER. Other analysts have suggested that this is North Vietnam's way of saying to us, "Look, we can go almost anywhere and cause you trouble, so you had better get serious in Paris." Can we get more serious in Paris than we are? Should we appoint a new top negotiator?

Senator GRIFFIN. Well, I wouldn't be surprised if that would happen sometime in the near future and, particularly, if there is any signal at all from Hanoi that they are interested in some serious negotiations. Let me go back to Cambodia, however, and point out that there are other countries in the area that also have a vital interest, and we might not want to rush in if there was some chance that some of the other nations—Indonesia, Thailand, Australia—considering a request. What we are trying to do over there, under the Nixon Doctrine, is to get the nations with something at stake over there to put up the troops and do the fighting with our help, and I think we are moving in that direction and this is consistent with that policy.

Mr. SCHOUMACHER. Whenever we have someone who visits the White House frequently and he says "I wouldn't be surprised" or "I think," you have to right away find out if he is telling us anything. Do you believe that President Nixon is about to appoint a new chief negotiator in Paris?

Senator GRIFFIN. I wouldn't be surprised, but I can't tell you when it is going to happen.

Mr. HERMAN. All right, we will accept that at fact value. There is another question: You talk about the need for a signal from North Vietnam, about the peace talks——

Senator GRIFFIN. It doesn't have to be a direct signal.

Mr. HERMAN. I understand.

Senator GRIFFIN. It can come indirectly, of course.

Mr. HERMAN. I refer you to Senator Muskie's criticism on the floor of the Senate, when he was criticizing what he called the "extraordinary rhetoric of the President's speech." I am not exactly sure what he meant by that, but he goes on to say that the President tells us in his speech that "the decision I have announced tonight"—quoting the President—"means that we finally have in sight the just peace we are seeking." Mr. Muskie does not find the reasons for that in the speech and he thinks that this is more rhetoric than reality. When the President says "we have in sight the just peace," does he mean that there is some signal that just peace is in sight through negotiations?

Senator GRIFFIN. I really can't answer the question, Mr. Herman. There may be more in the President's message there at that point than we can talk about at this time. I think that it can also be interpreted very reasonably as saying that our Vietnamization program in South Vietnam is working and that even if the North Vietnamese do not negotiate we can see the day when we will be able to get out of there and have a situation which is in accordance with our objectives.

Mr. STEWART. Senator, if I can change the subject a moment to this recent problem of Supreme Court nominees: Mr. Nixon twice in the last few months has lost out on two nominees to the Supreme Court, one whom you supported and one whom you did not support. Both of these nominees were, as we understand it, recommended very highly by the Attorney General, Mr. Mitchell. There are those now who think that Mr. Mitchell's credibility is in such disrepute that he ought to resign. Do you feel that Mr. Mitchell's problems now are such that he should walk away from his Cabinet job?

Senator GRIFFIN. No, I think that President Nixon is entitled to an Attorney General of his choice, within a wide range of latitude. President Nixon has every confidence in Attorney General Mitchell and I think that he ought to keep him on as long as he is satisfied.

Mr. STEWART. Well, do you agree with the President's announcement after the rejection of Senator Carswell—not Senator yet—of Judge Carswell that, as is apparently constituted, the United States Senate would not confirm a Republican southerner who is also a strict constructionist? Is that true? Is there no room on the Supreme Court for a southerner, in the eyes of this United States Senate?

Senator GRIFFIN. Well, let me say that I think there were three major factors that went into the rejection by the Senate of Judge Carswell: The '48 speech which he gave with a racist comment in it, which was very difficult to overcome; the argument which was repeated over and over again—very unfairly, I think—that he was a mediocre judge—actually, he was an outstanding judge—and, then, the third thing was that he was from the South. Those who interpret President Nixon's statement as saying that the Senate rejected Judge Carswell only because he was a southerner, I think, are misinterpreting what he said. And if he meant that, I wouldn't agree with him. But if he is saying and if he said—and I think he was saying—that that is one of the reasons that he didn't win, and that any southerner with the same qualifications as a northerner has a handicap and a more difficult time being confirmed by this Senate, as presently constituted, I agree with him.

Mr. STEWART. That is not what he said.

Mr. HERMAN. Well, he said "any southerner." He made it rather hard. He said "any southerner, any southern strict constructionist." Do you still think that that is flexible enough to interpret in the way that you have just outlined it?

Senator GRIFFIN. I think so. I think that naturally all of the Senators who voted against Judge Carswell didn't vote against him because he was a southerner, and I am sure that the President didn't intend that, and that is true, of course, of Judge Haynsworth, as well.

Mr. HERMAN. Let me ask you about Senate candidate G. Harrold Carswell, who said, I think yesterday or the day before, in Florida, that the Senate is dominated by ultra liberals. Is that your view of the Senate?

Senator GRIFFIN. Oh, I don't know. Like I have heard others say, I don't like these labels, conservatives and liberals. There is a strong group, a strong influence in the Senate that might be characterized by many people as ultra liberal. I wouldn't—these terms mean different things to different people. Since you raised the candidacy of Judge Carswell, of course, I, being a Republican Senate leader and looking forward to the possibility that we might have a majority in the Senate after the next election, I am somewhat disturbed that we suddenly have a divisive situation down in Florida. I hope that it will be worked out and that we won't lose the real possibility that we have to win that seat. Judge Carswell has taken on a real tiger and a very able man in Congressman Bill Cramer. I served with him throughout my service in the House. He is very able and he would make a good Senator, if he got elected.

Mr. SCHOUMACHER. Do you want to say anything nice about Judge Carswell?

Senator GRIFFIN. Well, I defended and supported Judge Carswell as a nominee for Supreme Court, and I guess I have already said quite a few nice things about him.

Mr. HERMAN. Are you able to straighten out for us the confusion on whether the White House did or did not endorse him and how that mess came about?

Senator GRIFFIN. No, I am not. I guess you will have to direct those questions to the White House.

Mr. SCHOUMACHER. Senator Griffin, if we can go into one other element of the aftermath of the shambles of these Supreme Court nominations, there is a good deal of dissatisfaction among some conservatives in the Senate, as I am sure you are aware, with the Republican leadership, mostly directed not at you but at Senator Scott, but I guess you have to take part of the blame. There is some talk about a revival of the Howard Baker candidacy for Senate leader in the next session. And Senator Baker the other day told me that "if we could pick up a few more conservatives," that he might be interested. Would such a candidacy be successful, do you think? How serious is this challenge to the leadership?

Senator GRIFFIN. Well, Dave, Howard Baker is a very able and articulate Senator, a very good friend of mine, and is doing a whale of a good job. And he is a leader of the Republican Party, whether he has a title or not. I think it is premature, very frankly, to be talking about this. The election won't come up until January, and that is quite a long way off. I think frankly that the leadership that we have has been doing a good job. It should be kept in mind that under Senator Scott we have had quite a lot of sharing of the leadership responsibilities. We now have deputy or regional whips, which include Ed Brooke and Chuck Percy, Ed Gurney, Jack Miller, Cliff Hansen, and Mark Hatfield. In the last year—now, it is too early to judge this year—on 74 percent of the real test votes of the Nixon administration, the Republicans in the Senate won for President Nixon. It is a better record actually by far than Senate Democrats had in support of President Johnson, and it is a better record than we had in the 90th Congress. These are statistics which can be checked with Congressional Quarterly.

There is always a lot of unrest and it is difficult. You have to have a shakedown period when you have a new leadership. I saw this in the House when I helped Gerry Ford become the new minority leader. He had a year or so when it was very—things were still shaky. Senator Scott is going to have this problem; I think he is doing a good job and I think that he will be reelected.

Mr. STEWART. Senator, you indicated earlier in a speech that you made on the floor a week or so ago, that you don't want to comment on the Douglas case since you are going to be sitting as a judge. But, aside from the merits of the case, isn't it more than coincidence that after Haynsworth was defeated, the talk of impeaching Douglas surfaced to a good extent, and after Carswell was defeated it suddenly became a really blossoming bud?

Senator GRIFFIN. Well, Dick, that is a very interesting way to try to slip me into a discussion of a possible Douglas impeachment.

Mr. STEWART. But that is not on the merits, Senator.

Senator GRIFFIN. But I am going to duck the question, and I don't know how many of your guests admit that they duck questions, but I am going to duck that one. I would like to explain just why it is necessary for a Senator to do that. Under our Constitution the House, of course, acts in the capacity of a grand jury to decide whether or not the charged official should be impeached. It is somewhat equivalent to the word "indictment" when they are impeached. And if the House does vote to impeach Justice Douglas, then the Senate has a very solemn and serious responsibility to sit as judges and jurors to hear the evidence and then to decide the guilt or innocence of the accused. And we should not prejudge the merits and, frankly, I think that if you get into a discussion of the motives of particular House members as to why they are doing it, in a sense you are getting very close to prejudging the case itself.

Mr. HERMAN. Let me ask you one small question that you may be able to answer: Do you welcome the shift to the Judiciary Committee of the House as the more proper way in which to conduct this investigation in the House?

Senator GRIFFIN. I wouldn't have any particular judgment on that. That is something strictly internal housekeeping as far as the House is concerned.

Mr. SCHOUMACHER. Let's go somewhere else, then. What about the so-called Minnesota strategy of the President? You are on the committee that is going to have to decide about Judge Blackmun as a nominee. Are you convinced that he has the qualifications? Are you disturbed by these early charges of conflict of interest that he himself has made against himself?

Senator GRIFFIN. The real drama, of course, in the cloak rooms these days revolves around the question of whether the House is going to reduce the number of Supreme Court justices to seven before the Senate has a chance to increase it to nine. Everything I know about Judge Blackmun is very good. He has got a wonderful background and record. Every indication is that he does exercise judicial restraint. He is moderate on civil rights, as I understand his record, and yet he believes in strict interpretation of the laws. The hearings begin on Wednesday, before the Judiciary Committee. I think it is interesting that no one yet has asked permission to testify against Judge Blackmun. Now we may have a request before Wednesday, but it looks right now as though his chances are very good.

Mr. SCHOUMACHER. He has brought up voluntarily this matter of some holdings, direct or indirect, that were involved in cases that he was also involved in. That doesn't disturb you at all?

Senator GRIFFIN. Well, we're going to certainly examine him closely on that. His holdings were in the Ford Motor Company. He had only 50 shares of stock. He was very sensitive to his responsibilities and the canons of ethics because he discussed whether or not he should participate in the particular case with the chief judge of his court, indicating a keen sense of sensitivity. And this to me is very interesting and very important on the surface. Other than that, I don't know of any particular point that I would have any doubts about at this time.

Mr. SCHOUMACHER. Senator, after the Carswell vote, I watched an interview that Roger Mudd conducted with you, and I questioned Roger afterward about it, and you get the impression that you regretted a bit that you had been locked in in supporting Carswell early before everything had come out. Are you now trying to sort of play hold-back, not commit yourself to Judge Blackmun?

Senator GRIFFIN. Actually, I didn't commit myself to Judge Carswell until after the hearings were over. I definitely, very definitely recall that. So I wasn't locked in in advance, any more than I am locked in in advance on this nomination.

Mr. HERMAN. Did you support Judge Carswell because you were one of the administration leaders in the Senate, or because you had made a personal judgment?

Senator GRIFFIN. I made a personal judgment. I could find no serious or substantial questions about ethics. I was satisfied in my own mind that he was well qualified. And while I was concerned about his 1948 speech in the civil rights posture, I ended up with the judgment and the conclusion that he was not a racist. And while his views were a little more conservative than mine, I didn't want to reject him just because of philosophy alone.

Mr. SCHOUMACHER. Senator, the Communist Chinese have now orbited a satellite. What is that going to do, in your mind, to the forthcoming ABM considerations? You were a supporter of ABM. Does this make you more likely to want to see it enlarged?

Senator GRIFFIN. Well, before I knew of the news reports I was satisfied in my own mind that I would support President Nixon's request for Phase II of the Safeguard. It is difficult to evaluate the meaning of the Soviet success——

Mr. SCHOUMACHER. The Red Chinese.

Senator GRIFFIN. The Red Chinese, I mean. I think it does point up that a lot of those who had been very conservative in their estimates of what the Chinese were able to do ought to do some re-evaluating. The Defense Department and the administration, I think, have been pretty much right on target. This indicates that they do have the capability to send a payload up into orbit and that they do have the capability of developing an ICBM. How soon they can actually deploy ICBMs is still a question, of course.

Mr. HERMAN. The arguments for the ABM have gone through—in about the minute we have left—the arguments for ABM have gone through several gyrations. First it was anti-Chinese; the last I heard it was anti-Russian, because they were building new weapons. Now do you think it will go back to being anti-Chinese again?

Senator GRIFFIN. I think it should be kept in mind that President Nixon has been consistent. Both times he asked for ABM, the first and the second phase, he said it was necessary to protect our Minuteman missiles against a possible first-strike Soviet—he didn't use the term "first strike" but the possibility of a Soviet attack. It was also desirable for the kind of ICBM attack that the Chinese might develop in this decade, and also to protect us against the possible accidental firing of missiles by a foreign nation.

Mr. HERMAN. Very briefly, in the few seconds we have left, do you think this will make it easier for the President to get his ABM program passed?

Senator GRIFFIN. I think maybe it will. I think a lot of Senators now are going to look at the ABM question in a different light.

Mr. HERMAN. Thank you very much for being with us today on "Face the Nation."

ANNOUNCER. Today, on "Face the Nation," the Senate's Minority Whip, Senator Robert Griffin, Republican, of Michigan, was interviewed by CBS News Correspondent David Schoumacher, Richard Stewart, Congressional Correspondent of the Boston Globe, and CBS News Correspondent George Herman.

PROOF OF THE DOMINO THEORY

Mr. McGEE. Mr. President, the domino theory is being proved right now in Southeast Asia, where Laos and Cambodia, as well as South Vietnam, are now visibly threatened by military force. This despite the fact that for a number of years now, great efforts have been made in the United States to discredit the theory. It is not discredited. It has risen from theory to fact, I fear, and simply must be faced. How to face it and how to tell the American people is a question before the administration, as William S. White wrote in his Saturday column in the Washington Post. I ask unanimous consent that the column be printed in the RECORD.

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

"DOMINO THEORY" BEING PROVED EVERY DAY IN SOUTHEAST ASIA

(By William S. White)

The real question before the Nixon administration is whether and when to give it to the American people with the bark on—a phrase used by old Cactus Jack Garner as vice president to indicate the rough and unvarnished truth as to the state of the world in which we live.

It is not, however, a simple question to answer; nor do stereotypes about "credibility gaps" and all that have any genuine applicability here. Giving it to the people with the bark off, as is currently being done both as to the deepening crisis in Southeast Asia and our wistful efforts at Vienna to negotiate a halt in the big arms race with the Soviet Union, has its honest, and even imperative, uses.

After all, since the discovery of the atomic weapon we have become a people whose mood is year by year more governed by excessive fears than by even the most modest form of realism. This being the root fact of life, President Nixon has not only a right but also a positive duty—since pushing anything remotely describable as a panic button has become more and more unthinkable—to put the most affirmative face he can on world affairs without doing actual violence to the facts.

It is against this perspective, one suggests that his recent speech on Vietnam, dominated as it was by his talk of bringing out another round of troops, should be read. And it is against this perspective that one ought to see the dogged attempts of Washington to insist that there really is some chance to make an honest agreement with the Russians for a weapons freeze. In the first place, the most confirmed cynic cannot be certain beyond all doubt that something good cannot eventually emerge from Vienna. In the second place, in high politics there can be a form of candor so excessive in itself as to become itself misleading. Surely enough, a spade is a spade is a spade; but it is not necessarily and always a bloody shovel.

Finally, a country so long conditioned by

dove politicians and screeching "student demonstrations" and all manner of pacifists to flinch from the very word "military" simply could not responsibly be given it all with all the bark on and all at once. It would do nobody, and least of all that country itself, any good to put the position so boldly as to transform what is already something close to a national fear neurosis to something approaching psychosis.

All the same, and all this having been said, this observer believes that the President has already gone as far as he should go—and maybe a bit farther—with the process of national reassurance. He has indeed lowered his own voice, as he said during the campaign that we all should do. One columnist now suggests, since there is a time and a season for everything, that the hour has come for the President to raise his voice, and most notably about the present realities in Southeast Asia.

The "domino theory" so long scorned by the new isolationists—the concept that when the Communists topple one helpless country another topple will not be far behind—is being proved every day now in Southeast Asia. No longer simply South Vietnam but now also Laos and Cambodia are visibly, undeniably and appallingly under Communist military menace. The President, to be sure, has not attempted to hide this; but it is fair to say that he is being pretty gingerly about it.

To return, then, to his recent Vietnam address, a point should be stressed that has certainly had very little emphasis to date. This is that the President, when all is said and done, in no way froze his own position—not even on troop withdrawal—and is still perfectly capable without inconsistency or "credibility gaps" of reversing his present course in Vietnam. He is fully capable, in a word, of applying far more pressure, particularly in the air, than has ever yet been contemplated—and it is not inconceivable that he may yet have to do just that.

The fact that he has thus far given it to the public with the bark off does not mean that he has thrown the bark quite away and could not find it again if the last, hard necessity arose.

REMARKS OF SENATOR PROXMIRE BEFORE THE SPECIAL FOREIGN RELATIONS SUBCOMMITTEE ON THE GENOCIDE CONVENTION

Mr. PROXMIRE. Mr. President, last Friday a special subcommittee of the Foreign Relations Committee, presided over by the Senator from Idaho (Mr. CHURCH), began its consideration of the Genocide Convention. The hearings of this subcommittee mark the first Senate action taken on this treaty since it was tabled by the Foreign Relations Committee in 1950.

I had the privilege to appear as the leadoff witness before this special subcommittee. Other witnesses testifying on the first day of the hearings in favor of Senate ratification included Charles Yost, our United Nations Ambassador; Mrs. Rita, Hauser, the U.S. Representative to the Commission on Human Rights; Mr. Leonard Aldrich, the deputy legal adviser for the State Department; and Mr. Bruno Bitker, a prominent Milwaukee lawyer who has long been active in the field of human rights.

As I have said on innumerable occasions on the floor of the Senate, ratification of the Genocide Convention is a matter of the utmost importance for our country.

There are no constitutional barriers to ratification. There is no danger of jeopardizing our national interest if we become a party to the Genocide Convention. And most important, there is absolutely no justification for the inaction of the United States in this vital area of human rights.

I believe that the Senate now has the best chance to act on this United Nations convention since it was submitted by President Truman in 1949. We must not miss this chance; to do so would be a tragic failure to fulfill our moral obligations in the field of human rights.

Mr. President, I ask unanimous consent that my remarks in support of the Genocide Convention before the special subcommittee of the Foreign Relations Committee be printed in the RECORD.

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

REMARKS OF SENATOR WILLIAM PROXMIRE BEFORE THE FOREIGN RELATIONS SPECIAL SUBCOMMITTEE ON THE GENOCIDE CONVENTION

I am delighted to have this opportunity to present to you and your distinguished committee my reasons for urging prompt Senate ratifications of the Genocide Convention. In January, 1967, I told my Senate colleagues that I intended "to speak day after day in this body to remind the Senate of our failure to act on several UN human rights treaties, (including Genocide) and of the necessity for prompt action". I feel so strongly that these treaties should be ratified by the Senate that I have spoken daily whenever the Senate was in session urging ratification for the past three years.

When representatives of the 13 colonies signed the Declaration of Independence in 1776, they recognized the self-evident truths that all men are created equal and that they have certain unalienable rights, among them life, liberty, and the pursuit of happiness. Our declaration of Independence, our Constitution, and our war for independence have had a profound influence on peoples and countries all over the world. Our moral example has influenced men and nations throughout the world for almost two centuries.

The commitment of the United States to securing basic rights for all mankind is perhaps most vividly demonstrated by the value we place on the individual human life. I firmly believe, and I think all Americans would agree, that the most fundamental of all human rights is the right to life.

Secure in its own dedication to the concepts of human rights, the United States took the lead in helping draft the United Nations Universal Declaration of Human Rights which provides that "all human beings are born free and in equal dignity and rights". The Universal Declaration states that "everyone has a right to life, liberty and security of person". The Declaration further states that "the foundation of freedom, justice, and peace in the world" is based upon the recognition of the "inherent dignity and of the equal and inalienable rights of all members of the human family".

The Genocide Convention puts the lofty principles embodied in these and other great documents into the framework of international law. It was the first Human Rights treaty to pass the United Nations.

Mr. Chairman, the history of mankind is marred by tragic accounts of man's inhumanity to his fellow man through violation of fundamental human rights. The programs against the Jews in Russia were a genocidal attempt by the government of that country to obliterate its Jewish population. Turkey's efforts to solve its "Armenian problem" resulted in 27 years of bloody horror and ended with the death of two million members of the Armenian minority.

Most infamous of all was the systematic eradication of over six million Jews and others by the Nazis in World War II. Men everywhere were outraged at the senseless and barbaric actions of the German war machine. Determined that genocide should be dealt with forcefully, the United Nations declared in December 1946 that it was to be treated as an international crime.

The UN Genocide Convention translated the intent of this resolution into a formal treaty, and it was passed by the General Assembly in 1948 by a vote of 55–0. America's participation and support were crucial in drafting and securing unanimous ratification of the treaty.

In June, 1949, President Harry S. Truman submitted the Genocide Convention to the Senate for its advice and consent saying in part:

"I also emphasized that America has long been a symbol of freedom and democratic progress to peoples less favored than we have been and that we must maintain their belief in us by our policies and our acts. By the leading part the United States has taken in the United Nations in producing an effective international legal instrument outlawing the world-shocking crime of genocide, we have established before the world our firm and clear policy toward that crime. By giving its advice and consent to my ratification of this convention, which I urge, the Senate of the United States will demonstrate that the United States is prepared to take effective action on its part to contribute to the establishment of principles of law and justice."

A Foreign Relations Subcommittee held hearings on the treaty in 1950 and reported it favorably to the full committee. The representatives of the American Bar Association, however, voiced strong objection to ratification; this testimony evidently convinced the committee to shelve the treaty. And there it has languished for the last twenty years.

During this 20 year period 75 other nations have ratified the Genocide Convention. Action by the United States is obviously long overdue. If anything our obligation to accede to the treaty has increased now that so many other countries have acted affirmatively on the convention.

I am extremely pleased that the Foreign Relations Committee is now re-opening hearings on the constitutional and legal implications of the Genocide Convention. These hearings will help bring the issues squarely to the fore, and I hope they will lead to a speedy Senate vote on ratification.

The purpose of the treaty is to make genocide an international crime whether it is committed in war or peacetime. The treaty attempts to prevent the destruction of a national, racial, ethnic, or religious group by defining genocide, outlawing it, and establishing procedures for trying and punishing any violators (public or private). Genocide is defined as the destruction or attempt to destroy any of these groups by killing, causing serious bodily or mental harm, restricting births, forcibly transferring children, or inflicting upon the group condition of life designed to cause its physical destruction. Genocide, conspiracy, direct incitement, attempt to commit genocide, and complicity in genocide are punishable.

The first question that has been raised is whether the subject of genocide is the proper subject of an international treaty. A recent report by a special lawyers committee of the President's Commission for Human Rights Year conclusively disposes of this issue. The committee, headed by former Justice Tom Clark, reported in October of 1969 and concluded that treaties dealing with the rights of individuals in their own countries *are* legitimate matters of international concern.

As Justice Clark pointed out one of the basic purposes of the UN Charter, which this country ratified, is the promotion of universal Human Rights. Moreover, the Senate itself has answered this question by giving its advice and consent for U.S. accession to the Protocol on Refugees and the Supplemental Slavery Convention.

The Clark report states that each human rights treaty must be examined in the light of two legal criteria: (1) whether the exchange of international obligations would serve U.S. national interests; and (2) whether the treaty would conflict with the U.S. Constitution.

Let us now turn to the specific treaty before us—the Convention on the Prevention and Punishment of the Crime of Genocide. I have thoroughly examined the arguments against the Genocide Convention in the light of the second point of the Clark report, and perceive no constitutional barriers to Senate ratification and United States accession.

I wish to be very specific on this crucial point.

Some have expressed the fear that if America became a party to this treaty American citizens could be tried in foreign courts on charges of genocide. This is clearly specious. Right now with no treaty in force, an American citizen in the physical territory and or control of a foreign nation can be charged and tried for any offense from shoplifting, to robbery, to espionage, to murder, even to genocide. The Genocide Treaty does not alter this, and does not expand the jurisdiction of foreign courts in any way whatsoever.

It is equally specious to say that the treaty allows American prisoners of war to be tried on charges of genocide. An enemy power can charge an American prisoner of war with any crime it chooses to trump up. The Genocide Treaty will not alter this. It will create no new hazard for our fighting men. And American military men stationed on friendly foreign soil will still be protected by the specific status of forces agreement we have with that particular country.

To even imply that ratification of the Genocide Convention would adversely affect our fighting men now prisoners of war in North Vietnam is patently absurd. Such an argument is merely a blatant appeal to blind emotion with no basis in reality. Former Attorney General Nicholas Katzenbach, who himself was a war prisoner for 27 months, has publically stated that ratification of the Genocide Convention would in no way present new dangers for American troops. I fully agree.

Another argument against ratification is that United States accession to the Genocide Treaty would allow some radical groups in the United States to charge that genocide was being committed against them by the police, government officials, or private citizens.

At the moment, our laws provide for the crime of murder to be tried and investigated in the local jurisdiction in which it is alleged to have occurred. And those accused of the crime are tried under local laws. Ratification of the Genocide Convention will do nothing to change this. Ratification of the Genocide Convention together with the subsequent passage of implementing legislation would, of course, create a new Federal cause of action.

It would simply add an additional jurisdiction in which these cases could be tried.

Mr. Chairman, some concern has been voiced that if we ratify the Convention, Americans could be hailed before an international penal tribunal and tried there. There has been a great deal of confusion on this point.

First, I would like to clearly point out that the international penal tribunal referred to in article VI of the Convention is not yet in existence. If such a court should ever be established no American citizen could ever come within its jurisdiction unless the Senate specifically ratified a new treaty providing for this. Second, the International Court of Justice which now sits at The Hague (and is commonly known as the World Court) is given a purely interpretive function by the Genocide Convention. It will have no power to try persons accused of genocide.

Third, as there is no existing international penal tribunal to try genocide cases, local courts in the territory where the crime is alleged to have occurred, whether in foreign countries or in America, will have jurisdiction to try the cases. It is as simple as that. *American* ratification of the Genocide Convention, furthermore, will *do nothing* to create a new cause of action in Foreign Courts.

Much of the opposition to the Genocide Convention comes from the American Bar Association. But there are a number of reasons, Mr. Chairman, why the ABA's position should be accorded very little weight by this committee.

First, the ABA itself was very closely divided on this issue. The ABA's House of Delegates failed to endorse ratification of the Genocide Convention by only four votes. The very closeness of the vote itself and the spirited debate indicates that the ABA as a group has no decisive or overwhelming constitutional objection to ratification.

Second, the ABA's Standing Committee on World Order Under Law, and its sections on Individuals Rights and Responsibilities, Criminal Law, and International and Comparative Law—those very divisions of the ABA most directly and intimately concerned with the Genocide Convention—all strongly favored ratification. The distinguished men and women in the ABA who know most about the subject, who had the responsibility of delving into every relevant issue, supported ratification.

Third, in considering the ABA's position on the Genocide Convention, we must keep one vital fact clearly in mind: The Senate of the United States has the constitutional responsibility to give its advice and consent to treaties submitted to it by the President; and the President and his advisors have the primary responsibility for conducting our foreign relations.

Fourth, although the ABA was instrumental in having the Genocide Convention tabled by the Foreign Relations Committee in 1950, it is important for us to recognize that its present position should not carry the same weight. Much of its objection is now based on political grounds, rather than constitutional grounds. Thus, while the ABA's official position on the Genocide Convention is interesting, we cannot allow the Bar Association to usurp our constitutional functions or to substitute its judgment for the judgment of the President in the conduct of our foreign affairs.

The other criteria mentioned in the Clark report—that ratification of a Human Rights Treaty should be viewed in light of our national interests—has been sufficiently met by the President and his advisors.

Secretary of State Rogers, last fall, examined the Genocide Convention and concluded it was in the U.S. national interests to work for prompt Senate ratification. In February, the Attorney General informed the Secretary of State that ratification of the genocide pact would present no constitutional problems.

Secretary Rogers then sent the Genocide Convention to President Nixon recommending that he support ratification. Based on this recommendation, the President sent a message to the Senate urging its advice and consent to this Treaty. In his message supporting ratification, the President noted that "some of our detractors have sought to exploit our failure to ratify this Convention to question our sincerity. I believe we should delay no longer in taking the final convincing step which would reaffirm that the United States remain as strongly opposed to the crime of genocide as ever."

Mr. Chairman, the President of the United States, with the concurrence of the Secretary of State, has asked the Senate to ratify the Genocide Convention. Attorney General Mitchell finds no constitutional barriers.

Senate failure to debate and ratify the Genocide Convention can only be construed by our enemies as evidence that we have indeed something to fear. Certainly we do not.

As Chief Justice Warren said in 1968, "we as a nation should have been the first to ratify the Genocide Convention."

The United States must put itself on record as being unalterably opposed to this monstrous crime. We must dedicate ourselves to its prevention and punishment and assert this country's powerful moral leadership in the field of human rights. Senate ratification of the Genocide Convention will publicly re-affirm our fundamental belief that human life is most precious.

THE CBS NEWS POLL

Mr. GOLDWATER. Mr. President, the Columbia Broadcasting System conducts an interesting program entitled "Sixty Minutes." In conjunction with this and for their information they made a national random television poll of 1,136 adults on March 10 and 12 of this year.

The findings of the poll were extremely interesting and, to quite an extent, disturbing and frightening. What it shows is that a rather large percentage of our people think that there are amendments incorporated in the Bill of Rights which should be repealed.

I was invited by Mr. Mike Wallace, of this show, to discuss with him what I saw as the true meaning of the poll. My analysis of it—and I will admit that it was not an indepth analysis because of the shortness of time I had—forced me to comment that I felt and still feel that those people expressing a desire to change article I as it applies to assembly or the same article as it applies to the free press and free speech and, again, in article V as it applies to double jeopardy and article VI as it applies to preventive detention indicates a mood of the people rather than a specific individual desire to change the Bill of Rights.

I feel that if the people who responded to the poll were asked these questions in relation to the repeal of the entire article, their response probably would have been different. Because they feel, in my opinion, that these very rights which we all cherish have been used against property and life by people who have no feelings for the rights of others they responded as they did.

This is one of the most interesting polls that has come to my attention in a long time. Because it is probable that Senators will not have an opportunity to see it in its entirety, even though a small part of it appeared in Time magazine, I ask unanimous consent that the entire result of the CBS poll be printed in the RECORD.

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

THE CBS NEWS POLL

INTRODUCTION

These pages present the findings from a national sample of adults on their feelings

about certain basic concepts embodied in the Bill of Rights of the Constitution. Naturally, the questions asked could not be phrased in the terminology of the original writing; rather, they were written in contemporary language. Because of the inherent danger of trying to interpret the public's responses to questions dealing with their constitutional rights, we tried to make the questions as direct and meaningful as possible.

Before undertaking the study, we conducted five separate depth-interview sessions in which different groups of six to eight people—young men, working women, suburban housewives, etc.—were interviewed intensively for two or three hours each. Later, the tape recordings from those interviews were analyzed for several days to see if we could determine what people's answers meant, and the reasons underlying those answers.

Most of the questions deal with semi-abstractions—such as "national interests," "serious crimes"—in order to allow the respondent to provide his own frame of reference in answering a given question. That is, we permitted the individual to make his own interpretation of Bill of Rights concepts as we structured them, because his particular interpretation guides his day-to-day actions and feelings with respect to the rights of others. Naturally, although two people may answer "yes" to a question about trial by jury, chances are they may do so for somewhat different reasons.

Findings from the depth interviews were incorporated into a small-scale (127 people) pre-test in three regions of the country about one week in advance of the major study itself. Findings from the pre-test convinced us the survey was feasible. In addition, the final questionnaire was reviewed by a constitutional lawyer for expert insight into the sense of the questions. His appraisal was that although there are many qualifications for any legal interpretation of articles of the Bill of Rights, in each instance the questions in the study were directly to the point at issue.

FINDINGS

The majority of adults in America seem willing to restrict some of the basic freedoms constitutionally guaranteed by the Bill of Rights. Specifically, about three-fourths (76%) of the 1,136 people interviewed in the nationwide CBS News telephone survey believe extremist groups should not be permitted to organize *demonstrations* against the government, even if there appeared to be no clear danger of violence. Moreover, well over one-half of the people (54%) would not give everyone the right to *criticize* the government, if the criticism were thought to be damaging to our national interest; and, a comparable number (55%) feel newspapers, radio, and television should not be permitted to *report* some stories considered by the government to be harmful to our national interests (wartime censorship was excluded in the question).

Two additional freedoms that people would restrict involve "double jeopardy" and "preventive detention." In the case of the former, nearly three out of every five adults (58%) feel that if a person is found innocent of a serious crime, but new evidence is uncovered after the trial, he should be *tried again*. In the case of the latter, three out of every five adults (58%) also feel that if a person is suspected of a serious crime, the police should be allowed to *hold* him in jail until they can get enough evidence to charge him with the crime.

These findings suggest that group protests, vocal dissent, and the publicity given to them apparently have surpassed the public's level of tolerance. Moreover, the general concern for law and order seems to have led people to a willingness to curtail the rights of the individual criminal should there be strong indication of his probable guilt.

On the other hand, other constitutional guarantees involving the judicial process appear to be so deeply embedded in our way of life that Americans emphatically uphold them. In particular, four out of five people (82%) feel that guilt or innocence in a criminal case should be decided by a *jury*, not by the judge alone; three out of four (75%) believe that the government should never be allowed to hold a *secret trial*; and two out of three (66%) feel that the police should not be allowed to enter someone's home without a *search warrant* even if they suspect that drugs, guns, or other criminal evidence is hidden there.

Less strongly, but nonetheless acceptable to most people, are the rights of defendants in criminal cases to avoid self-incrimination and to confront witnesses against them. In both cases, more than one-half of the people (54%) feel that the individual should have the right to *refuse to answer* questions if he feels his answers may be used against him and that the prosecution should never be allowed to keep the *identity of witnesses* secret during a trial.

Before looking at the specific findings for different groups making up the national population, let us point out first that the people most frequently opposed to various freedoms guaranteed to Americans by the Bill of Rights are women, older people, and people with relatively low levels of education. One caution should be raised about interpreting findings for Jewish people; the findings are not necessarily representative of this group because such a small number (48) appeared in the sample.[1]

BILL OF RIGHTS CONCEPTS THAT PEOPLE OPPOSE

The following pages show the basic concept embodied in the Bill of Rights that the American public rejects, at least in the terms of the question we asked of them. The exact question working is shown for each concept.

1. Peaceful assembly:

Article I.—"Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech or of the press; *of the right of the people peaceably to assemble* and to petition the government for a redress of grievances."

Question.—"As long as there appears to be no clear danger of violence, do you think any group, no matter how extreme, should be allowed to organize protests against the government?"

Results:	Percent of people
Yes	21
No	76
Sometimes	--
No response	3

In intensive depth interviewing done prior to the study, we found that people tend to think in terms of the Black Panthers, SDS, and other extremist ("radical left" not "radical right") groups as the kinds of groups demonstrating against the government. Altogether, three-fourths of the public would prohibit anti-government demonstrations, often because they fear that no matter how well-intended such demonstrations invariably disintegrate into violence.

Women are somewhat more likely than men to oppose organized demonstrations even where there is no clear danger of violence. Not surprisingly, older people are much more opposed to demonstrations than are younger people; and Republicans and Democrats are more often opposed than are people who do not claim a political party affiliation or else identify with a political group outside the two-party system.

[1] An Appendix to this report shows the response to all questions by different subgroups in the national population.

People with less education and lower income are more likely to oppose demonstrations than are those in the higher education and income groups. Protestants, Catholics, and whites are more frequently opposed to demonstrations than are the few Jews studied or members of other faiths or secularists and non-whites.

Southerners are more likely to be against anti-government demonstrations than are people in other parts of the country, particularly those in the Western states.

2. Free press:

Article I.— "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; *or abridging the freedom of speech or of the press;* or the right of the people peaceably to assemble and to petition the government for a redress of grievances."

Question.—"Except in time of war, do you think newspapers, radio, and television should have the right to report any story, even if the government feels it's harmful to our national interest?"

Results:	Percent of people
Yes	42
No	55
Sometimes	1
No response	2

The findings here closely parallel those for opposition to anti-government demonstrations. That is, women, Republicans and Democrats, older people, Protestants and Catholics, the less-educated, and those in lower income groups are most likely to oppose the mass media having the freedom to report any story they wish, even in times of relative peace (undeclared war), if the "government" feels the report is inimical to our "national interests."

Only in the Western states do a majority of people favor the free press concept; there are no real differences among people in other regions of the country. Finally, whether a person is white or non-white makes no difference in his feelings about press freedom—a majority of both groups oppose the reporting of any or all stories that the government defines as against the nation's best interests.

3. Free speech:

Article I.—"Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise tehreof; *or abridging the freedom of speech or of the press;* or the right of the people peaceably to assemble and to petition the government for a redress of grievances."

Question.—"Do you think everyone should have the right to criticize the government, even if the criticism is damaging to our national interests?"

Results:	Percent of people
Yes	42
No	54
Sometimes	1
No response	3

In this case, men are more likely than women to oppose free criticism of the government. Of all the questions explored in the lengthy depth interview sessions, this one produced the most internal conflict. That is, while people often recognize the right involved and see the implications of the alternative to free speech, they feel that dissent has gone "too far" and that a line somehow must be drawn somewhere. Who should draw the line and how is the problem that produces the mental conflict. The concept of free speech blurs with that of the free press; people tend to feel that criticism of the government in personal conversations among friends and family members is not the same as publicizing that criticism in the mass media.

A person's race, political party affiliation, or region of the country has little bearing on

his feelings about the exercise of free speech. But, as we saw before, Protestants and Catholics, older people, poorer people, and less-educated people are most likely to be against giving everyone the right to criticize the government if the criticism purports to be damaging to our national interests.

Reviewing the three concepts thus far, it is not surprising to find that—with the exception of income which is highly correlated with educational attainment—the groups most likely to oppose the unrestricted exercise of free speech, free press, and peaceful assembly are older and are members of the majority parties and religions. In effect, these are the members of the system under attack.

4. Double jeopardy:

Article V.—"No person shall be held to answer for a capital or other infamous crime unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger; nor *shall any person be subject for the same offense to be twice put in jeopardy of life or limb;* nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use without just compensation.

Question.—"If a man is found innocent of a serious crime, but new evidence is uncovered later, do you think he should be tried again for the same crime?"

Results:	Percent of people
Yes	58
No	38
Sometimes	1
No response	3

Those Bills of Rights guarantees that most people would restrict tend to divide into two groups. The first group has already been described, the exercise of dissent. The second group is made up of two concepts involving the probable guilt of a suspected criminal. The depth interviews suggested that, while people recognize the danger to the individual of being "hounded for life" for the same crime, there nonetheless is a feeling that if the individual has the right to appeal a conviction the government should have the right to re-try on acquittal. Moreover, the sentiment for re-trial grows stronger as the crime becomes more serious, e.g., murder, rape, child molestation, trafficking in narcotics among young people, espionage, and so on.

Not unexpectedly, women are much more likely than men to wish to re-try suspects after acquittal on the basis of new evidence. Women feel, of course, more vulnerable to the commission of crime than do men and have a heightened concern for the safety of their children.

Whites and people in Western states, particularly as compared with people in the East, are most likely to want to re-try suspects for the same crime. Age, political affiliation, income, and education have little to do with people's feelings.

Jewish people (at least the small number studied) seem more likely than Protestants and Catholics—who are in turn more likely than members of other faiths and secularists—to abridge the double jeopardy clause. This finding is inconsistent with most findings for Jews, who by and large tend to be Civil Libertarians in outlook.

5. Preventive detention:

Article VI.—"In all criminal prosecutions, the accused shall enjoy the *right to a speedy* and public trial, by an impartial jury of the State and district, wherein the crime shall have been committed, which districts shall have been previously ascertained by law, and *to be informed of the nature and cause of the accusation;* to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense.

Question.—"If a person is suspected of a serious crime, do you think the police should be allowed to hold him in jail, until they can get enough evidence to officially charge him?"

Results:	Percent of people
Yes	58
No	38
Sometimes	1
No response	2

The findings are substantially the same on this question as for previous ones; namely that women, Republicans and Democrats, older people, members of the major religions, people in lower education groups, and people in lower income brackets are most likely to wish to hold the suspected criminal in jail without a formal charge until sufficient evidence can be brought against him for a serious crime. The issue is not clear-cut, of course. Depth interviews indicated that while people realize that the individual's rights are being compromised, they frequently express concern that "dangerous criminals" on the loose will commit more crimes or else flee the country. Here, again, people feel a line somehow should be drawn with respect to the seriousness of the crime and the length of time a suspect could be held without charge, but have no idea as to how and who could make the distinction.

A person's race has no relationship to his answer to this question; but people in the Midwest are more likely than people in the rest of the country—especially more so than people in the West—to agree to hold suspected criminals without formal charge.

BILL OF RIGHTS CONCEPTS THAT PEOPLE UPHOLD

The following pages show the basic concepts embodied in the Bill of Rights that the American public upholds, at least in terms of the questions we asked them. The exact question wording is shown for each concept.

1. Trial by jury:

Article VII.—"In suits at common law, where the value in controversy shall exceed twenty dollars, *the right of trial by jury shall be preserved,* and no fact tried by a jury shall be otherwise reexamined in any court of the United States than according to the rules of the common law.

Question.—"In most criminal cases, the judge conducts the trial and a jury decides guilt or innocence. Instead of the jury, would it be better if the judge alone decided guilt or innocence?"

Results:	Percent of people
Yes	14
No	82
Sometimes	1
No response	3

The American public is strongest in its support of trial by jury; four-fifths reject the idea of a judge deciding verdicts instead of a jury. In the depth interviews, however, we found that a hypothetical panel of three judges would be acceptable to a number of people who rejected the idea of only one judge deciding guilt or innocence in criminal cases.

Preference for a single judge deciding the outcome of criminal cases increases as age increases and as income and education decrease. Surprisingly, people in the Eastern states are more likely than people in other parts of the country—particularly those in the West—to favor decisions by a judge instead of a jury. Equally surprising, nonwhites are more likely than whites to prefer a single judge. This may be due to the feeling among minority group members that they cannot get an impartial verdict from predominately white juries.

Political party affiliation, religious preference, and the individual's sex have little relationship to people's feelings about trial by juries.

2. Public trial:

Article VI.—"In all criminal prosecutions, *the accused shall enjoy the right to a speedy and public trial,* by an impartial jury of the State and district, wherein the crime shall have been committed, which districts shall have been previously ascertained by law, *and to be informed of the nature and cause of the accusation;* to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense."

Question.—"In criminal cases, do you think the government should ever have the right to hold a secret trial?"

Results:	Percent of people
Yes	20
No	75
Sometimes	1
No response	4

In the military, trials can be conducted secretly and transcrips withheld from public scrutiny when it is determined that national security would be jeopardized by public disclosure. In civil and criminal cases, however, there is no circumstance in which a trial's transcrips are not public record. The concept of secret trials meets with great resistance, three-fourths of the American public oppose the idea. Opposition cuts uniformly across most sub-groups, in that people's sex, age, party affiliation, religion, income, and education have little bearing on their answers. Whites, however, are more likely than non-whites to be willing to give the government the right to conduct confidential trials. And, while people in the Midwest, South, and West tend to answer about the same way, a noticeable higher proportion of people in the Eastern states than in the Midwestern states would permit secret trials.

3. Search and seizure:

Article IV.—"The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, *and no warrants shall issue but upon probable cause, supported by oath or affirmation,* and particularly describing the place to be searched, and the persons or things to be seized."

Question.—"If the police suspect that drugs, guns, or other criminal evidence is hidden in someone's house, should they be allowed to enter the house without first obtaining a search warrant?"

Results:	Percent of people
Yes	32
No	66
Sometimes	1
No response	1

This particular question was revised many times before its final form. In this case we specified "drugs, guns, or other criminal evidence," in the question; normally we would have preferred to permit the individual to interpret "criminal evidence" without the mention of drugs or guns. In the pre-test and the depth interviews, however, we found that drugs and guns are the two most salient concerns with respect to search and seizure. Asking the question in more vague terms produced confusion between illegal entry and legal entry in "hot pursuit."

Two-thirds of the public reject the idea of the police entering private residences without search warrants. While recognizing

that criminals may dispose of evidence during the time lost obtaining search warrants, people nonetheless prefer the right of security in their home. Interestingly, a number of people interviewed prior to the study itself expressed concern for the police "planting" incriminating evidence in the home of suspected criminals.

As age increases and education decreases, people are more likely to favor permitting the police to enter homes without search warrants; and whites are more likely than members of minority groups to permit the police to enter without warrants. Curiously enough, Jewish people and people in the Eastern states—typically bastions of civil libertarianism—are more likely than their counterparts in other faiths or other regions to be willing to permit entry and search without formal search warrants. Also, people in the $5,000 to $10,000 income range are more permissive than those in higher and lower income groups with respect to search and seizure.

People's sex and party affiliation has no relationship to their answers to this question.

4. Self-incrimination:

Article V.—"No person shall be held to answer for a capital or other infamous crime unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; *nor shall be compelled in any criminal case to be a witness against himself,* nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use without just compensation."

Question.—"At their trials, do you think suspected criminals should have the right to refuse to answer questions if they feel their answers may be used against them?"

Results:	Percent of people
Yes	54
No	42
Sometimes	1
No response	3

In our exploratory research before the survey, we found many people felt that only the guilty take the Fifth Amendment to avoid self-incrimination. A number felt that the Fifth Amendment has been misused, by Mafia members in particular, and thereby was not serving the ends of justice. Consequently, it perhaps is not too startling to find that just over a majority of the public upholds the individual's right to protect himself from self-incrimination.

Opposition to use of the Fifth Amendment is higher among older people, people with less education, and people with less than $15,000 annual income. Opposition also is higher among whites, Protestants, and Republicans. One finding out of character is that proportionately more people in the Eastern states than in other parts of the country oppose the use of the Fifth Amendment to avoid self-incrimination. There is no difference between the answers of men and women.

5. Confronting witnesses:

Article VI.—"In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district, wherein the crime shall have been committed, which districts shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; *to be confronted with the witnesses against him;* to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense."

Question.—"During court trials, do you think the government should ever be allowed to keep the identity of witnesses secret from the defendant?"

Results:	Percent of people
Yes	40
No	54
Sometimes	2
No response	4

Here, again, the findings of the pre-study research might aid in interpreting the responses to this question. Many people felt that the government should be allowed to protect the identity of its witnesses in two cases: the first being trials involving the Mafia when the life of the witness would be endangered by his testimony; and the second being espionage cases involving undercover agents for the FBI and the CIA. While recognizing the dangers to the defendant with respect to the adequacy of his defense preparation as well as realizing that informers might falsely testify because of personal grudges, there remained nonetheless a rather strong core of sentiment favoring secrecy of witnesses.

Women, whites, and Republicans are more willing than men, non-whites, and non-Republicans to permit the government to mask the identity of witnesses. There is no difference in people's feelings when compared by their religious preference. There is no clear relationship to education or income; people in the middle income and education are more likely to favor the use of secret witnesses than are those at the higher and lower levels of income and education.

One unanticipated finding is that young people are more receptive to the idea of secret witnesses than are older people. And, people outside the south are more likely to permit the use of secret witnesses than are people in the south.

In reviewing the findings in this last section, it appears that certain aspects of the judicial process are so ingrained in our lives that considering alternatives to jury trials, public trials, and search warrants is anathema to a substantial majority of Americans. Because of the "abuse" of the Fifth Amendment and because of fear of Mafia as well as people's willingness to accept secrecy in espionage cases, only somewhat more than a simple majority of the public uphold the rights to avoid self-incrimination and to confront one's accusers.

HOWARD PRESIDENT CHEEK AND YALE PRESIDENT BREWSTER

Mr. MUSKIE. Mr. President, on Saturday, April 25, Howard University inaugurated its new president, Dr. James E. Cheek. In his inaugural speech, Dr. Cheek addressed himself eloquently to the role of Howard University in a world in which we must both "manage knowledge to save the environment" and "create new knowledge to save the Republic."

Last week, President Kingman Brewster, of Yale University, addressed the American Newspaper Publishers Association on the subject of the morale on the college campuses. He, too, spoke of the part universities must play in a society in which unfortunately "silence is honored above dissent." Excerpts from President Brewster's remarks were published in the Washington Post of April 25, 1970.

I commend the attention of the Senate to the words of these men. I ask unanimous consent that they be printed in the RECORD.

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

TO SEEK A NEW DIRECTION: HOWARD IN THE DECADE OF THE SEVENTIES

(By Dr. James E. Cheek)

Mr. Chairman, members of the board of trustees, distinguished delegates and representatives, fellow administrative officers, faculty and student colleagues, members of the alumni and my friends: Our nation, just seven years away from the two hundredth anniversary of its revolution for freedom and human equality, is required to fulfill for our generation and in our time the promise it made to the world almost two centuries ago. Having fought on foreign shores several wars to defend, preserve and protect its beliefs, our nation is now required to wage a harder struggle within its borders to make those beliefs a reality for all of its citizens.

What we do as a nation in the next six years will be watched around the world by friend and foe alike to see whether this republic is willing and able to honor in practice what it proclaims in principle.

At no other time in American history has the danger to the American society been so great.

Today, the real danger to the American ideal does not lie among the people on foreign shores; it lies within our own midst and is represented by those who seek to preserve a system that is oppressive, by those who attempt to defend a society that is fragmented and by those who try to preserve an ideology that denies human liberty.

In the initial years of this new decade the critical struggle of the nation will be at home and not abroad; and the effectiveness of our foreign policy will be determined by the character and substance of our domestic practices.

How a nation allocates its resources and to what issues it chooses to direct the people's will, reveal what a nation values most, what it cherishes, and what it hopes to be.

At the time when the American idea was being created the founding fathers cast their lot on the side of justice, freedom and equality. In words that still echo around the globe they pledged a new nation to the fulfillment of man's ancient quest for human liberty. And by acts of courage and fortitude they made plain that the rights of men do not derive from the generosity of the state but from the benevolence of God.

The revolutionary idea of a society where men would be free, where the opportunities would be open and where the benefits would be equitable remains today as an idea which generates in the hearts of men acts of courage and valor. The validity of that idea will be tested in our time in a manner it has never been tested before.

In recent days our attention has been directed to a special problem that faces the planet earth.

Our national leadership has pledged the nation's resources and galvanized the nation's will to confront and resolve the pollution of our physical environment. We have been awakened to the dangers which our technology has created, and we are preparing to fashion a technology to remove them.

Without question the issue of our physical environment is an issue of overriding concern and demands the attention it is now receiving.

But the pollution of our air, of our waters, of our soil, and the traffic jams of our highways are not the issues that will decide the fate of the nation.

The crises of our time and the real dangers to our national health are to be found in our social environment: in the sickness of our cities, in the failures of our public schools, in the alienation of the young, in

the crises between black and white and in the denial of equal access to the opportunities, rewards and benefits of our society to one tenth or more of our native born citizens.

The noble vision which inspired the American effort has become blurred and the gallant will to make a dream come true has become paralyzed.

We can cleanse our air and purify our lakes and rivers, beautify our landscape and solve the problems of transportation and still remain a society in fragments, a people without values and a collection of states not united in will or purpose.

While we must manage knowledge to save the environment, it is also required that we create new knowledge to save the republic.

Without a doubt the decade of the seventies will force our nation to come to terms—perhaps once and for all—with the issue of race and racism. At various stages in our national history this issue has suffered from neglect, both benign and malignant. In successive turns it has been treated indifferently, hypocritically and cosmetically. Always manipulated by the requirements of political expediency, seldom if ever the object of political duty, the question of race now stands before us as that one question that may decide the fate of the nation and possibly the fate of the world.

Our generation will not be privileged to defer to the next generation the solution to this problem that divides the nation and that now threatens to tear apart the American fabric.

The gravity of this threat cannot be exaggerated and the urgency of the task we face cannot be overstated.

One hundred and three years ago this University was established to be one of the major instruments to assist in the task of healing the wounds created by civil strife and of righting the wrongs caused by generations of bondage.

It has served our nation and our people well. Those who have guided its development over more than a century—through times of tranquility and turbulence—never lost sight of the mission to be discharged or of the purpose to be pursued. We salute and honor with profound gratitude their vigilance, their sense of duty, their sacrifices, their patience in tribulation and their rejoicing in hope.

Our country and our world owe to them a lasting debt.

Now we have been summoned to take upon our shoulders the continuing task of helping our country fulfill its promise and of assisting our people in realizing their capability. Ours is a very special charge.

In the new decade we have just entered we have begun an earnest search for a new direction; we have learned already that Howard in this decade must be willing to be one of the principal architects of our national destiny and one of the major engineers of our society's change.

We understand very well the bold demand that universities remain aloof from the great issues and questions of social change, social goals and social purposes. Those who make such a demand insist that universities maintain a posture of interested detachment in order to preserve their academic freedom.

But while at Howard "academic freedom" is to be cherished and valued, human freedom is cherished and valued more. Hence we cannot stand aloof, morally neutral and socially passive. For us the business of education must be conducted not in the atmosphere of the museum where men are gathered to contemplate the past, but in the atmosphere of the true University where men are gathered to create the future.

In every discipline that we shall offer the knowledge we transmit, the truth we pursue and the public service we render will be guided by a profound understanding of the value and worth of human life.

We shall strive to fashion the education we offer into a force for social regeneration marching hand in hand with the living and creative forces of the social order.

As a University we may not add much to the world's understanding of how best to navigate the distance of space in man's reach for the stars, but we surely can and must add mightly to the world's understanding of how man can best remove the distance between peoples and races in our search for peace and justice on earth.

We can bring to the new decade before us a profoundly new sense of man's worth and ultimate nobility, and building upon that create for ourselves and future generations a new humanism which may help to prevent the destruction of man and of mankind by the creations of his own mind and by the instruments of his own hands.

This, Howard is able to do.

In the liberal arts we must seek and find wholly new ground on which to fashion an aristocracy of knowledge and on which to create an aristocracy of leadership which will not be the exclusive possession of a particular race of one ethnic group. We shall use the liberal arts truly to liberate and from that experience our students will know more profoundly the character of the quarry from which they have been dug and the nature of the rock from which they have been hewn. They shall have a pride that no man dare ridicule and they shall possess a dignity that no man dare dishonor.

In the Fine Arts we shall honor and celebrate the peculiar genius that long suffering and great oppression have fashioned as one of history's greatest gifts to man's understanding of human experience. In the visual and performing arts and in the inspired music drawn from the soul of a people we shall exhibit to the world a culture that no man can call deprived.

We shall train in our School of Law a new generation of jurists: men and women who will use the law to seek the ends of social justice and thereby preserve for both black and white human liberty.

In our Colleges of Medicine and Dentistry and the related schools of the health professions we shall try as diligently as we can to produce men and women who will regard a healthy body and a healthy mind as a human right and not a privilege. By the examples of their teachers as well as by their precepts we shall endow our students with the spirit of human compassion and with a profound regard for the sacredness of human life. We shall seek to inspire them to take their art and science into the deltas of Mississippi, into the rural countryside and into the urban jungles of our cities to practice that art and science not for economic profit but for human well being.

In all of our other professional schools—Engineering, Architecture, Business, Education, Religion and Social Work—we shall begin the development of the new knowledge and the fashioning of the new social technology that will raise up new kinds of social engineers, technically competent and morally committed to the special needs of Black Americans, the institutions which serve them and the communities which they inhabit.

And in the new schools and colleges that we shall create and in the special institutes we shall establish, we shall seek to formulate new norms of excellence and more effective methods of extending the University beyond the campus to enhance the community which is our home as well as the community across the seas. We shall seek to lead and not to imitate and in all we undertake to do we shall try to fashion a community of scholars where all the students are teachers and all the instructors are learners. By such an example we hope to help the academic world toward that reform the times demand.

We shall try to withhold prior judgment on who can be educated and who can profit from the experiences we offer. We shall establish an eliteness based upon what we graduate rather than upon what and whom we admit.

The national interest dictates that there be at least one university in this land unashamedly devoted—in its public service—to the special problems and special issues which the legacy of race has created. Howard is commanded to be such a University.

In our effort to help our nation renew itself we must stand before our countrymen and before the work as a bold and vivid contradiction to the belief that black men and the institutions which serve them are inherently, intrinsically and generically inferior.

By the labor of this institution in the decade of the seventies we shall try to destroy the myth of white supremacy and exalt the reality of human equality. Without apology for our origin, without shame for our character and without equivocation about our purpose we shall try to help our nation take an honorable change of direction.

The hazards of the course we have set are well known to us; the dangers in this task are both vivid and real. But each generation of men must confront the tasks it has been assigned.

Ours is no easy assignment, but it must be done. How well it is discharged will depend in large measure upon the willingness of all of us to take up each others burdens in order that the oppressed may go free.

With the hand of God to guide our footsteps and the torch of right and justice to light our way, we pledge our best efforts and our best energies to the service of our people on behalf of our nation's future.

Brewster on the "Relatively Silent" Student Majority

I want to talk tonight about one silence which I think is greatly misinterpreted; a state of mind which I think is dangerously misunderstood. I mean the attitude and outlook of the majority of university students these days no matter how calm the surface of their particular campus may be.

I am not talking about those bent upon the destruction of the institutions of society. Nor am I talking about those who seem to be slipping into private, personal self-destruction. Their lot is dramatic, sordid, and sad. Their numbers are still very small. I am talking, rather, about the relatively silent student majority.

I would assert that even though the disruptive violence on many campuses is less this year than before, the underlying morale of great numbers of students is worse even on the campuses which are superficially placid. The malaise, the disenchantment with life and its prospects, is greater now than a year ago among most American students.

The futility of violence may have been learned by many. Measures to deal with disruption have generally improved. Faculties and administrators are no longer as split on the issue of willful coercion as they were two years ago at Columbia, or a year ago at Harvard.

The press would be misinterpreting and the public and the politicians would be misled, however, if they believed that the violence or non-violence of the few is a measure of the morale, the state of mind, of the many.

There are some plausible explanations why misgivings might be deeper now than they were a year ago:

The killing in Vietnam goes on without prospect of an end.

The poor get poorer. Urban poverty, housing, and health programs are curtailed. In-

flation reduces the power of everyone to buy food and clothing, shelter and fuel, and hits hardest those who can absorb it least.

The dedication to racial equality is pushed back to the inner limits of constitutional necessity. Even this is grudgingly accepted and narrowly defined.

They (students) see their leaders using the alleged complacency of "middle America" as an excuse for evading the challenges which matter most. They would especially welcome encouragement and respect for people who do try to raise such issues.

Instead there is a widespread sense that no one in the government establishment is moved to urgent, controversial action. Thoughtful reports, like the Kerner Report on Civil Disorders and the Eisenhower Report on Violence, have provoked no concerted executive or legislative follow-up.

Most frustrating of all to the most highly motivated, concerned students is the glorification of silence; the disparagement of dissent and non-conformity; and the ease with which the presumption of innocence is overridden in the name of "law and order."

It is not surprising that potentially constructive critics, skeptics, and heretics—what I would call "considerate radicals"—are being driven into the ranks of those enraged destructivists who would tear down the system.

It would be wrong to say that the young "blame" the President in a personal sense. They did not expect much better of a hucksterized process, whoever was, whichever package was "sold" and "bought."

They assume that the mainsprings of political ambition require most politicians to be governed by a crass calculation of popularity. They can even explain, if not excuse, the Vice President as a pawn in the strategic effort to co-opt the right wing, to head off a Wallace candidacy.

Political realism, however, does not in their eyes explain away the apparent disregard for the quality and the political integrity of the Supreme Court of the United States. A generation quick to detect, even falsely to accuse, its elders of hypocrisy does not take well to scolding preachments about respect for law. Such pontifications set very poorly when they are coupled with shoddy research into the credentials for nomination to membership on the law's highest tribunal, and acceptance of mediocrity as a satisfactory standard.

Because of their respect for constitutional values, rather than a scorn of them, *many members of the silent disaffected majority of students are deeply concerned that order seems to have risen above justice as the objective of law.*

Perhaps because they are themselves dissenting social critics they do have an acute awareness that criticism will never stand a chance of persuading the majority to change things if everyone can be frightened easily into silence.

If the police are not restrained from wiretapping, unlawful entry and seizure, and preventive detention, students know that the politically unpopular will be the first to feel the brunt.

We all talk about the "competition of ideas in the market place." We appeal to "pluralism" as democracy's answer to the totalitarians' blueprint.

But if there is only one establishment voice; if silence is honored above dissent, what do these cliches about freedom and diversity mean?

If the system is closed by threat and frozen into timid conformity, what does it mean to "work through the system"?

You, the press, and we, the universities, have something to do with whether the young continue to believe in the openness of the "open society."

The problems raised by the young, the questions they ask are not going to be solved speedily, or even in the time of your generation and mine. But the chance of our children to solve them, to answer them, will depend greatly on two things.

First, whether or not the younger generations feel that the critic, the skeptic, the heretic are still welcome, even honored and respected, in the United States.

Second, whether or not they feel that the channels of communication, persuasion and change are truly open, as the Bill of Rights intended they should be.

The ability of universities and newspapers to defend and to utilize their freedom will have much to do with the ability of the young to keep their faith in freedom.

RED CHINESE SATELLITE IN ORBIT

Mr. ALLOTT. Mr. President, no American, no citizen of any peaceful nation, no person anywhere who longs for a stable peace—in short, no sensible person—could take pleasure from the announcement made this weekend that Red China has successfully orbited a satellite.

The Chinese accomplishment is impressive. The satellite weighs almost 400 pounds. It will be recalled that the first Soviet satellite weighed 184 pounds. The Chinese must have used a rocket with considerable power—in fact, with sufficient power to be employed as an intercontinental ballistic missile. Noting this, the New York Times editorial in the edition of Sunday, April 26, declared that "the first Chinese satellite has political and military as well as scientific significance." That was a considerable understatement. It is safe to assume that the Red Chinese Government, which is fond of proclaiming that all power comes from the barrel of a gun, is not engaging in such scientific experimenting because of its platonic love of abstract truth.

It is important that the impressive demonstration of Red China's growing strength comes at a time when the United States is confronting crucial decisions in two areas.

On the one hand, the United States is currently reevaluating its space program that has yielded such technological gains to our military programs.

On the other hand, we are about to begin another round of debate about weapons systems, specifically about the expansion of the Safeguard ABM system.

The Red Chinese may have done Americans an unexpected favor by flexing their muscles at this crucial moment. They may have given new resolve to the American commitment both to the space program and the ABM system. The latter will be of special interest in the coming months.

The President, the Secretary of Defense, and other officials charged with the constitutional duty of defending the country have recently warned, in the strongest terms, that our enemies have been pushing ahead with weapons systems while we have been holding to a self-imposed slowdown in weapons development.

They have warned that this cannot go on indefinitely without allowing the United States to slip into an inferior position. They also have warned that we must push ahead with the ABM system in order to maintain the credibility of our position at the SALT talks in Vienna. Red China's leap into the space age should provide one more reason for continuing our steady and moderate commitment to the ABM system.

Recently the Pentagon has been accused of trying to scare the American people by revealing the extent of our enemies' military exertions. The Department of Defense has released information about the Soviet tests of the SS–9's and other weapons systems. The Department of Defense has indeed called to the attention of the American people the fact that Soviet submarines with nuclear warheads are on patrol off the American coast. If this information instills in the American people a salutary sense of urgency, then the information will have served the Nation well.

Perhaps the Red Chinese satellite launching will also startle the American people. If it does, it will also have served a useful purpose. And it will not be possible to blame this on the Pentagon.

NEW FOUR-POWER BALANCE IN EAST ASIA

Mr. McGEE. Mr. President, increasingly, there is a trend among experts on East Asia to see a new four-power balance shaping up in that area of the globe. The question is whether this new equilibrium will work in the direction of peace. And, while dangers are involved, there is no doubt that the powers will find themselves limited by new restraints imposed by the relationships now building. This subject was sized up effectively in an article published in Newsweek International and in the Sunday Washington Post. The article, written by former Assistant Secretary of State, William P. Bundy, clarifies the picture. I ask unanimous consent that it be printed in the RECORD.

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

[From the Washington Post, Apr. 26, 1970]

AN EQUILIBRIUM IN EAST ASIA

(By William P. Bundy)

(EDITOR'S NOTE.—A visiting professor of political science at the Massachusetts Institute of Technology, Bundy is a former Assistant Secretary of State for East Asian and Pacific Affairs.)

It is just becoming fashionable among American experts on East Asia to discern a new array of major powers in the area and to describe it as a "four-power balance." This theme was developed at length last week in a speech by A. Doak Barnett of the Brookings Institution. It deserves a hard look.

The point, of course, is that the East Asian situation through the 1950s and early 1960s was, in great power terms, "bipolar." Even after Communist China broke with the Soviet Union, it remained at one pole of the Asian power structure—constituting, as an astute Asian recently put it, "a political and ideological high-pressure area" at all times and an apparent military-subversive threat at some times and places.

At the other pole was the United States, which gave active assistance to a number of nations around the periphery of China and

whose continued presence and concern was relied upon by virtually all. History would not suggest that such bipolarity could last, and may well record that the Vietnam war, for better or for worse, speeded its demise.

With Khrushchev's departure, the Soviets might have wished in any event to retrieve the low estate to which their East Asian fortunes had fallen by late 1964. But Hanoi's military needs gave the occasion for a renewal of Soviet influence there and of Soviet interest in Southeast Asia generally—with increased concern for Chinese expansion there. And after the rape of Czechoslovakia, when the Sino-Soviet quarrel grew so intense as to produce the clashes on China's northern borders, the U.S.S.R. was seen for fair as an active great power throughout East Asia.

As for Japan, its resumption of great power status was visibly just around the corner all through the late '60s. It was finally declared in clear and defined terms last fall by Prime Minister Sato both in Washington and Tokyo.

THE NEW EQUILIBRIUM

So four great powers there clearly are as East Asia enters the '70s. Not more—although, of course, North Vietnam has great capacity for disruption and the non-Communist nations all count in their own right. But equally not less—or at least not for long.

The interaction among China, Russia and the United States may for a time be triangular, but as time goes on both Peking and Moscow must look to their relations with Tokyo, and vice versa. The last two months have seen clear evidence that Moscow is playing this game, although there is no sign yet that it is prepared to play the key card of returning to Japan the two small islands of Habomai and Shikotan just north of Hokkaido.

But what sort of "balance" can there be? It would take a very sophisticated computer indeed to define the common and opposed national interests of the four. For example, the United States and Japan have very close to a common view and can act in parallel on a wide variety of matters. Yet the differences in what each can or will do in Southeast Asia or in its relations with Peking are obvious.

On the other hand, though the Soviet Union and China are the most opposed pair in terms of national and ideological interest, they are bound to act together to support North Vietnam.

The real question is whether the complex of relationships will work in the direction of peace over the next decade. As Barnett has said, what the new equilibrium does, in essence, is to impose on each of the four powers "new and complicated limitations and restraints."

I am inclined to think that this can be generally constructive for two of the key elements of peace in East Asia: the evolution of pragmatism in China and the situation in Southeast Asia. On the first count, the evident Japanese desire to develop stronger relations with Peking could well be the beginning of a bridge that contributes to the gradual easing of U.S.-Chinese relations already begun through the Warsaw talks. China should, over time, feel more secure and less encircled, and thus able to concentrate more on its formidable problems of internal stability and growth.

In Southeast Asia, the effect of the new equilibrium will be slower to register. Japan's influence in the area is already great—and hopefully focused on economic development, which must be the fundamental underpinning upon which the nations of the area build internal political stability and regional cooperation. Yet Japan cannot yet help to resolve the vital struggle in what used to be Indochina.

As for the Soviet Union, despite ambassador Jacob Malik's statement last week, there are still no clear signs that Moscow is prepared to join with France, Britain and the United States in nailing down at least the outline of a future peace in Indochina.

THE THREAT OF WAR

There remains the third grave threat to the peace of Asia: a major conflict between China and Russia on their borders. Neither the United States nor Japan can exert more than marginal influence on this possibility, and this is a clear indication—if one were needed—of how subtle and different the new equilibrium is from the historic power balances of European history.

If the situation erupts into armed conflict, the whole picture will change. One does not know what is happening in the Peking talks and the evidence of the level of tension is conflicting—with strident Soviet polemics against Peking and a renewal of the level of Chinese propaganda on the one hand, and on the other the withdrawal of earlier Soviet threats of a pre-emptive nuclear attack.

Yet I am inclined, like Barnett and a recent survey by the Institute of Strategic Studies in London, to believe that the chances of outright military conflict are reduced and that the situation will somehow rock along with neither side willing to settle it, but equally with both deterred from actually going to war.

REMARKS OF A. W. CLAUSEN, PRESIDENT, BANKAMERICA CORP.

Mr. PACKWOOD. Mr. President, more often than not, reports given at annual meetings of shareholders of a given corporation have little relevance to the problems and the tempo of our times. But there are exceptions, and one such exception brought to my attention occurred in San Francisco on March 17, 1970, when Mr. A. W. Clausen, president, BankAmerica Corp., addressed the annual shareholders' meeting at the Masonic Auditorium.

I ask unanimous consent that excerpts from his remarks be printed in the RECORD.

EXCERPTED REMARKS BY A. W. CLAUSEN

In the circumstances we now find ourselves we would like to make two things very clear, both to you our shareholders, and to the California public. The first of these is that we have great respect for the young people of America. We admire their integrity, their moral courage and their willingness to dissent. We need these qualities in America. We view our re-opening in Isla Vista as a demonstration that the participation of a few students in a destructive act will not deter us from attempting to serve the financial needs of the majority of students on the Santa Barbara campus.

Our quarrel, therefore, is not with the young and not with the fact that they dissent. Rather our quarrel is with those who would perpetrate violence for any cause, whether it be violence in Isla Vista or violence in another small community 3,000 miles away called Lamar, South Carolina. Violence from either the right or the left cannot be tolerated in America.

A troublesome factor involved in the current problem is the tendency of many of our citizens to seek to punish the universities for the actions of the violent few. Let us make our position clear on this issue also. We believe punitive action against the university or repression of dissent is as dangerous as violence. We owe a great debt to our universities and colleges. Our future is dependent upon them.

Certainly the educational process cannot be carried on in an atmosphere of anarchy. But as we battle the anarchy which plagues our campuses, let us be certain that we do not damage our educational system in a more subtle and insidious way—by destroying the freedom of thought, inquiry and action which constitutes the only soil in which true education can flourish.

Therefore, while we use every means at our disposal to strengthen the hands of the administrators of our colleges and universities in order that they may cope with and effectively put down anarchy, and in order that they may expel any outside agitators that may be plaguing our campuses, let us also be judicious and thoughtful in seeing that it is anarchy and unlawful disruption that we put down and not academic freedom, nor the right of students and faculty to dissent. Let us be sure that we do not go beyond that boundary which will destroy the freedom of inquiry that is the essence of a great university. For make no mistake about it, our educational system can be destroyed every bit as effectively, and perhaps more completely, by those forces who would, in whatever name, trample upon the universities' freedom to inquire.

Let me sum up this philosophical position of our bank. We are opposed to violence, not to dissent. We admire the young people of America for their questioning, their activism and their moral courage. We want freedom of inquiry in our universities, but we hope that all citizens will strengthen the hands of the university administrators in handling the problems of violence and destruction in a prudent and thoughtful manner. Within this framework, we hope all our citizens will avoid a punitive attitude toward the university system.

Six charges (against Bank of America) seem to stand out in all of the propaganda emanating from those who call themselves "the revolutionary movement." These charges are:

1. That Bank of America represents the "capitalist establishment."
2. That we support and profit from the war in Vietnam.
3. That we support racism in California.
4. That we exploit the lesser developed nations around the world.
5. That we repress farm labor and take anti-union stands.
6. That Bank of America possesses unlimited power over the American economy.

Every one of these charges is false and I would like to put them down here today.

The first charge is that Bank of America represents the "capitalist establishment". If, by "capital establishment", the revolutionary left means a conspiracy designed to deny all people their rights, then we categorically deny that charge.

In many ways the capitalist establishment charge is so nebulous and so meaningless as to be hardly worth answering. Yet I feel compelled to comment on it because it symbolizes the use, by the radical left, of a rhetoric consisting of slogans and labels that have no real meaning.

Take the word "capitalist". What does it mean? India calls itself a socialist country. The United States calls itself capitalist. Yet the United States expends more than three times as much of its gross natural product on social services such as education, health, welfare and social security than does socialist India. So what does "capitalist" mean? What does "socialist" mean? This use of words out of context—words without meaning—is perhaps one of the more troublesome attributes of the radical left.

We at Bank of America are most certainly a part of the American economic system. I would be the last to say that our economic system, indeed the entire political and social milieu of our country, is not in need of constructive change. Nevertheless, I think we should remember that our system is capable of change, is able to evolve and generate self-improvement for the benefit of all. But with all the improvements needed, it remains

an economic system that has produced the greatest good for the greatest number of people of any other system currently existing on the face of the earth. In this sense, we are proud to call ourselves "capitalist". We are also proud to be part of the establishment in the real sense of the meaning of that word: established law and order, established orderly process, established principles of the sanctity of life and property, established democratic functioning for the redress of grievances.

So much for the "capitalist establishment" charge.

The second charge is that we support and profit from the war in Vietnam. This charge is totally pernicious and false. In common with most of the citizens of the United States, we share an abhorrence for that war. We do not feel that we are qualified, nor do we feel it would be proper for us to recommend a political course to extricate ourselves from the war. Institutionally at least, this is a matter that we must leave to the Department of State and our elected officers in Washington. We feel it is completely proper and within our sphere of competence, however, to point out the economic consequences of that war. We have been doing this for at least three years. The war distorts the American economy; it is a major contributor to inflation; it draws off resources that could be put to work towards solving imperative problems facing this nation at home. Because the war distorts the economy and contributes substantially towards inflation, this bank has consistently pointed out that an end to the war in Vietnam would be good, not bad, for American business. We believe that most well-informed businessmen are also aware of Vietnam's distortive effect on the economy and therefore we find it impossible to put any credence in the charge that the business community generally benefits from that war.

The third charge is Bank of America's alleged racism. If all the institutions in America were as racist as we are, then the country's racial problem would be much closer to a solution.

Let me elaborate on that statement by citing a few facts, one of those bothersome preliminaries that never seems to concern our critics.

During the past five years, the bank's minority employment has more than doubled, from 3,277 to 7,254. Minorities now account for nearly twenty percent of the bank's total number of employes, and in the metropolitan areas where the minority population is heaviest, the percentage is even higher. In Los Angeles, for instance, over forty-two per cent of the bank's hires in 1969 were from minority groups; in San Francisco, about thirty-two per cent. This didn't just happen. It represents the results of a continuing affirmative action program designed to bring minorities into the mainstream of American life.

Another tangible aspect of the bank's efforts in the field of employment is a data processing training center in Los Angeles. The bank is cooperating with IBM and the Greater Los Angeles Urban League in this project which is designed to qualify disadvantaged persons for employment in a rapidly growing area of opportunity.

Housing is also of paramount importance to minority groups. In mid-1968, the bank announced it was setting aside $100 million for real estate loans in minority areas throughout California. Minimum standards for homes were also revamped. Through early 1970, more than $31 million had been loaned to over 1,300 families—families who would not have been able to purchase homes without this program. And this "New Opportunity Home Loan Program" continues to rate the highest priority, even in these times of tight money, although the bank could have invested the funds more profitably in other endeavors.

The bank has also been the leading financer of minority small business enterprises. Small Business Administration officials tell us we're doing the finest job in the country under their program. All told, we've loaned more than $4 million to minority businesses under the SBA. The bank has also provided funds and leadership for various job development corporations.

The bank is making special efforts to improve its existing branch facilities in minority areas. This year we will be opening a branch in Watts and a branch in East Palo Alto, representing a total investment of about $1.1 million.

More important than this tabulation of numbers is the attitude of the institution towards the question of race relations—an attitude backed up by hard commitments. Our attitude is simple and direct. The ugly cancer of racial prejudice must be removed from our land. Bank of America will continue to do all it can to help our minority citizens gain their rightful place in the mainstream of American life.

The programs I have mentioned are only a few of those underway at Bank of America in the field of race relations. There is more we are doing, more we could do, more we will do. But the facts I have cited are more than enough to refute the charge of racism.

The fourth charge is that we exploit the lesser developed countries. Another vague and generalized charge that runs counter to the facts.

Since the inception of our overseas expansion following World War II, our management has consistently recognized that it would be folly to engage in international banking in countries where we are not welcome or are not wanted. It would be a tragic mistake to take an exploitative position in any country's development. We can think of no quicker or surer way to be asked to leave, or to have our branches nationalized. We also lose our welcome in any country where we do not make a *positive* contribution to its economic life and well-being. This is particularly so in the developing countries. Our role in these countries is to provide a conduit through which funds for development can flow and to help the lesser developed countries produce wealth where none existed before.

The closing of the gap between the industrialized countries and the developing countries, we have repeatedly said, is not just a noble goal. On this shrinking planet it is a political imperative of our times. We would be fools to fly in the face of this realization and engage in activities which smack of moribund colonial attitudes or of exploitation for short-term and short-sighted gain.

We are in several countries where social and economic reforms have occurred or are occurring. But we have not been seized, asked to leave, or even accused of exploitation. It is fitting that we have alluded to our part in the financing of a huge fertilizer plant near Bombay in the text of our annual report—a typical example of the ways in which Bank of America is helping the lesser developed nations.

One of the most recent expressions of confidence in the international banking community of which we are a part has just occurred in India. The Indian government, after due consideration, has exempted international banks from the proposed nationalization of the country's major indigenous banks. The Indian government made this exemption because they realized the contribution our bank and others were making toward their development.

In the political climate that exists in most lesser developed countries, the only passport to success is to help, not exploit, that country. In making the claim of exploitation, the radical left is either naive about political realities abroad, or callously making use of an outdated shibboleth of their own ends.

In short, the exploitation charge is a patent falsehood.

The fifth charge is that we have repressed farm workers and are anti-labor.

The facts are these. We have consistently maintained that there are problems on both sides of the farm labor dispute. Certainly the problems of the farm workers are real. So are some of the economic problems of the growers. We believe that the key to the solution of farm labor problems is found in the development of effective labor legislation designed specifically for agriculture. The social and economic problems associated with farm labor are very different from those of industrial labor. We need specific farm labor legislation that recognizes the plight of the migrant worker, his need for both dignity and voice, while at the same time acknowledging and dealing with the problem of perishable crops. The grower needs legislation that will not allow crops to rot in the fields at harvest time. It is our belief that specific farm labor legislation recognizing these factors is sine qua non for the solution of California's farm labor problems. But while we believe this, we have also steadfastly maintained our policy of not taking sides in a labor dispute.

In a broader sense, this bank has never espoused an anti-labor position. We do business—in fact we are the principal bank—for most of the unions in this state. We have never overtly or covertly contributed to anti-labor causes.

We reject these anti-labor charges as false.

The sixth common charge leveled against our bank is that we possess unlimited economic power and are capable of controlling the course of the American economy.

To anyone with even a rudimentary knowledge of the banking industry or economics, such a charge is an obvious hoax. The banking industry is highly competitive. There are a large number of strong competing banks here in California. Across the nation some 14,000 banks compete for the public's favor. While we are the nation's largest bank it is obvious that in such a competitive circumstance, our economic power is severely constrained. Moreover, the banking industry is not only highly competitive, it is excessively regulated. There are government agencies who control what we can and cannot do—how much we can pay for deposits, what we can loan, what activities we can participate in. These agencies regularly inspect all banks, including Bank of America. This combination of competition and regulation makes it utterly impossible for any one bank, or the banking industry collectively, to wield the kind of power the radical left seems to believe we have at our disposal.

These, then, are the general charges being made against your bank. They are absured on their face and specious in their reasoning. Yet they are dangerous. They are dangerous because they represent the technique of the big life—repeat it often enough and some people will begin to believe it. We would urge our shareholders, therefore, to familiarize themselves with these charges and to take every opportunity to answer them promptly and reasonably. To this end, copies of my remarks here today will be mailed this week to all our shareholders.

I suppose since the time of the Phoenicians, whenever an economic crisis has presented itself, bankers and banking have been convenient public whipping boys. Certainly jokes about bankers, some funny, some not so funny, have been in popular coinage for many, many years. Banks and bankers generally have accepted the criticism and the jokes with good humor. Recently, however, verbal attacks of a very serious and far-reaching nature have been made on the banking system. Some of these attacks have

been naive, some have been ill-informed, some have been well-intentioned, some not so well-intentioned. Many have been scurrilous and scathing in their vitriol. The attacks take many forms, but the primary motivation for them has been the rise in interest rates. No one likes high interest rates, no one likes to pay high interest rates, and, as a result, many of ill-founded and illogical attacks on the banking system have struck a sympathetic nerve in the public at large and among some law makers in Washington. The criticisms heaped on banking are unjustified. The fact is that high interest rates are the direct result of inflationary forces and paradoxical as it may sound, government attempts to control inflation by tightening the money supply and thus making inevitable an increase in bank interest rates. Let me give you a simple explanation of how interest rates got so high in 1969.

During the depression years and through World War II, the citizens of the United States built up large amounts of deposits in banks. Borrowing demands of the time were not heavy, so these deposits remained in liquid bond accounts. After the war, there was a tremendous economic boom which continues to this day. A large part of the fuel for this economic growth came from loan expansion in excess of deposit growth. This was made possible by banks selling off bonds which had been purchased when loan demand was relatively light. By the early 1960's this excess liquidity in the banking system had been largely used up. In order to meet the credit needs of long-term customers, banks increasingly sought other ways of attracting funds. In key centers throughout the world, money in various forms is bought and sold daily. The total of all these purchases and sales is called the money market. Essentially, it is a loosely knit but interrelated world-wide auction for funds. Funds purchased in this way are usually much more expensive to the banks than traditional deposits.

As our technology expanded in the 1960's, the demand for funds grew at a torrid pace. As a result there is an acute world-wide shortage of money to lend. At the same time, an insatiable demand exists for funds to finance the needs and desires of society.

For the past few years, banks have been feeling the pressures of a heavy demand for money and an inadequate supply to lend. In the last two years, still another factor has been added—the factor of inflation. The United States began experiencing serious inflation about three years ago. Even worse, the nation has been gripped with inflationary psychology. Many corporations and individuals are willing to borrow money regardless of price because they believe the overall costs may be higher tomorrow. Obviously, such a psychology feeds on itself and has the attributes of a self-fulfilling prophecy.

Because of this intense demand for funds, banks have had to ration the money they have had available to lend. But rationing the funds has not been enough. In order to even partially accommodate good customers of long standing who need and want money, banks have had to bid to purchase an already short supply of available funds in the world's money markets. The price of these funds has soared. Immediately prior to the last widely publicized and attacked increase in the prime rate, the price of alternative sources of corporate funds (corporate bonds, commercial paper, etc.) rose so high that bank financing was becoming increasingly attractive to corporations. Had the prime rate of banks remained constant, the banking system would have been inundated by another tidal wave of credit demands. Consequently, in an attempt to discourage a new influx of borrowing and as a method of further rationing, banks had to increase their rates. If banks had not done this, they would have been unable to cope with borrowing demands in any orderly and fair way.

The fundamental—indeed the only effective curb—for the upward spiral of interest rates is for the United States to contain inflation and put an end to inflationary psychology. This can be done effectively in only one way: the economy must be slowed down. Monetary authorities in Washington have already taken steps to do this. The Federal Reserve Board has tightened the money supply in order to make less money available for banks to lend. This action creates severe problems for banks and their customers and pushes interest rates up, but it must be done in the interests of the economy as a whole. However, monetary policy is not enough. The fact is that our Federal programs at home and abroad need a drastic revision in order to conform more realistically to what we can afford to do. If inflation in this country is to be stopped in any meaningful and long-range way, Federal policies must be revised in accordance with the resources on hand to sustain these policies. Rich and strong as the United States is—it cannot do everything at once. The administration has taken some first steps in the direction of recognizing these fundamental facts. The steps taken, together with the restrictive policy of the monetary authorities may be sufficient to brake the current inflationary spiral temporarily. On a long-term basis, however, a more disciplined sense of priorities in our national life is needed. All foreign and domestic programs and policies need re-thinking, both in terms of their relevance to our situation today and our ability to pay for them.

In the meantime, however, banks remain caught in the middle. The unfortunate facts are these:

(1) Too few people realize that tight money and high interest rates are the direct result of Federal Monetary Policy.

(2) Too few people realize that banks are caught in a cruel and tightening vise. On the one hand, they are private enterprise companies competing with one another and other financial institutions in a competitive market: on the other, they are heavily regulated corporations and the instruments through which Federal Monetary Policy is carried forward.

ENCROACHMENT ON NEWSMEN'S RIGHT TO KEEP SOURCES CONFIDENTIAL

Mr. McINTYRE. Mr. President, I have been disturbed by government encroachment into the privileged domain of newsmen's confidential sources and notes. I was proud to introduce The Newsmen's Privilege Act of 1970 (S. 3552) in the Senate on March 6, 1970.

Since that time, 10 Senators have joined in cosponsoring the measure. The cosponsors include the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Nevada (Mr. BIBLE), the Senator from Washington (Mr. MAGNUSON), the Senator from Rhode Island (Mr. PELL), the Senator from Oregon (Mr. PACKWOOD), the Senator from Minnesota (Mr. MONDALE), the Senator from Maryland (Mr. TYDINGS), the Senator from Hawaii (Mr. INOUYE), the Senator from Missouri (Mr. EAGLETON), and the Senator from Illinois (Mr. PERCY).

This week, I received a letter from Richard Salant, director of news for the Columbia Broadcasting System. This communication clearly expresses Mr. Salant's feeling about the measure, and includes a most articulate exposition of why such protection is needed.

Attached to Mr. Salant's letter are copies of affidavits filed in the U.S. district court for the northern district of California in a case in which Earl Caldwell, of the New York Times, and his employer sought to quash two grand jury subpenas. The affidavits were filed by CBS newsmen, Walter Cronkite, Eric Sevareid, Marvin Kalb, Dan Rather, and Mike Wallace as friends of the court in support of Mr. Caldwell and the Times.

Mr. President, because I feel that these affidavits give strong support to Mr. Salant's position, as well as endorsement of newsmen's privilege in such matters, I ask unanimous consent that the Salant letter and the five affidavits be printed in the RECORD.

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

CBS NEWS,
New York, N.Y., April 8, 1970.

Hon. THOMAS J. MCINTYRE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MCINTYRE: I am writing this letter to express CBS News' support of your recent proposal—the Newsmen's Privilege Act of 1970 (S. 3552). I should like to take this opportunity to share with you some of our views concerning the importance of this legislation.

The Government's recent use of its subpoena power to call newsmen to testify in Grand Jury investigations, and to secure reporters' notes, photographs, newsfilm which has not been broadcast, and even expense accounts and interoffice memoranda from the files of news organizations, poses profound and troubling questions not for the news media alone but in terms of the public interest which the First Amendment is intended to serve.

At the outset, I want to emphasize that we do not believe that newsmen should be above the law, nor that all information coming into the hands of newsmen in the course of their professional activities should be denied federal, state or local government—or those representing defendants. We are responsible citizens and we do want to assist in the administration of justice. But we believe it to be of fundamental importance to our society that freedom of the press be maintained against abridgment, however well-intentioned that abridgment may be. I think recent events have made it clear that the kind of governmental investigation with which we are now concerned does abridge the freedom of the press and imposes serious restraints on any meaningful performance of the function of the press as the public's most effective, ultimate safeguard against government abuse.

I am sure you are aware of the case recently argued in the U.S. District Court for the Northern District of California, in which *The New York Times* and its reporter, Earl Caldwell, sought an order quashing two Grand Jury subpoenas. CBS and a number of other news organizations appeared in that matter as friends of the court in support of Mr. Caldwell and the *Times*. I am taking the liberty of attaching to this letter copies of the affidavits CBS filed. These affidavits are by Walter Cronkite, Eric Sevareid, Marvin Kalb, Dan Rather and Mike Wallace. I think these affidavits demonstrate beyond any question how important it is to the functioning of journalism—indeed how indispensable it is—for working newsmen to be able to establish and maintain the confidence of people who may suggest leads and divulge facts and background information. Such confidences have led, as these affidavits show, to disclosures of police corruption; of mismanagement, inefficiency and waste in defense pro-

duction and procurement; of activities of radical organizations.

It seems almost self-evident that governmental subpoenas of newsmen and of newsmen's notes will in the long run defeat their own objectives, as well as seriously injure the effectiveness of the press. For, to the extent that people lose confidence that private and confidential communications to newsmen will be free from government scrutiny, less and less will there be confidential sources and information for reporters to divulge. It also seems clear to me that we cannot expect government attorneys to weigh these long-range considerations, no matter how important, against their needs in cases with which they are immediately concerned. It is for this reason that legislation such as you have proposed is particularly appropriate, as a specific implementation of the First Amendment principles which should govern in this area.

I hope hearings will be held on your proposal in the near future, and I shall welcome the opportunity to testify.

With all good wishes,

RICHARD SALANT.

APPENDIX TO MEMORANDUM OF AMICUS CURIAE CBS

(Affidavits of Walter Cronkite, Eric Sevareid, Mike Wallace, Dan Rather and Marvin Kalb)

AFFIDAVIT OF WALTER CRONKITE

STATE OF NEW YORK,
County of New York, ss:

Walter Cronkite, being duly sworn, deposes and says:

1. I am a News Correspondent with CBS News, a division of Columbia Broadcasting System, Inc. My principal assignment since April 1962 has been Managing Editor of the "CBS Evening News with Walter Cronkite", a thirty minute television news program broadcast five nights each week by the CBS Network. In addition, I frequently serve as "anchor man" in the coverage of such special events as space missions and national political conventions and elections. Prior to joining CBS in 1950, I was a reporter-correspondent with United Press International for eleven years, covering the Western Front in World War II, the Nuremburg Trials and post-war Moscow.

2. My work involves the preparation, thorough reading and talking with news sources, of the considerable volume of material necessary for such extemporaneous broadcasts as political conventions, elections and space missions, and for analytical broadcasts such as my daily radio program. It also involves participation in the determination of which stories should be covered on daily television news broadcasts and how they should be covered and participation in the selection of the news items to be broadcast and reading, correcting and, in some cases, rewriting those items. All of this work entails the exercise of editorial judgment based on an extensive background of information and ideas gathered from a wide variety of sources.

3. In doing my work, I (and those who assist me) depend constantly on information, ideas, leads and opinions received in confidence. Such material is essential in digging out newsworthy facts and, equally important, in assessing the importance and analyzing the significance of public events. Without such materials, I would be able to do little more than broadcast press releases and public statements.

4. The material that I obtain in privacy and on a confidential basis is given to me on that basis because my news sources have learned to trust me and can confide in me without fear of exposure. In nearly every case their position, perhaps their very job or career, would be in jeopardy if this were not the case. There are almost daily examples of this. For example: A member of the staff of a United States Senator advised me, far in advance of the announcement, that his employer did not plan to run for reelection. Another person in a similar position tipped me to his employer's intention to seek a higher office. An officer high in Pentagon circles recently offered evidence of pressure high in the military command structure to get the President to cut back on his Viet Nam withdrawal commitments. A bartender told me of fraud in restaurant inspection in New York City. A scientist asserted that the Atomic Energy Commission's safety standards for atomic energy installations were not adequate. None of these persons would have volunteered this information if they thought they would be exposed as the source of the information. In short, I would be unable to obtain much of the material that is indispensable to my work if it were believed that people could not talk to me confidentially. I certainly could not work effectively if I had to say to each person with whom I talk that any information he gave me might be used against him.

5. On the basis of the foregoing and my experience as a news correspondent, it is my opinion that compelling news correspondents to testify before grand juries with respect to matters learned in the course of their work would largely destroy their utility as gatherers and analysts of news. Furthermore, once it is established and believed that news correspondents are to be utilized in grand jury investigations, they will be of precious little value to such investigations because they will no longer have access to information that grand juries might want.

WALTER CRONKITE.

Sworn to before me this 1st day of April, 1970.

LILIAN C. LANGEN,
Notary Public.

AFFIDAVIT OF ERIC SEVAREID

District of Columbia, ss:

Eric Sevareid, being duly sworn, desposes and says:

1. I am National Correspondent for CBS News, a division of Columbia Broadcasting System, Inc. I am stationed in Washington, D.C. Over the last thirty years I have worked as a war correspondent, radio news broadcaster and television commentator for CBS, as well as a newspaper reporter and editor for the Paris *Herald* and the United Press.

2. I am engaged chiefly in broadcast commentary, as distinguished from factual news reporting. In the course of this work which is of a highly personal nature, I regularly talk with government officials, former officials, military people and a wide spectrum of others who possess special information or expertise on public issues.

3. A great deal of this talk is of the "off the record" or "not for attribution" kind. It is for my own information. Many people feel free to discuss sensitive matters with me in the knowledge that I can use it with no necessity of attributing it to anyone. This relationship has always been particularly the case for columnists or commentators.

4. Should a widespread impression develop that my information or notes on these conversations is subject to claim by government investigators, this traditional relationship essential to my kind of work, would be most seriously jeopardized. I would be less well informed, myself, and of less use to the general public as an interceptor or analyst of public affairs.

ERIC SEVAREID.

Sworn to before me this 31 day of March 1970.

GOBEL W. CENTER,
Notary Public.

AFFIDAVIT OF MIKE WALLACE

STATE OF NEW YORK,
County of New York, ss:

Mike Wallace, being duly sworn, deposes and says:

1. I am a staff correspondent for CBS News, a division of Columbia Broadcasting System, Inc. I have been employed in that capacity since 1963. Prior to 1963, over a period of approximately 20 years, I worked as a news reporter and commentator for the Chicago Sun, The Chicago Sun-Times, Station WMAQ in Chicago, for various television and radio news organizations in New York and as a columnist for the New York Post.

2. My chief assignment at present is to the CBS News television "magazine" program "60 Minutes". That assignment has involved coverage of politics, civil rights, the defense industry and other subjects of national interest as well as travel to South Vietnam, Israel, Egypt, Nigeria, Northern Ireland, and other countries. I have participated in various news specials and CBS Reports, including "Marijuana" (1968), "The Homosexuals" (1967), and "Black Power—White Backlash" (1966).

3. In my experience in investigative news gathering the ability to establish and maintain the confidence of people who may be willing to suggest leads and divulge facts and background information to be has been essential. If such people believed that I might, voluntarily or involuntarily, betray their trust by disclosing my sources or their private communications to me, my usefulness as a reporter would be seriously diminished.

4. The reasons informants want their communications kept confidential are many and various: fear of incurring the wrath of a superior, fear of losing a job, fear of losing a contract and unwillingness to submit to the censure of colleagues for the expression of unpopular or unorthodox views. People in politics are frequently unwilling to show their hand in matters they deem newsworthy but sensitive. Government agencies, including the State Department and the Defense Department, frequently supply background information, public attribution or publication of which might jeopardize the careers of the officials involved as well as the foreign policies and programs of the United States.

5. A few examples will illustrate the critical role played by confidential sources in the development of news stories on matters of great public importance.

(a) I recently participated in the preparation of a report for "60 Minutes" relating to the cost overrun on the Mark-48 Torpedo. Some of the most important and revealing information that we obtained came in confidence from subcontractors, suppliers and men employed by Government agencies. Without that information we could not have constructed the story of how a torpedo project originally scheduled to cost $680,000,000 had risen to a projected $4,000,000,000. Thus, data from confidential sources enable us to reveal a case of monumental mismanagement, inefficiency and waste.

(b) Another recent broadcast included a report on the production of the motion picture "Tora, Tora, Tora", the story of the Japanese attack on Pearl Harbor. The filming of that picture involved the use of large numbers of ships, airplanes and personnel—all supplied by the United States Navy at great cost. In preparing my report I obtained a list of ten particularly embarrassing questions which certain officials within the Defense Department believed the Navy should have been prepared to answer satisfactorily before permitting the use without charge of its facilities and equipment by the movie's producer. Those questions, which could not have been published without a breach of confidence, were nonetheless of great value in interviewing the officials responsible for that decision. The interviews in turn were critical in developing a report on the use of public property and funds for private purposes—a story which resulted in a congressional investigation and remedial action by the Navy Department.

(c) As indicated above, the State Department and other departments and agencies of the government frequently conduct background conferences at which information and opinions are presented, but not for publication. Frequently, such views are in conflict with present public positions or policies of the government. Access to such information, however, provides the reporter with the ability to interpret information from other sources, anticipate changes of policy and analyze developments. My associates and I have also received background information from sources in the Federal Bureau of Investigation, the Central Intelligence Agency, the General Accounting Office and the staffs of the chairmen of various congressional committees. Much of that information has been important to the development of reports that we have broadcast or which are in preparation.

(d) In the course of my assignment to cover Richard M. Nixon in the early stages of the 1968 campaign, I was present at nonpublic conversations and conferences and was able to talk informally with the candidate and some of his advisers, including the present Attorney General. Although it was seldom explicitly stated, it was understood that some of what was said on those occasions was not for publication. Because of the informality of such discussions the language used was more casual than the candidate would use in public. Moreover, ideas were discussed which were tentative and would later be refined or rejected. Had there been any thought at the time that I could be compelled to divulge a full report of some of those meetings, my presence would never have been permitted. As it was, I was able in the course of those sessions to acquire an understanding of the candidate which contributed significantly to my coverage of the campaign and, perhaps more important, an understanding of the President which has been invaluable in attempting to assess and analyze the present Administration.

6. In each of the foregoing instances, I was able to do my work because people felt assured that their confidence would be respected. If I were now forced to reveal such confidential information, I could never again count on the cooperation of those people or anyone else in developing similar material in the future. In my opinion the public would be the loser in the long run.

MIKE WALLACE.

Subscribed and sworn before me this 31st day of March 1970.

ANTHONY MAGGIO,
Notary Public.

AFFIDAVIT OF DAN RATHER

District of Columbia, ss:

Dan Rather, being duly sworn, deposes and says:

1. I am White House Correspondent for CBS News, a division of Columbia Broadcasting System, Inc. I have been a reporter for newspapers, wire services, local radio and television stations, and broadcast networks for more than 20 years. In addition to serving as White House Correspondent, I have been news director of KTRH in Houston, Texas, director of news and public affairs at Station KHOU–TV in Houston, Texas, and chief of CBS News bureaus in Dallas, Texas, New Orleans, Louisiana, London, England and Saigon, South Viet Nam. My assignments have included city halls, county court houses, state legislatures and police stations in this country and wars, natural disasters and politics, both at home and overseas. I reported on the riots accompanying James Meredith's enrollment at the University of Mississippi in 1962, civil rights demonstrations in Birmingham, Alabama, the integration of the University of Alabama and the assassination of President Kennedy in 1963, President Johnson's Asian tour in 1966, the assassination and funeral of Dr. Martin Luther King, Jr., and the Democratic and Republican national conventions in 1968. I have also worked as a reporter on various in-depth CBS Reports, including "The Legacy of the Thresher" in 1964, "Abortion and the Law" in 1965 and "The Warren Report" in 1967.

2. My work, and that of reporters generally, requires more than merely assembling facts. A reporter can know all the facts and still not know the truth. In order to understand the facts, reporters must constantly appraise the accuracy and meaning of words and the significance of deeds. In that effort, reporters require a background of confidential judgments and observations obtainable only in privacy and in trust.

3. Furthermore, even the bare facts themselves are frequently obtainable only through confidences. For example, in the mid-1950's certain police officers of Houston, Texas, were stealing narcotics from arrested suspects and selling the narcotics for large amounts of money. The facts came out because honest police officers discussed them in confidence with a reporter who had an impeccable reputation for never revealing confidential sources. A great many other examples of the importance of confidential communications in the work of the news media could be cited; they are daily fare.

4. The fear that confidential discussions may be divulged, as a result of grand jury subpoenas or otherwise, would curtail a reporter's ability to discover and analyze the news. This is not mere speculation on my part. In recent weeks, a long-time friend and news source, who has dealt in conndence with me for more than a dozen years, has declined to do so. He has, on many occasions in the past, been responsible for truths, otherwise unobtainable, appearing in my reporting on civil rights, government and politics. This decent, honest citizen, who cares deeply about his country, has now told me that he fears that pressure from the Government, enforced by the courts, may lead to violations of confidence and he is therefore unwilling to continue to communicate with me on the basis of trust which formerly existed between us. This incident is representative of the loss that reporters can be forced to disclose confidential communications and private sources. The very possibility of such forced disclosure is, in my experience, sufficient to foreclose important channels of communication.

DAN RATHER.

Sworn to before me this 31 day of March 1970.

ROBERT W. CENTER,
Notary Public.

AFFIDAVIT OF MARVIN KALB

District of Columbia, ss:

Marvin Kalb, being duly sworn, deposes and says:

1. I am Diplomatic Correspondent for CBS News, a division of Columbia Broadcasting System, Inc. I have held that post since February 1963. I have worked for CBS News since 1957 in various capacities, including three years as CBS News Moscow Bureau Chief, and have covered stories in Southeast Asia and eastern and western Europe. Prior to 1957 I served for two years as Press Attache to the United States Embassy in Moscow.

2. In the course of reporting on diplomatic affairs, I depend extensively on information which comes to me in confidence from sources whose anonymity must be maintained. Diplomacy is conducted as a private business. In my experience, diplomats detest publicity. Recently, one foreign ambassador slipped out of the garage exit of the State Department after a meeting with Secretary of State Rogers just to avoid the press and, thus, any public comment on his meeting. The information about that meeting, and many others, has to come from private talks with American and foreign officials, not one of whom would allow himself to be quoted or in any way identified with the news report.

3. Privacy and discretion are the very essence of my work as a reporter. Most of the information from which stories of diplomatic developments emerge comes from private talks. Secrecy, privacy, off-the-record, background, deep background—these are the words which describe the kind of work involved in the reporting of diplomatic nuance and detail and the building of a pattern which ultimately emerges as a story.

4. If my sources were to learn that their private talks with me could become public, or could be subjected to outside scrutiny by court order, they would stop talking to me, and the job of diplomatic reporting could not be done.

MARVIN KALB.

Sworn to before me this 31st day of March 1970.

_____,
Notary Public.

ACADEMIC FREEDOM

Mr. HANSEN. Mr. President, members of the academic community guard nothing so zealously as they guard academic freedom—that right to inquire freely and to pursue and teach the truth without interference.

Through the ages scholars have fought and in some cases died for that right.

They have done battle at any sign of political interference.

In recent years the academic community has pursued this right with new vigor. It has sought complete freedom from direction by even those who support our institutions of higher learning, whether they be the large private givers, foundations, or government.

I am not here today to question this attitude, for freedom is a precious and fragile commodity, one that can easily be eroded, as man has found time and again.

It is for this reason that I am shocked and surprised at the silence of the members of the academic community who are trustees or members of the board of WETA, the Washington Educational Television Station.

Senators may recall that WETA only last month inaugurated a new news program called, fittingly, "Newsroom." Its purpose, like that of academia, was to search out and present the truth.

Its director was William Woestendiek, a newspaper and magazine editor of long experience and high repute; one whose veracity and integrity had never been questioned.

Yet on Thursday, April 16, Mr. Woestendiek was fired by the management of WETA. He was fired, not on ethical grounds, not on grounds of incompetence.

He was fired because his wife had gone to work for Mrs. Martha Mitchell, the wife of the Attorney General of the United States.

Certainly this is the grossest kind of interference with freedom. Certainly this is the worst kind of intimidation of all members of the press, who, like the members of the academic community, are seekers after truth.

The flimsy excuse was that there was a conflict of interest. Nonsense.

Put a professor in Mr. Woestendiek's place and change the setting from the television studio to the campus.

How many members of the academic community would sit still to see a professor fired because his wife had gone to work for a public figure? Very few, indeed.

Mr. President, we know that many professors become actively involved in politics and at the same time insist that they can pursue the truth without bias.

Still, more than a dozen members of the academic community who sit on the board of WETA have remained totally silent through the firing of Mr. Woestendiek. The rights and freedoms they claim for themselves and the academic community, they apparently are not willing to give to the members of the press.

Mr. President, the refusal of these academicians to take up the cause of Mr. Woestendiek is a black mark on the whole of the academic community.

INCREASE IN EARNED DOCTORATE DEGREES

Mr. McGEE. Mr. President, while the increased number of earned doctorate degrees being awarded by American universities has, for some people, created a problem, as Eric Wentworth detailed in the Sunday Washington Post, I believe it can be said that there are long-term benefits. Lesser-known colleges are gaining. Industry is gaining. Government is gaining.

For the country as a whole, it is important that we learn to utilize the talents and learning of the people who successfully pursue doctorate degrees, and not admit that in our society advanced learning can be overdone.

I ask unanimous consent that Mr. Wentworth's article be printed in the RECORD.

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

PH. D. GLUT CREATING A JOBLESS U.S. ELITE

(By Eric Wentworth)

"I just can't find anything at all, complains a bitter young scientist who won his coveted doctor of philosophy degree at the University of Maryland this past winter and has yet to land a satisfactory job.

His plight reflects a dramatic development in higher education. The Ph.D. has suddenly ceased being a certain passkey to professional and sometimes financial rewards. The new Ph.D. recipient this year cannot be sure of finding any job that approaches what he had looked forward to during those long, arduous years of postgraduate study.

Black Ph.D. winners, less than 1 per cent of the national total, are enjoying strong demand. White colleges and universities, pressed by student activists, are rushing to add black faces to their faculties. But this seems to be one of the few exceptions in a generally bleak job market sowing disappointment, even desperation, among hundreds of America's budding scholars and scientists.

The apparent Ph.D. surplus—the term makes some educators wince—is causing deep concern among academic policymakers as well.

Inflation's impact on the budgets of higher learning institutions, government and industry at least partly explains the current severity of the gap between supply and demand.

But some authorities see more fundamental factors at work. They point out, for one thing, that yearly awards of Ph.D.s and other earned doctorates have been mounting steadily since the United States took up the Soviet Union's space race challenge. In 1958–9, the year after Sputnik, earned doctorates totaled 9,360.

This past year, according to the best available estimates, total doctorates passed the 25,000 mark. The expected total this year is 26,500 and the projected figure for 1977–8 is 43,900.

A RADICAL CHANGE

Allan M. Cartter, chancellor of New York University, predicted back in 1966 that the scarcity of Ph.D. holders to staff faculties of fast-expanding colleges and universities would end by now as campus growth rates slowed. Few agreed at the time.

But last month, Cartter could tell the American Association for Higher Education: "The shortage of Ph.D.s that we have lived with for 30 years—with the brief exception of 1952–5—is over. Barring a major war, in most major fields of study we will never experience it again."

Cartter estimated that for the past decade, colleges and universities were hiring at least 50 per cent of each year's crop of new Ph.D. recipients. This year, he continued, the figure should be between 35 and 40 per cent.

"I doubt it will ever exceed 40 per cent again," he said, "and by the end of this decade only a quarter or less of new doctorates will enter college teaching. We are witnessing one of the most radical changes in the condition of higher education we have ever experienced, and it will have a major impact on the whole fabric of the academic world."

The sharp tightening of the academic job market was dramatized this winter as Ph.D. candidates and faculty members alike frantically hunted employment at annual meetings of the Modern Language Association, American Historical Association and American Economic Association.

In these traditional "slave markets," hordes of job-seekers pursued department chairmen who for their part frequently had greatly reduced recruiting needs.

At the MLA convention in Denver, department chairmen from several major universities reported more than 600 bids for fewer than five positions. Several chairmen reportedly left the meeting early to avoid the crush. A caucus of disappointed applicants demanded unemployment compensation.

Since then, the Cooperative College Registry, which runs a placement service for more than 300 of the nation's smaller private colleges and universities, has supplied hard data on the supply-demanded gap.

According to the registry's figures earlier this month, there were, for example, 585 Ph.D. job-seekers in biology against 49 openings in that field.

In other fields, the registry totals included 426 job-seekers in English against 73 openings; 391 in chemistry against 31; 253 in political science against 41; 277 in physics against 14; 209 in economics against 41; 96 in French against 37, and 99 in Spanish against 24.

These gaps between applicants and positions were all substantially greater than two years ago. More significant, they had all widened from February to April when ordinarily they would have shrunk as openings were filled.

On the corporate hiring front, the College Placement Council reported in March that business and industry offers to Ph.D.s were down 14 per cent from the year before and 33 percent from March, 1967. Jean G. Kessler, council coordinator, said recently the downturn was since growing even greater with the aerospace, electronics, chemical and auto industries in particular hiring fewer Ph.D.s.

As for the federal government, a Civil Service Commission official informally surveyed 10 federal agencies and reported a generally "soft" demand for Ph.D. holders. Reasons included not only budget cutbacks but applicants asking excessive salaries or having the wrong qualifications.

This past week, the American Institute of Physics reported a "very high" 2.5 per cent of physicists who earned their doctorates over the past three years were unemployed. They added that more than 30 per cent of those employed in one capacity or another were still looking for better jobs.

But the National Academy of Sciences ran a survey last winter and came up with far less dramatic results. Of those receiving Ph.D.s over the past two years, the NAS reported, only 0.9 per cent were jobless and 0.6 per cent had irrelevant jobs.

TAKING SECOND BEST

The 28-year-old University of Maryland scientist who received his doctorate in January in analytical chemistry has remained at College Park for the time being as a $520-a-month teaching assistant. He declined to be quoted by name—"on the advice of my attorney"—lest it hurt his job prospects.

Disillusioned before about a teaching career, he said that at the moment, "if I could find a teaching job I'd take it." But openings are even scarcer there, he added.

At Howard University, a 33-year-old candidate for a June Ph.D. in physics who happens to be black seemed far from worried about his job prospects. He has yet to launch an active job hunt, but he reported he has turned down some interviews already, has four interview invitations pending and has sent resumes to two other possible employers.

At the same time, he doubted that his skin color gave him any special advantage. "As far as I'm concerned," he said, "I'm having as hard a time finding a prospective employer as anyone. Nobody's beating down the door."

Elsewhere, however, available evidence suggests that black Ph.D. recipients are indeed in a favored position. "Oh, to be black and a Ph.D.," one white educator remarked.

"My goodness," said Elizabeth S. Fisher, director of the Cooperative College Registry, "we could place good Ph.D.s—black ones—in almost any part of the country they want to go."

If the evident overall surplus in new Ph. D. recipients has produced job market agonies for the moment, many believe long-run results will be healthy. For one thing, it is spurring reassessment of doctoral studies programs. Many critics claim they consume too much time, or encourage obscure research that ill prepares the candidate for future employment, especially in teaching.

CHANGE DEMANDED

Ph. D. programs in the United States have evolved a great deal already since Yale University conferred the first three degrees back in 1861. Yale, which launched doctorates to retain students otherwise heading for German universities, originally required two years postgraduate study, an exam and a thesis. Today's doctoral programs, for various reasons, typically span at least twice that many years and entail preparing a a lengthy dissertation and other academic hurdles. But in the face of heavy criticism as well as the disturbing job picture, reformers advocating shorter time spans and alternate doctorate programs geared more to teaching are gaining new support.

Meanwhile, job-hunting desperation alone is prompting more Ph. D. recipients to take positions on less-renowned campuses they might otherwise spurn, including the burgeoning two-year community colleges often in dire need of good teachers.

Educators are generally outspoken on one point: any surplus of Ph. D. recipients today cannot be allowed to cause a reduction in future output.

As Cartter himself and Robert L. Farrell of the Smithsonian Institute told the Joint Economic Committee of Congress last year: "The projections of doctoral supply indicate that a rapidly increasing proportion of the total will be available for nonacademic forms of employment—in government, industry and nonprofit agencies.

"This," they continued, "can only be viewed with satisfaction, as a mark that this nation has met its critical priority needs and can now begin to utilize this talent in a broader array of challenging tasks."

Or as Profs. George E. Owen and Owen M. Phillips of Johns Hopkins University put it in a recent article: "To concur in the attitude that we have overproduced in higher education is to admit that advanced learning is not fundamental to our society. Surely, the activities of a trained and intellectual minority have had and will continue to have an enormous positive influence on the nation and on the world as a whole. To disavail ourselves of this influence would in the long run prove disastrous."

WINE IS NATURAL PRODUCT OF SOIL

Mr. MURPHY. Mr. President, many in the Nation last week observed Earth Day as a signal of their concern for man's environment. To the extent that this concern will result in an improved ecology, it is indeed a worthwhile effort, for the polluting of our air and water and the deterioration of our various natural assets can have serious short- and long-range consequences for all of us.

But perhaps Earth Day also can remind us of the blessings that a fruitful and abundant earth can confer on man. The very foods we eat, the beverages we consume, owe their existence to a productive earth.

Man, throughout civilization, has sought the kind of climate and soil that would be rich in yield and hospitable to family life. This being the Passover season, we may even note that when Moses led the ancient Hebrews out of Egypt, he sent scouts into Canaan who reported back that the land "flowed with milk and honey"—a phrase that through thousands of years has come to symbolize the ideal in environment.

Among the fruits of the earth which we have come to enjoy—and which has been known to man for some 6,000 years or more—is wine.

Wine is naturally fermented from grapes and is celebrated in the Bible and in ancient legend. One of the first things that Noah did after leaving the Ark was to plant a vineyard.

And so down through the ages, wine has been associated with the best that God's earth has to offer mankind.

For as Ecclesiaticus XXXI reminds us:

Wine drunken with moderation is the joy of the soul and the heart.

Last Wednesday in Washington, the California congressional delegation was hosted at a reception for officials in this city at which the many wonderful wines of California were tasted.

I can think of no more appropriate day that this annual reception was held than on Earth Day.

For wine is of the earth—and a reminder to all that to have good wine we must keep the earth productive and alive.

Wine symbolically represents the best that a generous God can bequeath to man. It is a reminder that a happy and joyful life for present and future generations requires of man an active commitment to the land.

In President Nixon's words, we share an urgent common goal—

The rescue of our national habitat as a place both habitable and hospitable to man.

So perhaps a simple glass of wine can continually remind us that our future lies in the soil; and that good grapes, and good wine, serve to point out that the land will serve us well, if we will only let it do so.

ASSISTANT DOCTORS

Mr. MAGNUSON. Mr. President, I ask unanimous consent that a fine article on the subject of assistant doctors, published in the Wall Street Journal of April 23, be printed in the RECORD.

The need for more doctors is apparent to all of us, and assistant doctors have proved to be a successful way of filling the widening gap between patient and doctor.

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

RX FOR MD'S: MANY PHYSICIANS HIRE "ASSISTANT DOCTORS" TO HELP EASE BURDEN

(By Richard D. James)

PLYMOUTH, N.C.—Dr. Alban Papineau and his partner were ready to give up. Faced with the unexpected death of the third partner in their medical practice, coupled with a growing load of patients, the two general practitioners were considering closing the office they opened 30 years ago in this town of 7,500.

As the only doctors in town, they worked 70 to 80 hours a week, sometimes seeing 140 patients a day. Days off and vacations were out of the question. They were forced to give up attending medical meetings and to resign from most civic activities. "We were both getting up in years and wanted to start slowing down; instead, we had to speed up," says Dr. E. W. Ferguson, the "junior" partner, now 58. Dr. Papineau is 65.

That was two years ago. The doctors are still in business today, but the pressures on them have eased considerably. They solved their problem by hiring an "assistant doctor"—a new breed of professional who is university-trained to handle the hundreds of workaday medical tasks that eat up doctors' time. Now the two physicians take a day off each week, and their working hours have declined to 50 or 60 a week. Dr. Papineau even has time to attend a weekly postgraduate medical course.

MORE THAN A NURSE

Use of helpers in doctors' offices isn't new, of course. For years physicians have relied on their nurses to give injections, take blood pressures, temperatures and the like. But that's pretty much the extent of their "doctoring." By comparison, an assistant doctor's duties are more advanced. He helps an MD figure out what's wrong with a patient and treat him. He gives physical examinations, sews up cuts and makes hospital rounds and house calls.

There are only about 400 assistant doctors, or physicians' assistants, as they're frequently called, but that compares with none five years ago. The ranks are expected to expand rapidly as the number of training programs increases. Currently, there are about 30 such programs with 400 students enrolled, and it's estimated at least 20 more programs are being planned.

All of this comes at a time when the demand for doctors outstrips the supply. This perhaps is one reason the assistant doctors have the blessing of the American Medical Association, which usually vigorously opposes letting nondoctors perform medical duties.

MAJOR SOURCE: THE MILITARY

"Physicians' assistants can relieve doctors of much back-breaking routine so they can treat more people and zero in on the difficult cases," says Tom Zimmerman, director of the AMA's health manpower department. "They're particularly valuable in small towns and suburbs where the doctor shortage is acute."

The biggest source of assistance is the 30,000 or so military medical corpsmen discharged each year. Many want to capitalize on the medical training received in the service, but often they are married and have children and can't afford medical school. Also, most are in their mid-20s or older and don't want to spend seven or eight years becoming a doctor.

One such assistant is Stephen L. Joyner, a 27-year-old former Air Force corpsman who works with Dr. Elliott Dixon, a general practitioner in Ayden, N.C., a town of 4,000. "I feel this job is something I can spend my entire life at," he says. "I'm as happy as if I had become a doctor and were practicing medicine." Mr. Joyner, who has been on the job seven months, earns $10,000 a year, about average for an assistant doctor and considerably more than the $6,000 going rate for registered nurses in the area.

Training programs for assistants vary, and there's no agreement on the best format. At Duke University, students attend classes in subjects such as anatomy, biology and chemistry for nine months and then spend 15 months at Duke Hospital, much as interns do, caring for patients under the tutelage of doctors on the medical school staff. At the University of Washington, students spend three months in the classroom and 12 months with a general practitioner in private practice who continues the training.

LESS TIME IN WAITING ROOM

Use of assistants benefits patients in many ways. It means less time spent in waiting rooms, for example. "My patients have to wait only about 30 minutes now compared to at least two hours before," says Dr. Kenneth Pershall, a general practitioner in Othello, Wash., who has used an assistant for seven months.

It also permits quicker treatment in emergencies. Not long ago a 70-year-old woman, thought to be having a heart attack, was brought to Dr. Dixon's office in Ayden. Dr. Dixon was out, but Mr. Joyner was on hand. He examined her and ordered preliminary laboratory tests and an electrocardiogram. By the time Dr. Dixon arrived, the results were available for him to study, saving vital time.

Not all patients like the idea of being treated by a physician's assistant, however. "I figure I probably lost a dozen or so patients after my assistant arrived last October," says Dr. Doyle Hill, a general practitioner in Bay City, Mich. Those who balk harbor sentiments similar to those of Dr. George Burch, professor of medicine at Tulane University medical school. Says Dr. Burch: "When I'm sick I don't want any assistant taking care of me. I want a fully trained doctor." Other physicians question whether assistant doctors performing physical examinations can notice the early hints of disease that a doctor is trained to detect.

But most patients don't object. "We find that many patients, realizing the doctor is extremely busy, will ask to see the assistant instead, if it's something minor," says Mrs. Alice Jenkins, the receptionist for Dr. Dixon.

Comments one patient: "If they (the assistants) are good enough to take care of my son in Vietnam they're good enough to take care of me."

Most assistants say patients start calling them "doc" or "doctor" before long, which, doctors say, indicates a patient's trust in the assistant.

A BUSY DAY

The assistants work hard. Craig Bruno, the assistant here in Plymouth, met Dr. Ferguson at the local hospital at 7 a.m. on a recent day. The two of them spent two hours checking the progress of the 15 patients in the hospital. By 9:30 a.m. they were in the office, starting on the day's schedule of 50 appointments.

In his white coat and with a stethoscope around his neck, Mr. Bruno is indistinguishable from a real doctor. But Dr. Ferguson, like other physicians who employ assistants, makes it a point to explain to patients how Mr. Bruno's duties differ from his own. "When I first introduce Craig I explain that he is not a doctor, that he is here to assist me," says Dr. Ferguson. (In Ayden, Dr. Dixon and his assistant wear name tags. Steve Joyner is identified as Mr. Joyner; the "doctor" title is reserved for Dr. Dixon.)

Mr. Bruno sees a patient first, listening to his complaint, questioning him about symptoms, making a physical check and ordering lab tests, if he thinks they're needed. He writes his findings and tentative diagnosis on the patient while Mr. Bruno moves on to the next examining room.

"From Craig's findings I can rule out many things immediately and spend my time concentrating on the trouble," says Dr. Ferguson.

Mr. Bruno handles most emergencies during the day, helping keep the doctor on schedule with appointments. A nine-year-old boy is brought in with a deep arm gash sustained in a fall at school. Dr. Ferguson pops into the room for a quick look at it, as he usually does in these cases, but he doesn't have to take 15 minutes sewing it up; Mr. Bruno does that.

Around 5 p.m. Mr. Bruno makes a second round of patients at the hospital, a chore formerly handled by one of the doctors. He telephones his findings to Dr. Ferguson. Two or three times a week he is called to the hospital at night to handle emergencies such as lacerations or burns. In serious cases, he calls for a doctor.

How far assistant doctors can legally go in treating patients under state medical practice laws is still an open question. The assistants are taught in school and on the job that they can't make a final diagnosis, nor can they prescribe drugs or handle such complicated jobs as surgery, for this clearly would constitute illegal practice of medicine.

Medical groups in a number of states are exploring ways of defining the legal boundaries. One possibility is for the states to license assistant doctors, much as they now license doctors. Another alternative is legislation similar to that enacted a few years ago by Oklahoma, which allows the assistants to perform certain duties under a doctor's supervision. So far no suits have been filed against any assistants, according to the American Medical Association.

In the meantime, many insurance companies have moved to bolster the movement by agreeing to sell liability coverage to assistants at about half the rate paid by doctors. The companies also have agreed to cover the doctors against negligent acts of their assistants.

GOVERNMENT SELLING OF MAILING LISTS

Mr. ALLOTT. Mr. President, an interesting story published in the Business and Finance section of this morning's Washington Post raises some questions which should be answered.

The story concerns the Government's practice of selling various mailing lists to interested parties—usually commercial businesses.

According to the story, these mailing lists are compiled by the Federal Government from information gathered as a part of normal operating procedures. The lists are sold to firms interested in mass mailings of advertisements or related business material.

The practice is not new. It may not be bad. But it does raise two questions, one concerning ethics and one concerning economics.

First, it raises the question of whether the citizen's right to privacy is being infringed by the Government's collaboration in putting out lists which bring unsolicited mail pouring into all our mail boxes.

Second, it raises the question of whether this practice might involve unwarranted Government subsidization of the private business engaging in the mailing.

The Post story does not explore the question of how much the Government charges for the mailing lists it sells. The story does say that the charges are not intended to generate a profit for the Government. Rather, they are only intended to cover the cost of labor and materials used in putting the lists together.

This raises two more questions. First, if the Government is going to engage in this business, why should it not make a profit, especially since the companies that receive the mailing lists are aiming to profit from them?

Second, if the Government does not make a profit from providing the mailing lists, and if the lists are used by businesses engaging in third-class mailings that are less expensive to the mailers than they are to the Government that handles the mail, then the Government is in the position of subsidizing the businesses twice over.

Mr. President, I hope that these questions will be answered by those in a position to know the full story. To encourage interest in this matter, I ask unanimous consent that the Post article be printed in the RECORD.

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

UNCLE SAM PUTS MANY CITIZENS ON JUNK MAILING LISTS

(By Jan Nugent Pearce)

If you have ever wondered just where the deluge of junk mail you receive every week originates, you are probably overlooking one likely source.

Uncle Sam.

Unknown to many citizens, government agencies have been engaged for some time in the practice of selling mailing lists to anyone who can pay for them.

Naturally, most of the purchases are companies that will use the names for direct mail advertising.

The Federal Aviation Administration, the Federal Communications Commission, the Internal Revenue Service and the Post Office Department are usually cited as the most active sellers.

Recently, Capitol Hill legislators have criticized the practice as a government assisted invasion of the privacy of millions of Americans.

Rep. J. Edward Burke (R. Fla.) recently introduced legislation to ban all federal agencies from selling mailing lists. Rep. Frank Horton (R. N.Y.), after a confrontation with the Internal Revenue Service on the issue, will soon introduce his own bill to limit these sales.

And at the weekend Sen. Jacob Javits (R-N.Y.) asked President Nixon to issue an executive order to halt the practice.

In a letter to the President, Javits suggested that names gathered for agencies' internal purposes should not be offered in mailing lists to be used for selling merchandise.

There is presently no governmentwide policy. Some agencies provide the data routinely and others do not. All, interestingly enough, cite the same statute, the Freedom of Information Act, as the basis for their position.

Sen. Javits and Rep. Horton contend that law should not be used to sanction a practice that amounts to an invasion of privacy for the purpose of aiding direct mail advertising.

Here are some examples of information available from various government agencies:

The Federal Communications Commission retains another organization to fulfill requests for information from its large data bank. Among the data routinely offered are the names and addresses of thousands of ham radio licensees at a cost of $55 per computer tape. FCC says it has no idea how many of these have been sold, since all requests are handled by the contracting firm.

The Federal Aviation Administration offers a list of names and addresses of about 680,000 licensed pilots at $678 for the computer printout or $40 for each of the five computer tape reels. During fiscal 1969, FAA received $4,500 from these sales. Among the purchasers were several aircraft companies, Eastman Kodak, Redbook Co., the Board of Tax Assessors in Albany, N.Y. and the Los Angeles Times-Mirror.

The Post Office Department here contends it sells no mailing lists. It routinely provides two services for direct mailing firms: an address correction service at 5 cents per name, and a free "sequencing" service to arrange large third-class mailings in correct order for its carrier routes.

The Post Office Department also fills requests at $1 each, for the new address of any person who has filed a change of address form with his local post office.

Capitol Hill critics contend that some of the 33,000 subcontracting stations make lists of delivery routes available to mailers. A Post Office spokesman here said this was a possibility, but contended "it is not a general practice."

The Internal Revenue Service until recently sold a list of 140,000 names and addresses of licensed gun dealers and collectors for about $140. The agency deleted the names of individual collectors (after making 42 sales) and after receiving a barrage of criticism from Capitol Hill. Among the purchasers were numerous sporting goods companies and a group called Citizens Against Tydings. (Sen. Joseph Tydings has supported stringent gun control legislation.)

The U.S. Coast Guard provides boat registrations for New Hampshire, Washington, Alaska, the District of Columbia and Guam.

Rep. Horton's interest stems from a constituent's complaint that he had received sales solicitations from firearms' companies after registering with IRS.

The New York Congressman noted that the sale of 60 IRS lists could produce 8.6 million pieces of bulk mail if each of the licensees were solicited.

Several agencies routinely offer names and addresses of companies they regulate or issue contracts to. But authorities tend to believe the invasion of privacy factor is minimal here.

Some departments, such as Commerce and Defense, flatly refuse to provide any names and addresses of individuals from their files.

All of the agencies that engage in the practice emphasize that their charges are not "sales" as such, but fees to cover their labor and materials' costs.

Probably the most productive government originators of unsolicited mail are the 50 state motor vehicle departments, all of which routinely pick up some revenue by selling their list of motor vehicle owner registrations. Since these sales are governed by state law, the procedures vary.

Congressman Burke puts the federal issue this way:

"When a citizen must provide information to his government he should not, as a result, subject himself to harassment and solicitation by private concerns using this government-collected data."

CRISIS IN CAMBODIA

Mr. McGEE. Mr. President, the crisis in Cambodia presents a real and present danger to American forces in Vietnam. That fact alone should cause this Nation to consider seriously the effects of a Cambodian collapse and not shut our ears to the requests emanating from Phnom Penh for assistance in the form of supplies essential to the effort to turn back North Vietnamese troops.

In their Friday column, published in the Washington Post, columnists Rowland Evans and Robert Novak detailed the threat, the opportunity. and the so far frozen attitude. They observed that Western diplomats in Phnom Penh are dumbfounded by the U.S. paralysis in view of the critical importance of Cambodia to the outcome of the war in Vietnam.

I ask unanimous consent that the column be printed in the RECORD.

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

U.S. POLICIES IN CAMBODIA CRISIS WORK TO DETRIMENT OF OWN INTERESTS

(By Rowland Evans and Robert Novak)

PHNOM PENH, CAMBODIA.—The new isolationism in Washington has frozen the U.S. into a bystander's role in the Cambodian crisis even though its outcome will profoundly affect the Vietnam war.

The U.S. presence in Phnom Penh perfectly fits the "Little America" concept in foreign affairs advocated by influential U.S. senators. The entire embassy staff consisted of two Foreign Service officers (sharing the same office) and an overworked air attache until the recent arrival of a temporary press attache.

This skeleton crew makes no attempt to exert influence, not even intervening against Cambodian massacres of Vietnamese civilians which have so hurt Cambodia's cause internationally. For the first month of the crisis the U.S. was immobilized even after the new anti-Communist government's desperate appeal for military aid.

This carefully carved low profile becomes a study in absurdity considering how a little effort in Cambodia by the U.S. could improve its vast undertaking in Vietnam. Nor would this constitute a fresh foreign adventure. In truth, concurrent North Vietnamese invasions of South Vietnam, Laos and Cambodia are interlocking parts of a single Indochinese war.

With Communist forces in South Vietnam pushed back toward the uninhabited frontiers, the use of Cambodia's border regions as sanctuary, supply base, and jumping-off spot for attacks has become vital. Thus, when Gen. Lon Nol's government deposed Prince Norodom Sihanouk March 18 and ordered Communist troops to leave the country, a golden opportunity beckoned to radically change the Vietnam war.

In fact, since March 18 Cambodia has become considerably less hospitable for the 30,000 to 40,000 Communist troops here. Some are tied down securing their rear against the Cambodians, enabling South Vietnamese troops to make lightning raids against the Communists in and out of Cambodian territory.

Most important is the potential drying-up of Cambodia as a Communist supply base. The Lon Nol government appears to have substantially reduced arms, ammunition, and medical supplies flowing across Cambodia and is trying to deprive Communist troops of their vital rice supply. We observed truck after truck filled with rice on their way to Phnom Penh from border provinces where North Vietnamese troops are advancing.

In the opinion of some Cambodian officials and Western diplomats here, this Communist advance is intended not so much to conquer Cambodia as to pin down a rice supply. The rapid Communist push northwest toward Kompongcham is surely aimed at pre-empting rice.

Considering the overwhelming military superiority we described in an earlier report, the North Vietnamese can push Cambodian forces far enough back to re-establish a safe sanctuary and, if they choose, perhaps even force out the Lon Nol government. The golden opportunity, which so excited U.S. military headquarters in Saigon March 18, will then have been lost.

To prevent this, the Cambodian army needs immediate help and lots of it. Artillery pieces and shells, trucks and radios are in desperately short supply. The Cambodians have only 12 flyable planes. The government will have trouble meeting the payroll of a 40,000-man military establishment, which includes 10,000 recruits. If fighting accelerates, the army will soon exhaust ammunition for its basic infantry weapon, the Soviet AK-47 rifle.

But thanks to Sihanouk's madcap diplomacy, Cambodia is without allies and, partly because of the deplorable massacres of Vietnamese civilians, without much international sympathy.

France has ordered its military mission here to stay away from the Cambodian army (though some brave French officers are disobeying orders and helping their hard-pressed friends). The Indian embassy insists, contrary to fact, that this is a Cambodian civil war and not a North Vietnamese invasion. The British embassy is so blase that it was unaware of Lon Nol's first blanket request for aid until late the next day. Then, three days ago, Lon Nol repeated and refined that request for assistance in a special and highly personal letter to President Nixon.

Although Indonesia has offered help, the truth is that effective military assistance for the Cambodians will have to come from the U.S. The Lon Nol government is not requesting U.S. military advisers (sorely needed though they are by the untrained Cambodian army) but pleads for hardware.

Those Western diplomats here who appreciate Cambodia's critical importance to the Vietnam war are dumbfounded by the U.S. paralysis. "The speed with which your government acts may decide whether Lon Nol survives," one such diplomat told us. A decade ago action from Washington would have come with lightning speed. No action at all this past month is the "Little America" foreign policy working to the detriment of the United States's own interests.

SENATOR PERCY—A GOOD SOLDIER AND A GOOD REPUBLICAN

Mr. BENNETT. Mr. President, I was interested in a recent editorial in an Illinois newspaper which referred to the January 16 issue of the Congressional Quarterly. This issue of Congressional Quarterly showed each Senator's and Representative's record of support for President Nixon's legislative program, and I was pleased with my own high rating. At the same time, I noted the high rating achieved by the distinguished Senator from Illinois (Mr. PERCY), who was listed as first among the entire Illinois congressional delegation in his support for President Nixon's programs.

Mr. President, I ask unanimous consent that the editorial from the Bloomington Daily Pantagraph be printed in the RECORD, because it reflects accurately and forthrightly the record of Senator PERCY as I have observed it. He is a member of the Committee on Banking and Currency, on which I serve as a ranking minority member. I have observed him, therefore, at close range ever since he came to the Senate. He is a humanist in his approach to the Nation's social problems, as was evidenced by his unique homeownership legislation. In monetary matters he is a fiscal conservative. There are many examples: his leadership in having the nations of NATO assume greater financial burdens for American troops on their soil; his vote against an irresponsible tax reform bill; his vote in support of the President against the first HEW appropriation bill; his consistent support of a balanced budget; sound money; and an independent Federal Reserve System, just to mention a few.

Mr. President, in my judgment the people of Illinois, and especially the Republicans, have reason to be very proud of their senior Senator, CHARLES H. PERCY, a good soldier and a good Republican.

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

SENATOR PERCY GOP MAVERICK? VOTING RECORD ANSWERS "NO"

(NOTE.—The issue: Just how "good" a Republican is Sen. Charles Percy?)

Although Senator Percy has heard grumblings from the more conservative among Illinois' grassroots Republicans, there is every reason to think he has strengthened himself politically in the state.

On one prominent issue—President Nixon's search for an associate justice of the U.S. Supreme Court—Mr. Percy's departure from the Administration has been clear and forceful. It is on this issue that some Illinois Republicans condemn the senior senator.

Among independents and the more liberal wing of the party, Mr. Percy probably has gained points. Those covetous of a Senate seat, Attorney General William Scott and recent Senate primary candidate William Rentschler, would have no easy time in a primary come 1972.

One of the reasons is that, statistically, Mr. Percy can easily defend himself as a Nixon administration supporter when compared with other Senate Republicans.

Mr. Percy's pro-Nixon administration voting record in 1969—the last session for which up-to-date statistics are available—is better than that of GOP House Whip Leslie Arends, a man who to many is Mr. Republican himself.

Congressional Quarterly, a highly-regarded journal of congressional activity, identified 72 Senate roll-call votes that presented a clear-cut test of support for President Nixon's views in 1969.

Senator Percy supported the Nixon position 71 per cent of the time and opposed it 18 per cent of the time. (Failure to vote on an issue subtracts from both support and opposition score.)

Over-all, Mr. Percy gave Mr. Nixon somewhat more support than the average of GOP senators. Sen. Mark Hatfield of Oregon, for example, voted against Mr. Nixon 44 per cent of the time in the "keyvote" area. The most loyal Republican was Senator Bennett of Utah who was with the President's position 88 per cent of the time.

Senator Percy does well, in a state which has a plurality of Democratic primary voters and a large black population, to heed the voice of the voter, not the ultra-conservative wing of the official party.

This is not to say that the electorate of Illinois is wildly liberal. A United States senator cannot, however, occupy either fringe in this state.

We think that the state asks that both Mr. Percy and Mr. Smith exercise judgment consistent with the best interests of the nation and their consciences. That comes first. Party consistency (in relation to the Administration in power) comes second—or should.

Still, Mr. Percy is elected as a Republican and should be expected by that party voters to act like one most of the time. And so he has.

Mr. Percy is one of the "new" Republicans, of course, but that also means he is one of the electable Republicans in a doubtful state. A fair judgment is that Senator Percy has attempted, at least, to serve his party, his conscience and the broad interests of Illinois.

QUEEN ISABELLA DAY

Mr. MURPHY. Mr. President, last Wednesday, Earth Day, also marked the 519th birthday of the Spanish Queen responsible for America's discovery, Queen Isabella.

On behalf of the National Committee for Queen Isabella Day and the many American cities that individually celebrated the event, I should like to place in the RECORD a special proclamation issued by the mayor of Berkeley, dedicating this event and honoring this great queen, who is so much a part of the Spanish-American heritage.

Several other California cities, including Fresno, Long Beach, Oakland, and Sacramento, issued similar proclamations recognizing this Spanish-American anniversary.

I ask unanimous consent that the Berkeley proclamation be printed at this point in the RECORD.

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

PROCLAMATION: QUEEN ISABELLA DAY, APRIL 22, 1970

Whereas, April 22, 1970 marks the 519th anniversary of the birth of Queen Isabella, dynamic Castillian queen, who through her faith and confidence in Christopher Columbus, gave the civilized world a new dimension; and

Whereas, Queen Isabella, wife of Ferdinand of Aragon, by her support of Columbus in his plans for exploration, earned for herself a unique place in the history of Western civilization; and

Whereas, The qualities of confidence in the future, spirit of adventure with a purpose and sacrifice in the cause of human progress exhibited by Queen Isabella are characteristics worthy of emulation in our twentieth century era of exploration.

Now, therefore, I, Wallace Johnson, Mayor of the City of Berkeley, do hereby proclaim April 22, 1970, as Queen Isabella Day in Berkeley.

WALLACE JOHNSON,
Mayor of the City of Berkeley.
BERKELEY, CALIF., *March 9, 1970.*

DEATH OF WILLIAM "SCOTTY" JACK, OF WYOMING

Mr. McGEE. Mr. President, all Wyomingites were saddened last week by the passing of William "Scotty" Jack, who died in his 78th year of service to his fellow man. Born in New York City of Scotch parentage, he grew up to young manhood in Scotland, arriving in Wyoming at age 18. He was, in those early years, both a cowboy and a sheepherder. Later he was associated with the oil industry, which gave him a wide background in the basic industries of his adopted State.

"Scotty" Jack, though, devoted most of his life to public service, right up to the day he died. He began by representing Natrona County in the State House of Representatives, rising to the position of speaker. He was, in fact, the first Democrat ever to hold that office in Wyoming. Later, he was to serve as State auditor and secretary of state, and was twice a candidate for Governor. He did not succeed in obtaining the Governor's chair, but the phenomenon of defeat was always considered but a temporary thing by "Scotty." He kept at work, in the public interest.

"Scotty's" last position was as regional director of the Small Business Administration, in Casper. He served well and ably until the fortunes of politics resulted in his replacement last November.

With the editor of the Casper Star-Tribune, I appreciated "Scotty" personally, as a friend and as a wise counselor. I ask unanimous consent that the Star-Tribune's editorial on his death, as well as a UPI dispatch, be printed in the RECORD.

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

SCOTTY JACK—A WISE COUNSELOR

In any review of the careers and contributions of men in public life, there is always the question of the detached as contrasted to the more personal approach. Scotty Jack was a friend and counselor whom this department has welcomed, particularly in the latter years of his life. On a broader scale, he had served Wyoming well in a number of capacities both public and private, and he was not a man to put into a particular niche. He belonged broadly to the people, and he was a conservator of their interests.

It has been said that nobody lives as an island, and Scotty Jack was least islandish. His points of contact were innumerable, the richness of his experience unmeasurable. He had the exceptional gift of viewing an issue objectively regardless of party, and his dedication was for the whole State and all that it best represented. There are some men who belong to the public not so much because they have been accorded the highest honors but because they exhibit a rapport which is so easily and generally recognizable. Scotty Jack was that kind of man.

From a ranch hand to prominence in the Legislature and Speaker of the House, so such high offices as State Auditor and Secretary of State, he aspired to be Governor. He could have discharged the duties of that office with credit and distinction, but the opportunity—such is the nature of politics and political cycles—was to elude him. Scotty did not always win, but he never abandoned his sense of perspective. He never sulked, and he never gave up or lost interest.

He had the benefit of a wide variety of experience, and his Scottish heritage was reflected in the thrifty approach which, as state auditor, he adopted toward the public treasury.

When there were questions concerning the interpretation of the Constitution of Wyoming he was a strict constructionist. In his later years he was perturbed at times if the legislators or state officials took what he believed to be short cuts, possibly circumventing the essential meaning of that document. Whether he was right or wrong was always a question of viewpoint. The dominant fact remained that he exhibited concern.

Scotty Jack was a frequent visitor to the Star-Tribune. He was always willing to provide valuable background on subjects of major interest, and his contribution to current thinking was a stabilizing element. A conservative Democrat, his position on issues of the day never was narrowly circumscribed by party affiliation.

His counsel was given with less bias than many persons of similar stature. We shall miss him greatly.

SCOTTY JACK CITED FOR NEVER QUITTING

CASPER.—Scotty Jack won and lost many times, but most importantly he never quit.

Jack, a New York City born Scotsman who punched cows and looked after sheep in Wyoming and who rose nearly to the governorship, died Tuesday.

He was 78.

Jack was a popular Democrat. He had great success in getting elected to state offices in a Republican area and was the first member of his party elected speaker of the state House of Representatives.

His political career spanned more than 40 years.

His wife of nearly 50 years, Huldah, said her husband had been under treatment for several months for a heart condition. Funeral services were pending Wednesday. Survivors include a son and two daughters.

William M. "Scotty" Jack arrived in Wyoming in 1910 at the age of 18. He worked as a sheepherder, and became self-educated.

Jack ran twice unsuccessfully. His first try was in 1954 against Republican Milward Simpson. Jack lost by a 1,112 vote margin.

But in 1961 Jack came back for another try. The former state legislator, state auditor and secretary of state wanted to get off the sidelines and back into politics.

And he wanted the highest state office—the governorship. The post was held by Jack Gage, a fellow Democrat who died several weeks ago.

Jack "retired" last November when the national Republican administration named one of its party members to succeed him as regional director of the Small Business Administration.

But back in June 1961, Jack did not want to retire, and he was polling state legislators and high officials of the Democratic Party on support to challenge Gage.

FREE TRADE MOVEMENT

Mr. BENNETT. Mr. President, I was not in the Chamber last week when the distinguished Senator from New Hampshire (Mr. COTTON) discussed a Washington Post article dated April 15, writ-

ten by Mr. Hobart Rowen, and entitled "The Isolation of Maurice Stans."

The Senator from New Hampshire has provided a much needed rebuttal. I think one must consider, first of all, the source of the original attack. The Post over the years has supported the free trade movement, and anyone who takes a position sympathetic to American industries and American employees adversely affected by uncontrolled imports is automatically suspect.

I do not agree that Mr. Stans is isolated in the administration. I wish to point out very clearly that his concern for unfair competition from abroad is shared by many people on Capitol Hill. I am a cosponsor of several bills designed to remove the inequities of present trade practices. I wish to point out to the Senate and to the Post that in the State of Utah we have sacrificed the jobs of many steelworkers, mink ranchers, and cattlemen to foreign industries and employees. These American wage earners are not inefficient. These people simply cannot compete against a foreign employee who makes but a small percent of the American wage.

I also point out that Mr. Stans' concern for the balance of payments is shared by many Senators. I wish to identify myself with the distinguished Senator from New Hampshire and state that I do not give much credence to the view of some unidentified second level bureaucrat in the State Department. This is a favorite tactic of press reporters, and I am not sure a person such as this really sets the policy or makes the decisions.

We in the Senate and House who represent States and constituencies that are being badly hurt by cheap foreign imports appreciate the fact that we have a spokesman in the Nixon administration.

I assure the distinguished Secretary of Commerce that I will continue my efforts in the Senate to bring some balance and fairness to our import situation. We are going through a period when many foreign countries are putting up a variety of barriers against U.S. products while our own industries go unprotected. I wonder why the free trade advocates never try to explain this to a bankrupt mink rancher, an unemployed steelworker or a jobless shoe factory employee in the United States.

I commend Mr. Stans for his service to the President and to the American people.

NASA AUTHORIZATION BILL

Mr. SAXBE. Mr. President, the senior Senator from Illinois (Mr. PERCY) had planned to make a statement on the floor of the Senate today, calling for reductions in the House-passed NASA authorization bill.

Unfortunately Senator PERCY had to return to Illinois to attend the funeral of a close friend.

I ask unanimous consent that the remarks Senator PERCY had planned to deliver be printed in the RECORD.

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

STATEMENT OF SENATOR PERCY ON NASA AUTHORIZATION BILL

Mr. President: Last Thursday, the House of Representatives passed an authorization bill for the National Aeronautics and Space Administration (NASA) of $3,600,875,000—$268 million over President Nixon's request.

I urge the Senate to reject this increase over the President's budget request when the NASA authorization bill comes before us. The Nixon budget should be the maximum voted for the space program. There may be room for even further selective cuts. For example, I note that the Committee on Aeronautical and Space Sciences has approved an authorization $17 million under the President's request and $285 million under the House authorization. I commend their decision and good judgment.

As a former member of the Space Committee, I do not believe it is in the national interest to increase the space budget. I firmly believe that we should continue our space program but on a more modest scale. We have now landed on the moon and it is time to reevaluate our goals and proceed at a more reasonable and sustainable pace.

The first astronauts to the moon reported that from space the Earth looks beautiful. But we all know that seen from close up, right here on earth, the earth is too often ugly. It is scarred by air pollution, water pollution, solid waste pollution, noise pollution, thermal pollution and, worst of all, pollution of our homes and cities. When people have to share their homes and lives with filth and rats, and go hungry and malnourished because of a lack of funds, it only makes good sense to make these needs our number one priority. Pollution of our homes, of our cities, and of our Nation is basically the inevitable consequence of neglect, and for this neglect to go on unchecked would be immoral. Yet for every excess, non-essential dollar pumped into the space program, one less dollar is available to clean up our environment and solve the many pressing problems here on earth.

Mr. President, I place high value on our space program and the remarkable and dedicated citizens involved in it. It has been one of the great accomplishments of our nation and has brought great credit to the United States. The 68 million miles our astronauts have flown in space and the expenditure of $42 billion to date by NASA has proven to be a great investment that I have fully supported. The failure of Apollo 13 to successfully complete its full mission should not cause us to foolishly lower our sights or cause us to pull back from our objective of expanding man's knowledge of his universe.

But I do feel that we can place greater emphasis on multi-national cooperative space programs, comparable to the international cooperation achieved in 1958 for the International Geophysical year, and I urge rejection by the Senate of the House-passed authorization for NASA and further strongly urge that we view as an absolute upper limit the President's recommendation of $3,333,000,000 for NASA in fiscal 1971.

WETA AND INTIMIDATION

Mr. DOLE. Mr. President, 11 days ago William Woestendiek, an experienced and highly qualified newsman, was fired by educational television station WETA for the sole reason that his wife, an experienced and professional newspaperwoman, had gone to work for Mrs. John Mitchell, as a press secretary.

William Woestendiek's only crime: He had let his wife pursue her career, and that career meant going to work for a Republican.

Some Senators thought that Mrs. Woestendiek's decision to accept honest, gainful employment for which she was suited by training was hardly a reason to fire Mr. Woestendiek.

It was as if WETA's management were saying: "Bill Woestendiek cannot be trusted to be objective about news because his wife works for the wife of the Attorney General." That is adding up 2 and 2 and getting 12.

Or perhaps WETA was implying: "Mrs. Mitchell hired Kay Woestendiek so that she and her husband would get good treatment on WETA." That adds up to sure ridiculousness. How many Americans watch WETA? Who is going to be impressed by WETA's coverage of Mrs. Mitchell or its lack of coverage?

Frankly, I cannot understand what WETA's management was really thinking when it fired Mr. Woestendiek. I do know what it claims—that there was the "appearance" of a conflict of interest. Yet we know that there are many political conflicts that can be attributed to members of WETA's board, its staff, and to all sorts of news media people in Washington and elsewhere.

I mentioned a few of them last Thursday, people such as Marianne Means and Walterene Swanston. Another, Max Kampelman, a political associate of Hubert Humphrey, has figured in an investigation of a firm known as NAPCO, which had questionable dealings with AID. Mr. Kampelman, who is board chairman of WETA, last Thursday resigned his job as a news moderator on that station until this entire question of conflict of interest is settled.

He says he did it before I mentioned his name, and I have no reason to doubt him. However, I would respect him more if he had done it at the time Mr. Woestendiek was fired. Perhaps he thought he could ride out the publicity.

However, in order to put Mr. Kampelman in perspective, I should point out that last October 21 Representative GROSS of Iowa had this to say about Mr. Kampelman and NAPCO:

It will be remembered that NAPCO, with its powerful ties to Humphrey, was able to hoodwink the Agency for International Development into paying a tremendously inflated price for its virtually obsolete, worn-out gear manufacturing plant which was then dumped on a group of unsuspecting investors in India. It will also be remembered that one of the chief architects of this $4 million swindle was Max M. Kampelman, Humphrey's former legislative assistant and one of his closest and most trusted advisors.

Mr. President, I suggest that it might be pretty hard to get any mention of NAPCO or Mr. Kampelman's connections with NAPCO on any WETA news program, so long as he is chairman of WETA's board.

You will note, Mr. President, that while he resigned as a news moderator, he has not disassociated himself from WETA.

I am not here today to question Mr. Kampelman's business dealings or his right to stay connected with an educational television station, although I reserve the right to do so later.

My point again today is simply that Mr. Woestendiek is not alone in having a conflict of interest under the rules laid down by WETA.

I recall, for instance, that Les Carpenter ran a news bureau in Washington—and may still—at the time his wife, Liz, was working for the Johnsons, both Lyndon and Ladybird, who may be even more controversial than the Mitchells.

I am told that Columnist Robert Novak married a girl who was working at the White House. Engagements may not count in WETA's eyes, but I understand that Mrs. Novak worked for a while after she became Mrs. Novak.

I hate to keep picking on Walter Cronkite, but I wonder if he knows that not only was his executive producer, Les Midgely, married to LBJ's Consumer Counsel, Betty Furness, but also that Midgely's brother, Grant, works for the Senator from Utah (Mr. Moss).

I wish there were a Republican somewhere conflicting the interests around Mr. Cronkite.

Mr. President, I do not know most of the members of WETA's board, but just a scanning of the list shows that several have public identification with the Democratic Party. I wonder whether they should quit the board for that reason. Some are perhaps as qualified in their own professions as Mr. Woestendiek.

I call attention to Stephen Ailes, who was L. B. J.'s Secretary of the Army, or to Kermit Gordon, who was Director of the Bureau of the Budget.

I am sure their presence on the board is not the reason why a man whose wife worked for a Republican was fired, but certainly there is the appearance, just as there allegedly was the appearance with Mr. Woestendiek.

Mr. President, I recognize the importance of objective reporting. Most of us do. Vice President AGNEW called it to the attention of all of us last fall, and for his efforts was accused of trying to intimidate the media.

WETA's management scorns intimidation, Mr. President. It fires people, instead. I am still waiting to hear from Mr. Cronkite and Mr. Huntley and Mr. Brinkley on this one.

LAW ENFORCEMENT—RESOLUTION OF BOARD OF COMMISSIONERS OF SALT LAKE CITY, UTAH

Mr. BENNETT. Mr. President, I ask unanimous consent that a resolution passed by the Board of Commissioners of Salt Lake City and signed by all five members of the commission be officially and properly placed before the U.S. Senate. The resolution calls upon the American Bar Association to request the State bar associations to study ways to find better law enforcement and protection for the law-abiding citizenry of the United States.

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

RESOLUTION

Whereas, crime within the United States is increasing at an alarming rate; and

Whereas, it appears that the present state and policy of the law is to protect the individual rather than the law-abiding majority; and

Whereas, Salt Lake City is greatly concerned with seeing that not only the accused be brought to justice but also that justice be brought to the community and nation in the form of peace and mutual respect to each person's property rights;

Now, therefore, be it resolved by the Board of Commissioners of Salt Lake City that it is in favor of the American Bar Association's calling upon the individual State Bar Associations to conduct meetings among its member lawyers in an effort to suggest and prepare changes in the law which will provide protection to the decent and law-abiding citizens of our country.

Be it further resolved that a copy of this Resolution be sent to the Congress of the United States, Governor Calvin I. Rampton, the State Legislature, and the American and Utah State Bar Associations.

Passed by the Board of Commissioners of Salt Lake City, Utah, this 14th day of April, 1970.

JAMES L. BARKER, Jr.,
Commissioner.
E. J. GARN,
Commissioner.
J. BRACKEN LEE,
Mayor.
GEORGE B. CATMULL,
Commissioner.
CONRAD B. HARRISON,
Commissioner.

PATENT LICENSES GRANTED BY NASA

Mr. GOLDWATER. Mr. President, already we find appearing in publications in this country, both the press and magazines, and we hear on the radio and view on television suggestions that further expenditures in space either be eliminated or drastically cut. These have been prompted by the failure of Apollo 13 to place men on the moon, ignoring the tremendous feat of returning this craft to earth.

To me, as one who had the privilege of visiting NASA Control in Houston during the trouble, watching this superb team work convinced me that instead of pulling back on space, we should go ahead with more vigor. Think of it, here a relative handful of dedicated, knowledgeable men directed and guided the crippled Apollo 13 back from space and on to earth with a precision not bettered by the preceding missions which went all the way. Is it not possible to think of this same kind of brainpower and know-how application being put to the problems of our cities, the problems of our States, and even the problems of our Federal Government?

Some Senators have questioned the value of space. In fact, not so long ago I called the attention of the Senate to a statement made on the floor by a Member to the extent that $28 billion had produced a few tubes of moon dust, indicating that in that Senator's opinion that was the extent of the accomplishments from our efforts in space.

Many things have been accomplished with this expenditure, and while I doubt that it would be possible to tabulate a return at the present time showing that in dollars and cents the investment had been equaled, I am confident that within 5 years' time that will be done on the floor of the Senate.

There have been countless spinoffs and fallouts, if we care to call it that, from our efforts in outer space and increasing efforts in aeronautics. The Committee on Aeronautical and Space Sciences, of which the able Senator from New Mexico (Mr. ANDERSON) is chairman, will shortly have published as a Senate document what might be called a catalog of these items, but, knowing that there are many Members of this body and the other one, not to mention tens of thousands of businessmen across this country who would like to know a little more about the spinoff subject, I ask unanimous consent that a list of patent licenses granted by NASA be printed in the RECORD.

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

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION—PATENT LICENSES GRANTED BY NASA

THE FOLLOWING NONEXCLUSIVE, REVOCABLE, ROYALTY-FREE LICENSES HAVE BEEN GRANTED BY THE NATIONAL AERONAUTICS AND SPACE ADMINISTRATION FOR INVENTIONS OWNED BY NASA AND COVERED BY ISSUED PATENTS OR APPLICATIONS FOR PATENT FILED BY NASA AS OF JAN. 1, 1970

NASA patent case number	Name and address of licensee	Licensee's representative	Patent No.	Application serial No.	Title of invention	Technology utilization publication	Date of license
XLE-00035	Midland Industrial Finishes Company, 1-7 East Water St. Waukegan, Illinois 60085.	M. A. Glaser, Executive Vice President, Research and Development.	2,926,123	575,291	Temperature Reducing Coating for Metals Subject to Flare Exposure.		Oct. 27, 1967
XLE-00101	Fairchild Stratos, Stratos Division, Orinco Drive, Bay Shore, L. I., New York.	J. R. Maielli, Patent Coordinator.	2,945,667	551,961	Flexible Seal for Valves		Mar. 11, 1964
XLA-00141	Polyphoton Corporation (Formerly DeMent Laboratories) 1717 Northeast 19th Avenue Portland, Oregon.	Jack DeMent, D.Sc	3,005,081	19,971	High Intensity Heat and Light Unit.		Nov 19, 1963
XLE-00046	R. S. Cowen Company 9 East 38th Street New York 16, New York.	R. S. Cowen	3,008,229	686,769	Process for Applying a Protective Coating for Salt Bath Brazing.		Jan. 19, 1966
XLE-00046	Fairchild Stratos, Stratos Division, Orinco Drive, Bay Shore, L.I., New York.	J. R. Maielli, Patent Coordinator.	3,008,229	686,769	do		Mar. 11, 1964
XAC-00181	Ridgedale Iron Works, Ridgedale Avenue, Morristown, New Jersey.	William Scarince, Manager	3,028,126	28,175	Three Axis Controller		Nov. 19, 1963

NASA patent case number	Name and address of licensee	Licensee's representative	Patent No.	Application serial No.	Title of invention	Technology utilization publication	Date of license
XMF-00447	Ridgedale Iron Works, Ridgedale Avenue, Morristown, New Jersey.	William car nce, Manager	3,041,587	134,479	Angular Measurement System		Nov. 19, 1963
XMF-00480	Fairchild Stratos, Stratos Division, Orinco Drive, Bay Shore, L.I. New York.	J. R. Maie , Paten Coordinator	3,069,123	144,804	Instrument Support With Precise Lateral Adjustment.		Mar. 11, 1964
XMF-00339	do	do	3,070,407	11,591	Air Bearing		Do.
XLE-00353	do	do	3,072,574	65,548	Gas Lubricant Compositions		Do.
XHQ-01208	B. H. Hadley, P.O. Box 31, Pomona, Calif.	D. H. Bochenski, Engineering Administrator.	3,088,441	42,022	Valve Actuator		Nov. 29, 1963
Do	Pressed Steel Tank Company, 1445 S. 66th Street, Milwaukee, Wis.	W. R. Bohlman, Manager New Product Development.	3,088,441	42,022	do		Nov. 19, 1964
Do	Fairch ld Stratos	J. R. Maielli	3,088,441	42,022	do		Mar. 11, 1964
XLA-00128	do	do	3,093,000	32,496	Check Valve Assembly For a Probe.	65-10114	Do.
Do	Rosemount Engineering Co., 4900 W 78th Street, Minneapolis, Minn. 55424	Frank D. Werner, President	3,093,000	32,496	do	65-10114	Aug. 23, 1965
XMF-00392	Mr. Scott J. Meyer, 2604 Altura Drive, Cincinnati, Ohio 45239	Self	3,102,948	151,112	Electric Arc Welding		June 21, 1965
XNP-00425	The Isaacs Company 595 E. Galbraith Road Cincinnati, Ohio 45215.	S. Ted Isaacs, President	3,112,672	180,396	Umbilical Separator for Rockets.		June 22, 1965
XNP-00840	Associated Spring Corp. Bristol, Connecticut.	H. Perry Smith, Director Research & Development.	3,127,157	269,222	Multiple Belleville Spring Assembly.	63-10247	June 24, 1964
XNP-00840	Union Spring and Manuf. Co. New Kensington, Penn.	Clarence Abitz, President	3,127,157	269,222	do	63-10247	June 29, 1964
XGS-00458	Electro-Mechanical Research, Inc., 5012 College Avenue College Park, Maryland.		3,128,389	139,006	Variable Frequency Magnetic Multivibrator.		July 15, 1964
XNP-00476	Miniature Precision Bearings, Inc., Precision Parks, Keene, N.H.	Burt Dardani	3,132,903	182,698	Slit Regulated Gas Journal Bearing.	65-10099	Oct. 23, 1964
XNP-00476	Alina Corporation	Leonard H. King	3,132,903	182,698	do	65-10099	Jun. 1, 1967
XLA-00754	Hexcel Products, Inc. 2332 Fourth Street Berkeley, California.	K. M. Holland, Executive Vice President	3,143,321	290,479	Frangible-Tube Energy Dissipation.	63-10304	Jun. 8, 1964
XLA-00754	Aerotec Industries, Inc. Aerotherm Division Bantam, Connecticut 06750.	Alex I. Koji, Assistant	3,143,321	209,497	do	63-10304	Jul. 7, 1964
XMF-00369	Brown Engineering Co. Inc. 300 Sparkman Drive Huntsville, Alabama.	D. A. Moseley, Manager	3,149,897	134,782	Printed Cable Connector		Mar. 9, 1965
XMF-00369	Ansley, Div. of Thomas & Betts (Formerly Kent Corp.), Old Easton Road, Doylestown, Pa. 18901.	D. J. Crimins, President	3,149,897	134,782	Printed Cable Connector		Dec. 12, 1969
XLA-00838	Robin Industries, Inc., 1265 West 65th Street, Cleveland, Ohio 44102.	J. D. Beda	3,150,387	192,016	Foam Generator		June 24, 1965
XLE-00283	Universal-Cyclops, Specialty Steel Division, Bridgeville, Pa.	Philip W. Rush, Assistant to the Mechanical Director.	3,167,426	107,866	Nickel Base Alloy		Nov. 23, 1965
XLA-00481	Rosemount Engineering Co., 4900 West 78th Street, Minneapolis, Minn. 55424.	Frank D. Werner, President	3,170,324	120,797	Aerodynamic Measuring Device		Aug. 1, 1966
XLE-02428	Tyco Laboratories, Inc., Bear Hill, Waltham, Mass. 02154.	Albert J. Coughlin, Contracts Administrator.	3,170,773	339,821	Reinforced Metallic Composites		Nov. 16, 1965
XLE-00143	IKOR, Inc., Northwest Industrial Park, Burlington, Mass. 01803	Leonard Paris, Manager Contracts & Administrator	3,176,222	104,187	Apparatus for Measuring Fluid Density		Aug. 15, 1966
XMF-00375	Advanced Kinetics, Inc. 1231 Victoria Street, Costa Mesa, Calif. 92627	R. L. Gradishar, Sec.-Treasurer	3,188,844	166,969	Electrical Discharge Apparatus for Forming		June 14, 1966
XMF-00324	Brown Engineering Co., Inc., 300 Sparkman Drive, Huntsville, Ala.	D. A. Moseley, Manager Contract Administration	3,189,864	109,789	Electrical Connector for Flat Cables		Mar. 9, 1965
XMF-00324	G. T. Schjeldahl Company Modu ar Electronics Osseo, Minn. 55369.	Walter A. Gammel, Sr. Genera Manager.	3,189,864	109,789	Electrical Connector for Flat Cables.		Aug. 5, 1965
XAC-00435	Air Shields, Inc. Hatboro, Pa	John D. Wallace Director of Research.	3,196,363	164,428	Temperature Compensated Solid State Differential Amplifier.	63-10003	Aug. 24, 1964
XAC-00435	American Electronic Controls Co., 2459 Susquehanna Road, Roslyn, Pa.	Ed Schempp	3,196,363	164,428	do	63-10003	Aug. 10, 1964
XAC-00435	Production Electronics, Inc. 165 Roosevelt Avenue Carteret, N.J.		3,196,363	164,428	do	63-10003	Do.
XLE-01512	Avco Corporation 201 Lowell Street Wilmington, Mass.	Abraham Ogman, Resident Patent Counsel.	3,215,572	315,096	Low Viscosity Magnetic Fluid Obtained by the Colloidal Suspension of Magnetic Particles.	65-10335	Apr. 18, 1967
XLE-01512	Hydrospace Research Corp. 5541 Nicholson Lane Rockville, Md. 20852.	C. Ralph Lane Vice President	3,215,572	315,096	do	65-10335	Oct. 9, 1968
XLE-01512	Ferrofluidics Corp. Suite 600, One Center Plaza Boston, Mass. 02108.	Ronald E. Rosenweig, President	3,215,572	315,096	do	65-10335	Jan. 10, 1969
XLA-01090	Security Associates, Inc. 6900 Wisconsin Avenue Washington, D.C. 20015.	Leonard Davidov, President	3,215,842	274,000	Optical Communications Device	SP-5005	Nov. 22, 1965
XLA-01090	Acme-Lite Manuf. Company, 4646 W. Fulton Street, Chicago 44 Illinois.	J. A. Robinson, Pres dent	3,215,842	270,000	Optical Communications Device	SP-5005	Jun. 8, 1964
XLA-01090	American Distric Telegraph Company, 155 Sixth Avenue, New York 13, New York.	M. H. A. Lindsay	3,215,842	270,000	do	SP-5005	Do.
XLA-01090	Anglo Corporation, 4325-33 N. Ravenswood Ave., Chicago, Illinois 60613.	F. W. Griffith	3,215,842	270,000	do	SP-5005	Do.
XLA-01090	Aquanautics, Inc., 966 Commercial Street, Palo Alto, California.	R. L. Barkley, President	3,215,842	270,000	do	SP-5005	Do.
XLA-01090	C. A. Willis & Company, 79 West Monroe Street, Chicago 3 Illinois.	Clyde A. Willis	3,215,842	270,000	do	SP-5005	Do.
XLA-01090	Vincent O. Chambers, 7941 South Ellis Avenue, Chicago, Illinois 60619.	Self	3,215,842	270,000	do	SP-5005	Nov. 30, 1965
XLA-01090	Dynamic Speaker Corp., 1349 N. Milwaukee Avenue, Chicago 39 Illinois.	Samuel Abbinanti	3,215,842	270,000	do	SP-5005	Jun. 8, 1964
XLA-01090	E. I. duPont de Nemours & Co., Inc., P.O. Box 1559, Richmond, Virginia.	Edward B. Burns	3,215,842	270,000	do	SP-5005	Do.
XLA-01090	Gallaher & Henry, 8606 S. Kolin Avenue, Chicago 52, Illinois.	Dane A. Clarke	3,215,842	270,000	do	SP-5005	Do.
XLA-01090	General Scientific Corp., 515 West 65th Street, Chicago 38, Illinois.	W. M. DeLave, Vice President	3,215,842	274,000	Optical Communications Device	SP-5005	Do.
XLA-01090	George H. Gerstman, 4607 David Street, Skokie, Illinois.	Self	3,215,842	274,000	do	SP-5005	Do.
XLA-01090	J. M. Haugman, R.D. 4, Box 338, Medina, Ohio.	do	3,215,842	274,000	do	SP-5005	Do.
XLA-01090	HERST-LA ZAR, 75 East Wacker Drive, Chicago 1, Illinois.	Ralph LaZar	3,215,842	274,000	do	SP-5005	Do.
XLA-01090	High Voltage Engineering Corp., Burlington, Mass.	A. J. Marolda	3,215,842	274,000	do	SP-5005	Do.
XLA-01090	Layne Construction Corp., 1800 East Beach Blvd. Golden Isles, Hallandale, Florida.	Patrick R. Layne, President	3,215,842	274,000	do	SP-5005	Do.
XLA-01090	Louis Polster Company, P.O. Box 406, Van Nuys, California.	Louis Polster	3,215,842	274,000	do	SP-5005	Do.
XLA-01090	Mard Continental, Inc., Banker Bldg., Suite 1900, Chicago, Illinois.	Myron C. Cass	3,215,842	274,000	do	SP-5005	Do.
XLA-01090	Marvin S. Mills, 4240 Abner Street, Los Angeles, California	Self	3,215,842	274,000	do	SP-5005	Do.
XLA-01090	Normal L. Burford and Assoc., 8227 S. Indiana Ave. Chicago, Ill. 60619	Norman L. Burford	3,215,842	274,000	Optical Communications Device.	SP-5005	Dec. 28, 1965

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION—PATENT LICENSES GRANTED BY NASA—Continued

THE FOLLOWING NONEXCLUSIVE, REVOCABLE, ROYALTY-FREE LICENSES HAVE BEEN GRANTED BY THE NATIONAL AERONAUTICS AND SPACE ADMINISTRATION FOR INVENTIONS OWN E BY NASA AND COVERED BY ISSUED PATENTS OR APPLICATIONS FOR PATENT FILED BY NASA AS OF JAN. 1, 1970

NASA patent case number	Name and address of licensee	Licensee's representative	Patent No.	Application serial No.	Title of invention	Technology utilization publication	Date of license
XLA-01090	Quaran Electric Co., Inc. 3645 W. 121st Street Alsip, Illinois 60658	Salvatore J. Quaranta President	3,215,842	274,000	Optical Communicatons Device.	SP-5005	June 8, 1964
XLA-01090	Remco Industries, Inc. Cape May Street Harrison, N.J.	P. Tomoro Chief Engineer	3,215,842	274,000	do	SP-5005	Do.
XLA-01090	Sedco-Analytical Engineering 17000 Ventura Boulevard Encino, Calif.	Leo H. Winters Director, Engineering	3,215,842	274,000	do	SP-5005	Dec. 3, 1965
XLA-01090	Sid Mack & Associates 920 Mapleton Terrace Jacksonville, Fla.	Sid S. Mack	3,215,842	274,000	do	SP-5005	June 8, 1964
XLA-01090	Sonotone Corporation Elmsford, N.Y.	H. A. Pearson Director of Research.	3,215,842	274,000	do	SP-5005	
XLA-01090	TRAK Microwave Corporation 5006 N. Coolidge Avenue Tampa, Fla. 33614	G. J. McCulloch, President	3,215,842	274,000	do	SP-5005	Do.
XLA-01090	Union Carbide Corporation Carbon Products Division P.O. Box 513 Columbia, Tenn.	A. W. Schulz	3,215,842	274,000	do	SP-5005	Do.
XLA-01090	Universal Fabricated Prod. 80 East Jackson Boulevard Chicago 4, Ill.	Albert Ruder	3,215,842	274,000	do	SP-5005	Do.
XLA-01090	The Westwood Corporation, P.O. Box 728 San Marcos, Tex.	G. R. Silen, President	3,215,842	274,000		SP-5005	Do.
XNP-00637	Caesar Manufacturing, Inc., 66-67 69th Street, Middle Village, N.Y.	Michael Caesar, President	3,217,624	290,776	Electrically-Operated Rotary Shutter.	63-10227	Do.
XGS-01881	Clark E. Johnson, Consulting Physicist, 41 Thoreau Street Concord, Mass. 07142.	Self	3,218,547	155,584	Flux Sensing Device Using a Tubular Core With Toroidal Gating Coil and Solenoidal Output Coil Wound Thereon.	65-10103	Dec. 29, 1965
XGS-01881	Automation Industries, Inc. 650 N. Sepulveda Boulevard, El Segundo, Calif. 90245.	Dan R. Sadler, Patent Counsel	3,218,547	155,584	do	65-10103	Sept. 14, 1966
XGS-01881	Abaris Co., P.O. Box 79, Solana Beach, Calif. 92075.	Lewis B. Massie	3,218,547	155,584	do	65-10103	Mar. 3, 1967
XLA-01019	Robintech Incorporated Electro-Mechanical Div., Box 714, Binghamton, N.Y. 13902.	W. J. Kupfrain, Vice Pres., Res. & Development.	3,223,374	282,817	Miniature Vibration Isolator		July 12, 1968
XLE-00953	Blu-Surf Thermo Engr. Co., 1830 W. Sherman Blvd., Muskegon, Mich. 49441.	Chas. F. Flynn, President	3,237,253	336,320	Method of Making Screen by Casting.		Apr. 4, 1966
XLA-00812	Delta-T Company, P.O. Box 473, Santa Clara, Calif.	David Wald	3,238,777	255,132	Differential Temperature Transducer.	65-10089	Oct. 27, 1964
XLE-02999	Houdaille Industries, Inc., 1280 Main Street, Buffalo 9, New York.	S. Richard Nusbaum	3,262,186	432,235	Method of Improving the Reliability of a Rolling Element System	65-10251	Sept. 20, 1965
XLE-02999	Link-Belt Company, 301 West Pershing Road, Chicago, Illinois 60609.	William Turner	3,262,186	431,235	do	65-10251	Oct. 21, 1966
XLE-02999	Industrial Tectonics, Inc. 18301 Santa Fe Avenue, Compton, Calif. 90221.	Heinz Hanau, General Manager	3,262,186	431,235	do	65-10251	Nov. 13, 1969
XMP-01193	Maury Microwave Corp., 10373 Mills Avenue, Montclair, Calif. 91673.	David V. White, Project Engineer	3,277,366	366,226	Insertion Loss Test Set Having Transformer Means Connected Across a Pair of Bolometers.		Aug. 29, 1967
XMS-05936	Trident Eng. Assoc., Inc., Carvel Hall, Annapolis, Maryland.	Robert E. Jasperson	3,295,377	557,868	Angular Accelerometer	66-10105	Sept. 14, 1966
XGS-02441	Cryolab, Div. of Statics-Dynamics, Inc., 1155 Sunset Drive, Los Osos, California.	William S. Wood, Chief Engineer	3,301,578	411,944	Cryogenic Connector for Vacuum Use.	64-10327	Aug. 16, 1965
XAC-01101	Straindyne Eng. Company, Box 328, Los Altos, California 94023.	K. H. McFarland, President	3,304,773	355,129	Dynamic Transducer	SP-5007	June 8, 1964
XNP-01749	Scientific Enterprises, Inc., 468 Polygon Market, Box 282, Broomfield, Colorado 80020.	R. E. Bolasny, President	3,305,415	440,033	Sterilization Process and Product	64-10066	Aug. 18, 1965
XLA-06958	Irving Air Chute Co., Inc., Lexington, Kentucky.		3,310,261	551,815	Control for Flexible Parawing		Mar. 21, 1967
XLA-01131	Mithras, Inc., 701 Concord Avenue, Cambridge, Mass. 02138.	Seth Briggs, Treasurer	3,312,101	322,545	Gas Analyzer for Bi-Gaseous Mixture.	63-10557	June 7, 1966
XNP-00810	The CO Jelliff Manuf. Corp., Southport, Conn. 06490.	Halsted W. Wheeler, Sales Manager.	3,317,180	271,821	High Pressure Regulator Valve	63-10234	June 8, 1964
XNP-00810	The Rogg Manuf. Corp., 590 Danbury Road, New Milford, Connecticut.	Anne Wynne Rogg, Treasurer	3,317,180	271,821	do	63-10234	Do.
XGS-01473	Curry, McLaughlin & Len, Inc., 5858 East Molloy Road, Syracuse, New York 13211.	Thomas F. Curry, Technical Director.	3,317,751	364,867	Reversible Ring Counter	64-10144	July 9, 1965
XGS-01473	Microwave Systems, Inc., One Adler Drive, East Syracuse, N.Y. 13057.	Robert B. Shields, Vice President.	3,317,751	364,867	do	64-10144	Dec. 30, 1969
XMS-03252	Barry Controls, 700 Pleasant Street, Watertown, Massachusetts.	Leo J. McNulty, Industrial Products and Facilities.	3,318,093	425,362	Hydraulic Drive Mechanism	65-10230	Aug. 4, 1965
XMS-03252	Superior Manuf. & Inst. Corp., 36-07 20th Avenue, Long Island City, N.Y. 11105.	Charles R. Schiff, Vice President.	3,318,093	425,362	do	65-10230	Aug. 19, 1965
XGS-00345	Preco, Inc., 6300 E. Slauson Avenue, Los Angeles, California.	Robert L. Stert, Project Engineer.	3,324,370	405,629	Electronic Beam Switching Commutator.	65-10237	Oct. 19, 1965
XLE-01609	Delta Electric Corporation, Box 1068, Big Spring, Texas.	Mike Craddock, Vice Pres. & Gen. Manager.	3,326,043	438,797	Inductive Liquid Level Detection System.		Dec. 16, 1968
XMF-04163	G. T. Schjeldahl Company, Northfield, Minnesota.	F. H. Bratton, Vice President	3,340,732	424,156	Fluid Flow Sensor		Jan. 7, 1965
XMF-06589	A. E. Halperin Co. Inc., 20 Thorndike Street, Boston, Mass., 02118.	A. E. Halperin, President & Treasurer.	3,343,180	543,206	Improved All Aluminum Robinson Orthopedic Stretcher.	66-10573	May 15, 1967
XLE-00787	Cooke Vacuum Products, Inc., 13 Merritt Street, South Norwalk, Conn., 06854.	Frank J. Cooke, General Manager.	3,346,806	330,210	Pressure Monitoring With a Plurality of Ionization Gauges Controlled at a Central Location.		June 14, 1968
XNP-03459	Anchor Alloys, Inc. 966 Meeker Avenue Brooklyn, N.Y. 11222.	Herbert Drapkin	3,357,093	457,879	Solder Flux Which Leaves Corrosion Resistant Coating.	64-10206	Nov. 26, 1965
XNP-03459	Fairmount Chemical Co., Inc. 117 Blanchard Street Newark, N.J. 07105.	F. Von Hessert	3,357,093	457,879	do	64-10206	Sept. 27, 1965
XGS-04227	Insco Corporation Main Street Groton, Massachusetts.	David L. Ammen President	3,359,819	545,805	Simple Bidirectional Step Torque Filter With Backlash Characterists.	65-10148	Feb. 27, 1967
XMF-03793	Leslie E. Foster 8000 Whittier Road Huntsville, Alabama 35802.	Leslie E. Foster Professional Engineer.	3,360,972	453,225	Magnetomotive Metal Working Device.	65-10342	Dec. 5, 1966
XMF-03988	Electrofilm, Inc. P.O. Box 3930 7116 Laurel Canyon Blvd. N. Hollywood, Calif. 91605.	J. A. Droege President	3,361,666	578,923	Inorganic Solid Film Lubricants		Dec. 2, 1968
XMS-02159	Hartman-Huyck Systems Co. Huntington, N.Y. 11746.	Richard A. Deutsch Engineering Consultant.	3,365,657	534,564	Power Supply	66-10431	May 3, 1967
XMF-03934	Hayes International Corp. 204 Oakwood Road, N.E. Huntsville, Alabama 35807.	R. A. Kempaner	3,379,885	530,958	Sight Switch	65-10079	May 11, 1967
XMF-03934	United States Testing Co., Inc., Main Laboratories 1415 Park Avenue Hoboken, New Jersey 07030.	J. B. Joel	3,379,885	530,958	do	65-10079	Apr. 16, 1969
XGS-02435	Loyal Hanson, Hopelite Ind. Bark River, Michigan 49807.	Mr. Loyal Hanson	3,382,082	392,965	Foamed-In-Place Ceramic Refractory Insulating Material.	65-10058	Feb. 10, 1966

Footnotes at end of table.

NASA patent case number	Name and address of licensee	Licensee's representative	Patent No.	Application serial No.	Title of invention	Technology utilization publication	Date of license
XGS-02435	Palmer Electronics Inc. 156 Belmont Avenue Garfield, New Jersey 07026.	Vick R. Palmer, President	3,382,082	392,965	do	65-10058	Apr. 14, 1969
XNP-02791	Teletronics, Inc. 60 Connolly Parkway Hamden, Conn. 06514.	L. Esposito, President	3,383,461	390,251	Reduced Bandwidth Video Communication System Utilizing Sampling Technique.	65-10058	Dec. 18, 1969
XLE-04788	Spectro Equipment, Inc. 6021 Royalton Road N. Royalton, Ohio.	Richard E. Lehnhardt	3,396,303	537,617	Control Apparatus for Spectral Energy Source.	67-10404	June 24, 1968
XMS-04533	Alton A. Register & Assoc. 204 Professional Bldg. Fort Pierce, Florida 33450.	Alton A. Register, Owner	3,397,117	557,016	Solar Still	65-10214	Jan. 26, 9681
XNP-03063	Rama Industrial Heater Co. 39651 Esplanade San Jacinto, Calif. 92383.	D. J. Meader Purchasing Agent.	3,413,115	521,994	Brazing Alloy	65-10060	Mar. 3, 1966
XLE-08511	Astro Met Assoc. Inc. 95 Barron Drive Cincinnati, Ohio 45215.	John W. Graham President	3,419,363	635,972	Self-Lubricating Fluoride-Metal Composite Materials.	67-10007	Sept. 9, 1969
XMS-02872	Biopotential Systems, Inc. 1108 Bustleton Pike Feasterville, Penn. 19047.	Edward W. Young President	3,420,223	422,864	Electrode for Biological Recording.	64-10025	June 20, 1968
XGS-02439	Unidynamics Phoenix Div. Universal Matah Corporation P.O. Box 2990 Phoenix, Arizona 85002.	Arthur L. Poley Contracts Administrator.	3,422,352	487,341	Ampere-Hour Integrator	65-10308	June 30, 1966
XAC-03786	General Electric Company, P.O. Box 8555, Philadelphia, Penn. 19101.	J. E. Urion, Buyer, Facilities Procurement.	3,423,608	476,763	Nonmagnetic Thermal Motor for a Magnetometer.	66-10078	May 11, 1968
XFR-07658	Hauser Res. & Eng. Company, 2965 Peak Avenue, P.O. Box G, Boulder, Colorado 80302.	Dr. Ray L. Hauser, Research Director.	3,426,746	586,324	Method and Apparatus for Attaching Physiological Monitoring Electrodes.	66-10649	Sept. 12, 1967
XFR-07658	Mr. Robert G. Green, 1108 W. Avenue N-7, Lancaster, Calif. 93534.	Self	3,426,746	586,324	do	66-10649	Jan. 12, 1968
XMS-05909	Research Inc., R I Controls, Div., Box 6164 Minneapolis, Minn. 55424.	Wallace A. Erdahe, Treasurer	3,431,149	685,764	Heat Flux Sensor Assembly	66-10531	Apr. 14, 1969
XNP-04816	The Bristol Company Waterbury, Conn. 06720.	W. C. Virbila, Manager Product Planning.	3,443,416	578,926	Micropacked Column for a Chromatograph System.	66-10182	Oct. 4, 1966
XNP-04816	Lockheed Electronics Co. Plainfield, New Jersey.	J. Jerome Madden Company Counsel.	3,443,416	578,926	do	66-10182	Jan. 30, 1967
XNP-04816	Applied Technology, Inc. P.O. Box 58326 Houston, Texas 77058.	W. F. Wilhite President	3,443,416	578,926	do	66-10182	Oct. 31, 1968
XAC-05706	Whittaker Corporation 1020 S. Arroyo Parkway Pasadena, Calif. 91105.	Robert H. Russell Manager, Biomedical Instrumentation.	3,453,546	592,694	Telemeter Adaptable for Implanting in An Animal.	66-10057	Apr. 30, 1968
XAC-05706	Biopotential Systems, Inc. 1108 Bustleton Pike Feasterville, Penn. 19047.	Edward W. Young President	3,453,546	592,694	do	66-10057	June 20, 1968
XGS-04119	Garan Chemical Corporation, 210 E. Alondra Boulevard, Gardena, California.	Robert Steinman, President (Dr.).	3,454,410	452,945	Alkali Metal Protective Coating.	65-10156	July 1, 1965
XGS-04119	The Farboil Company, 801 Key Highway, Baltimore, Maryland 21230.	Irvin Baker, Vice President	3,454,410	452,945	do	65-10156	Aug. 21, 1965
XGS-04119	Techform Laboratories, Inc., 707 W. Washington Blvd., Venice, California.	Jerome A. Wolf, Ex. Vice President.	3,454,410	452,945	do	65-10156	Oct. 8, 1965
XGS-04119	Thompson & Company, 1085 Allegheny Avenue, Oakmont, Pennsylvania.	The President	3,454,410	452,945	do	65-10156	Do.
XMS-04119	The Yenkin Majestic Paint Corp., E. Fifth Ave. at Leonard, Columbus, Ohio 43239.	Fred Yenkin, Chemical Engineer.	3,454,410	452,945	do	65-10156	Nov. 1, 1965
XMS-04119	W. P. Fuller & Company, 450 E Grand Avenue, S. San Francisco, Calif.	E. P. Kevin, Product Dev. Manager, Special Finishes Div., General Laboratory.	3,454,410	452,945	do	65-10156	Nov. 3, 1965
XMS-04119	United Coatings Company, 956-960 W. Huron Street, Chicago, Illinois 60622.	Jules F. Knapp, President	3,454,410	452,945	do	65-10156	Nov. 8, 1965
XMS-04119	Cypress Protective Coatings, Inc., P.O. Box 546, Pompano Beach, Fla. 33061.	John Messerla, Manager	3,454,410	452,945	do	65-10156	Nov. 26, 1965
XMS-04119	Louisville Paint Manuf. Co., Inc., 1108-10-12 W. Main St., Louisville, Kentucky.	A. F. Spear	3,454,410	452,945	do	65-10156	Dec. 2, 1965
XMS-04119	The Glidden Company, 900 Union Commerce Bldg., Cleveland, Ohio 44114.	Morton W. Douthitt, Patent Counsel.	3,454,410	452,945	do	65-10156	Jan. 13, 1966
XMS-04119	Benjamin Foster Company, 4635-37 W. Girard Avenue, Philadelphia 31, Penn.	T. F. Kirchoff, Patent and Trademark Department.	3,454,410	452,945	do	65-10156	Mar. 29, 1966
XMS-04119	Atlas Chemical Company, 4801 N.W. 77th Avenue, Miami, Florida 33144.	Frank Peterson, Jr., President	3,454,410	452,945	do	65-10156	Apr. 19, 1966
XMS-04119	Markal Company, 250 North Washtenaw Ave., Chicago, Illinois 60612.	Don Lytton, Sales Manager	3,454,410	452,945	do	65-10156	June 30, 1966
XGS-04119	United Finish Company, Corwin Street, Peabody, Massachusetts.	Howard B. Swanson, Vice Pres. & Technical Director.	3,454,410	452,945	do	65-10156	July 1, 1966
XGS-04119	Specialty Plastics Co., Inc., 7130 Milford Ind. Park, Baltimore, Maryland 21208.	Bernard L. Taylor, President	3,454,410	452,945	do	65-10156	Do.
XGS-04119	Roynston Laboratories, Inc., Flawnox, Pittsburgh, Penn. 15238	D. M. Jenkins, Director of Research.	3,454,410	452,945	do	65-10156	Aug. 9, 1966
XGS-04119	Furnane Plastics, Inc., 4516 Brazil Street, Los Angeles, Calif. 90039	P. S. Boyce-Smith, Sales Specialist.	3,454,410	452,945	do	65-10156	Aug. 31, 1966
XGS-04119	Wisconsin Protective Coating Corp., 614 Elizabeth Street, Green Bay, Wisconsin 54305	Francis J. Ploederl, Vice President.	3,454,410	452,945	do	65-10156	Nov. 9, 1966
XGS-04119	Sanders Paints, Inc., 3708 Lawrenceville Road, Tucker, Georgia 30084	Arthur E. Sanders, President	3,454,410	452,945	do	65-10156	Apr. 3, 1967
XGS-04119	Superior Paint & Varnish Corp., 3065 N. Rockwell St., Chicago, Illinois 60618	Justin D. Goldman, President	3,454,410	452,945	do	65-10156	Aug. 29, 1967
XGS-04119	Astratek International Ltd., 333 N. Michigan Avenue, Chicago, Illinois 60601	Pat E. Noble, Corporate Counsel.	3,454,410	452,945	do	65-10156	Sept. 5, 1967
XGS-04119	U.S. Paint Lacquer & Chemical Company, Singleton at 21st Street, St. Louis, Missouri 63103	Ed Hoffmann, Chief Chemist	3,454,410	452,945	do	65-10156	Oct. 19, 1967
XGS-04119	C. E. Bradley Labs., Inc., Brattleboro, Vermont 05301.	Bruce D. McCauley, Asst. to President.	3,454,410	452,945	do	65-10156	Dec. 13, 1967
XGS-04119	Everseal Manuf. Co., Inc., Ridgefield, New Jersey.	Alexander Goldstein, President	3,454,410	452,945	do	65-10156	Nov. 8, 1967
XGS-04119	Midland Industrial Finishes Co., 1-7 East Water Street, Waukegan, Illinois 60085.	M. A. Glaser, Ex. Vice President, Research & Development.	3,454,410	452,945	do	65-10156	Oct. 27, 1967
XGS-04119	M. A. Bruder & Sons, Inc., 52nd & Grays Avenue, Philadelphia 43, Penn.	Erle F. Krauss, Vice Pres., Production and Research.	3,454,410	452,945	do	65-10156	June 25, 1965
XGS-04119	Harold Chemical Prod., Inc., Danvers, Mass. 01923.	Harold Small, President	3,454,410	452,945	do	65-10156	Apr. 15, 1968
XGS-04119	Armstrong Chemcon, Inc., 1300 S. Kilbourn Avenue, Chicago, Illinois 60623.	Eugene K. Mack, President	3,454,410	452,945	do	65-10156	June 14, 1968
XGS-04119	Mr. B. Pinsker, 9230 Ratliffe, Apt. 6, Downey, California 90242.	Benjamin Pinsker, Owner	3,454,410	452,945	do	65-10156	Apr. 15, 1968
XMP-09750	Advanced Kinetics, Inc., 1231 Victoria Street, Costa Mesa, California 92627.	R. L. Gradishar, Sec.-Treasurer	3,456,112	632,162	Thermactor	67-10505	June 26, 1968
XMP-09750	William Wahl Corporation, 1001 Colorado Avenue, Santa Monica, California.	William Wahl	3,456,112	632,162	do	67-10505	Mar. 26, 1968
XGS-08259	Orion Products Co., Inc., 154 San Lazaro Avenue, Sunnyvale, Calif. 94086	Jack K. Willis, President	3,460,781	666,551	Tape Recorder	67-10646	June 20, 1968
XMP-09791	TRW, Incorporated, One Space Park, Redondo Beach, Calif.	Benjamin DeWitt, Manager of Licensing.	3,461,290	584,105	An Absolute Cavity Radiometer		May 4, 1967

Footnotes at end of table.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION—PATENT LICENSES GRANTED BY NASA—Continued

THE FOLLOWING NONEXCLUSIVE, REVOCABLE, ROYALTY-FREE LICENSES HAVE BEEN GRANTED BY THE NATIONAL AERONAUTICS AND SPACE ADMINISTRATION FOR INVENTIONS OWNED BY NASA AND COVERED BY ISSUED PATENTS OR APPLICATIONS FOR PATENT FILED BY NASA AS OF JAN. 1, 1970

NASA patent case number	Name and address of licensee	Licensee's representative	Patent No.	Application serial No.	Title of invention	Technology utilization publication	Date of license
XMS-04213	Space Craft, Inc., 7705 La Porte Freeway, Houston, Texas 77012.	Ray G. Gage, Vice President	3,458,303	607,484	Plated Electrodes	66-10088	Apr. 17, 1969
XMS-04213	Lester Gediman Company, 39 Frost Street, Framingham, Mass. 01701.	Lester S. Gediman, Owner	3,468,303	607,484	do	66-10088	Oct. 29, 1968
XMF-07069	Cecil Equipment Co., Inc., 1348 West 70th Street, Cleveland, Ohio 44102.	Shelby Cecil, President	3,469,068	672,382	Welding Skate With Computerized Control.	68-10091	July 11, 1969
XNP-04167	TRW, Incorporated, One Space Park, Redondo Beach, Calif.	Benjamin DeWitt, Manager of Licensing.		479,357	Continuous Plasma Light		Apr. 21, 1967
XGS-05291	Dunn Associates, Inc., 910 Laredo Road, Silver Spring, Md. 20901.	S. Thomas Dunn, President		553,891	Ellipsoidal Mirror Reflectometer		May 5, 1967
XLA-05056	Republic Manuf. Company, 15655 Brookpark Road, Cleveland, Ohio 44142.	Franklin J. Blaney, Chief Engineer.		596,733	Flared Tube Strainer	65-10388	Aug. 29, 1967
XMS-04212	Phipps & Bird, Inc., 6th & Byrd Street, P.O. Box 2V, Richmond, Va. 23205.	M. R. Mallory, Vice President, Manuf. Div.		607,461	Improvements in Method and Apparatus Silver Biopotential Electrodes.	65-10320	Do.
XMS-04212	Space Craft, Inc. 7705 La Porte Freeway Houston, Texas 77012.	Ray G. Gage Vice President		607,461	Improvements In Method and Apparatus In Silver Biopotential Electrodes.	65-10320	April 17, 1969
XMS-04212	IMI, Division of Becton Dickinson and Company 4321 Birch Street Newport Beach, Calif. 92660.	Vice President and Gen. Manager		607,461	do	65-10320	May 24, 1969
XAC-05462	Hamilton Standard, Division of United Aircraft Corp. Windsor Locks, Conn. 06095.	J.N. D'Addezio Contracts Administrator.		624,611	Inductanceless Filter Amplifier		Aug 22, 1967
XGS-10007	Polysciences, Inc. Paul Valley Industrial Park, Warrington, Penn. 18976.	B. Daniel Halpen President		627,599	Bacteriostatis Conformal Coating and Methods of Application.	67-10599	April 16, 1969
XAC-05695	Lepco, Div. of Block Eng., Inc. 459 South Main Street Logan, Utah 84321.	Doran J. Baker Division Manager		634,038	Appratus for Measuring Conductivity & Velocity of Plasma.		Oct. 9, 1968
GSC-10185	Electro-Mechanical Res. Inc. 5012 College Avenue College Park, Md. 20740.	T. E. Sted Vice President		733,039	Facsimile Videa Remodulation Network.	68-10207	Sept. 20, 1968
LAR-10294	Electro-Science Lab., Inc. 1133 Arch Street Philadelphia, Penn. 19107.	Sidney J. Stein President		796,685	Screened Circuit Capacitors	68-10542	July 2, 1969
ERC-10178	G. Finkenbeiner, Inc. 36 Rumford Avenue Waltham, Massachusetts.	G. Finkenbeiner President		800,973	A Repetitively-Pulsed, Wavelength-Selective Laser.	68-10564	Oct. 23, 1969
ERC-10138	Ameico Semiconductor Division of Teledyne, Inc. P.O. Box 1030 Mountain View, Calif. 94940.	General Manager		821,586	Apparatus and Method for Separating a Semiconductor Wafer.		June 19, 1969

THE FOLLOWING EXCLUSIVE, REVOCABLE, ROYALTY-FREE LICENSES HAVE BEEN GRANTED BY THE NATIONAL AERONAUTICS AND SPACE ADMINISTRATION FOR INVENTIONS OWNED BY NASA AND COVERED BY ISSUED PATENTS AND ARE ACTIVE AS OF JAN. 1, 1970

XLA-00240	Avco Corporation	Erwin P. Garfinkle	3,340,727	183,982	Ablation Probe	[1]	June 28, 1966
XNP-00708	Hubbard Scientific Company P.O. Box 105 Northbrook, Illinois 60062.	Thomas N. Hubbard President	3,196,558	281,069	Means for Visually Indicating Flight Paths of Vehicles Between the Earth, Venus & Mercury.	[2]	Sept. 20, 1968
XMS-00863	Robert J. Perchard 159 Presidents Road Gray Gables (Bourne) Massachusetts 02532.	Self	3,155,992	221,634	Life Raft	64-10001	[3] Nov. 3, 1969

[1] To Jan. 9, 1972.
[2] To Sept. 20, 1973.
[3] To Nov. 3, 1974.

ORDER OF BUSINESS

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

RECESS SUBJECT TO THE CALL OF THE CHAIR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate stand in recess, subject to the call of the Chair.

The PRESIDING OFFICER (Mr. JORDAN of North Carolina). Without objection, it is so ordered.

(At 1 o'clock and 5 minutes p.m., the Senate took a recess subject to the call of the Chair.)

At 1 o'clock and 39 minutes p.m., the Senate reassembled, when called to order by the Presiding Officer (Mr. JORDAN of North Carolina).

INTERMODAL TRANSPORTATION SYSTEMS

Mr. MAGNUSON. Mr. President, the planning and development of intermodal transportation systems is the key task of transportation policymaking today. The Senate Commerce Committee has been considering legislation that would facilitate the adoption of intermodal systems—the National Transportation Act. In addition, the Secretary of Transportation has recently begun to speak of the need for intermodalism as the central concept of transportation in the future, echoing my concern and the concern of many others that led to the National Transportation Act proposal.

Because of my longstanding interest in intermodalism, I was gratified to see in the April 4, 1970, edition of Traffic World that the concept of intermodal transportation has been given another boost. I refer to a project called study of legal aspect of intermodal transportation, which is being funded jointly by the Department of Defense and the Maritime Administration.

This study of legal aspects of intermodal transportation, known simply as SLAIT, is being directed by the Deputy Solicitor of the Maritime Administration, who is a distinguished lawyer as well. I am hopeful that SLAIT will result in further steps to implement this necessary concept of intermodalism. Because of the tangled jurisdictions over various transportation modes and the problems of "interface" between existing modes, a legal study of intermodalism is vital to sound policymaking in this field. The Department of Defense, the Maritime Administration, and the Deputy Solicitor are to be commended for their efforts.

I ask unanimous consent that the article from Traffic World be printed in the RECORD.

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

[From Traffic World, Apr. 4, 1970]

GOVERNMENT BACKS UNPRECEDENTED STUDY OF LEGAL ASPECTS OF INTERMODAL TRANSPORT

(By Carlo J. Salzano)

Unlike the building contractor, who, through the efforts of architects and engineers, knows even before a footing is poured that his structure will accommodate its intended purpose, the shipping community, attempting to flush out the concept of intermodal transportation in foreign commerce, has had no such comforting blueprint.

Although the concept of practical intermodal transportation has been with carriers and shippers for at least a decade, there appears to have been no single comprehensive effort by government or industry to determine whether this country's legal institutions impede or accommodate that concept. There has not been, that is, until now.

Only a short time ago, the Department of Defense and Maritime Administration, recognizing that intermodal transportation may demand new legal requirements in order to operate successfully in the national interest, started the ball rolling toward what may be the nation's first full-scale effort to evaluate a myriad of federal and state laws and international agreements to determine their roles in the expeditious movement of freight between inland points in the U.S. and inland foreign points (T.W., Feb. 14, p. 38).

If the shipping community has been putting the cart before the horse, it might be said that these two government agencies have taken steps to unhitch the rig just long enough to place in perspective some of the ingredients of intermodal transportation that the government feels are basic to a coordinated and prosperous system. The U.S. government, after all, is probably the world's biggest shipper.

Determined to identify any legal impediments to the full enjoyment by carriers and shippers of the intermodal transportation concept, the DOD and MA have joined in sponsoring and funding a study designed to unravel any legal complexities affecting three problem areas—through rates, shipper-carrier liability for cargoes, and burdensome trade documentation.

The project titled "Study of Legal Aspects of Intermodal Transportation" and dubbed "SLAIT" has been assigned to a group of high-level lawyers and laymen by the National Research Council's Maritime Transportation Research Board. The study is being directed by H. B. Mutter, deputy solicitor of the Federal Maritime Commission and adjunct professor of law at The American University. Working directly under Mr. Mutter as project manager is S. Lynn Walton, a staff member of the MTRB. The group has been given 11 months, until January, 1971, to submit its report. The study is being done with the cooperation of the Council on Transportation Law of the Federal Bar Association.

Explaining the key purpose of the study, Mr. Mutter said that, in most cases, the regulatory agencies have reacted to changes on a case-by-case basis, making studies only after the fact. Probably this approach stems from legal precedent that only cases and controversies, not hypothetical situations, can be adjudicated in our legal system.

"To prepare for the challenge of intermodal transportation, concerned government agencies must anticipate new legal requirements," he said. "SLAIT will try to project major legal impediments, discovered by research, to transportation innovation and then recommend ways in which our legal/regulatory system can be made more responsive to transportation needs."

To discover and define any such legal impediments, Mr. Mutter said his study team will have to come up with answers in these three broad areas:

1. Is there a national transportation policy that guides the transportation regulatory agencies or other government entities in the solution of intermodal problems. If there is none, should there be one and what should it be? This question, Mr. Mutter said, is particularly vital in connection with any effort to accommodate America's export commerce.

2. Is the current structure for regulating transportation by the federal government accommodating intermodal concepts?

3. Are prevailing anti-trust prohibitions against multi-mode ownership still valid today, or should they be relaxed to facilitate intermodal systems?

Elaborating on the second area, Mr. Mutter said that an effort would be made to review the adjudicatory function of transportation regulatory agencies with a view toward determining whether it can be improved to better accommodate intermodality. In this connection, Prof. Kenneth Culp Davis, of the University of Chicago Law School, has joined the research group to lend his expertise.

Mr. Mutter said that the group, working under the auspices of the National Academy of Sciences, parent of the National Research Council, has been and will be looking at some of the same suggestions made by Consumer Advocate Ralph Nader. The idea of abolishing the ICC as suggested by "Nader's Raiders," and creating a single regulatory agency combining the functions of the ICC, the FMC and the Civil Aeronautics Board, he said, "is being looked at, but it's an oversimplification merely to say that it should be done."

"In principle, it looks good but such a consolidation would present many problems," Mr. Mutter said. "One of those problems, for example, would be the possibility, under such a single agency, of one transportation mode dominating another when in fact they should be in healthy competition."

In any event, Mr. Mutter admitted that the concept of a single transportation regulatory agency is intriguing and merits SLAIT's attention.

He noted, however, that before specific problems in the regulation of transportation can be dealt with, the legal philosophy that underlies the regulation of transportation first must be investigated. Many of the laws now affecting intermodal transportation are over half a century old and it makes good sense to study their current validity in light of operating innovations and requirements.

An example of the massive collating job ahead for the study team is the recent trip Mr. Mutter and Mr. Walton took to a U.S. Air Force installation in Denver, Colo. There, with the help of the Air Force's LITE system (Legal Information Through Electronics) they began the job of identifying with the use of a computer, sections of the United States Code, international agreements and decisions of the U.S. Comptroller General that they may be related to intermodal transportation. This computerized legal information retrieval system could be invaluable. In addition, this data is being supplemented by the work of four law students hired by SLAIT as research assistants. If time permits, the study group hopes to do a compilation of state codes.

But, this systematic study of the law is only one general area of the research project. The study is probably more dependent on its collective wisdom. More than five dozen experts are working with SLAIT and will ultimately have to rely on their own experts to create a report.

THREE REGIONAL COUNCILS

The study group is made up of a main body which meets regularly in Washington, D.C. and three regional councils located in New York, Chicago and San Francisco. The main group is scheduled to draft a report on the study for distribution around September 1 to the three regional councils for their review and substantive comments with emphasis on any regional slant.

To bring the main study group up-to-date on various issues, five working committees have been established. The chief responsibilities of these committees are to arrange briefings for the study group by experts who will contribute knowledge, thoughts and experience in open and frank discussion of particular areas of study and to develop their assigned subject areas for the group's final report. The National Academy of Science's rules for the conduct of such studies insure confidentiality for the group's deliberations.

The next scheduled study meeting is to be held in Washington on April 7. The morning session will deal with the problem of through rates. The regulatory approach to intermodal transportation will be discussed in the afternoon.

The meetings in May and June will be given over to discussion of the anti-trust aspects of intermodal ownership, the aspects of through liability, and the national transportation policy.

Additionally, in what appears to be a novel research technique for lawyers, the study group is making an effort to elicit the needs of shippers and carriers. Along with all the formal collection of data will be the distribution, to a sampling of industry personnel, of a questionnaire in which commercial traffic managers will be asked to identify legal impediments to intermodal transportation of goods. A percentage of those sampled will be asked to give a narrative response and a smaller sample will be personally interviewed. Shippers, especially, will be given a chance to give their views on regulatory agencies. All the returned information will be computerized and then analyzed by the study group.

Mr. Mutter said that the entire study is one of unprecedented legal research *pro bono publico* (in the public interest). The project director kept that basic premise in mind when he suggested members for appointment by the Academy to the study group and its three regional councils. As a matter of Academy policy, he said, they were selected, not as representatives of their particular organizations or of specific transportation modes, but for their experience and their ability to rise above any parochial interests and to contribute, as individuals, to the deliberations of the study group. He also noted that he himself and all members of the study group and councils are serving without compensation. The funds provided for the project are allocated entirely to such items as project administration, staff and study group travel expenses, computer services, and publication costs.

In addition to the substantive work in the field of transportation law, Mr. Mutter emphasized that the group also hopes to develop new concepts for legal research.

Selected to contribute their services and experience in this massive study, besides Mr. Mutter, were: Thomas R. Asher, partner, Asher & Schneiderman; John C. Ashton, vice-president of the Burlington Northern; Joseph Borkin, attorney, Washington, D.C.; Don A. Boyd, commerce counsel for E.I. du Pont de Nemours & Co.; Maj.-Gen. John P. Doyle, (U.S. Air Force, retired), MacDonald Professor of Transportation, Texas A&M University; H. Neil Garson, secretary of the ICC; Roger W. Gerling, executive vice-president of Spector Freight System, Inc.; Stanley Hoffman, transportation counsel, Union Carbide Corp.; Robert N. Kharasch, partner, Galland, Kharasch, Calkins & Brown; Richard Littell, associate general counsel, Civil Aeronautics Board; Jeremiah M. Mahoney, American Export Freight, Inc.; Edward Margolin, director, Bureau of Economics, ICC; A. J. Mayor, vice-president—government relations, Sea-Land Service, Inc.; Robert W. Minor, senior vice-president of the Penn Central Co.; Arthur Pankopf, Jr., minority staff director of the Senate commerce committee; Cary J. Pearce, assistant chief—public counsel and legislative section of the Department of Justice, Cecil J. River, senior vice-president of Acme Fast Freight; David M. Schwartz, director of the Office of Policy Review in the Department of Transportation; Norman P. Seagrave, assistant general counsel for Pan American World Airways; Irving R. Segal, partner, Schnader, Harrison, Segal & Lewis; Stanton P. Sender, transportation counsel for Sears, Roebuck & Co.; Dean B. J. Tennery of the Washington College of Law of American University; Gerald H. Ullman, Attorney, New

York City; Dean James A. Washington, Jr., general counsel of the Department of Transportation.

Liaison members to the study group are James E. Armstrong, trial attorney, Regulatory Law Office, Office of the Judge Advocate General, Department of the Army; James A. Rossi, attorney advisor, Office of the General Counsel, in the MA; Milton J. Stickles, assistant counsel for the Military Sea Transportation Service; and John Tebeau, director—division of carriers, drawback and bonds for the Bureau of Customs in the Treasury Department.

Making up the New York Regional Council of the study group are Arthur Arsham, Partner in the law firm of Arsham & Keenan; Robert S. Bollinger, assistant vice-president of the Irving Trust Co.; William P. S. Breese, associate general counsel, Johns-Manville Corp.; Robert D. Brooks, general solicitor for the Penn-Central Transportation Co.; Herbert Burstein, partner in the law firm of Zelby & Burstein; Dudley J. Clapp, Jr., counsel for MSTS—Atlantic; Robert Dausend, director of industrial and regulatory affairs for Sea-Land Service, Inc.; Stanley Drexler, manager—distribution controls for IBM World Trade Corp.; William L. Grossman, professor of business administration of New York University School of Commerce; Max A. King, vice-president—regulatory and industrial affairs of Emery Freight Corp.; Carl E. McDowell, executive vice-president of the American Institute of Marine Underwriters; Leonard M. Shayne of Leading Forwarders, Inc.; Elkan Turk, attorney with Burlingham, Underwood, Wright, White & Lord; John W. R. Zisgin, attorney with Bighan, Englar, Jones & Houston.

The San Francisco Regional Council includes Daniel W. Baker, partner in the law firm of Handler, Baker & Greene; James J. Broz, deputy director—freight traffic, Western Area, MTMTS; Thomas DeLaney, director of research for the Bank of America; Willis R. Deming, vice-president and general counsel of the Matson Navigation Co.; Frederick E. Fuhrman, assistant general attorney of the Southern Pacific Transportation Co.; W. Harwood Huffcut, counsel for MSTS, Pacific Area; Robert Katz, Editor of the *California Management Review* and professor in the School of Business of the University of California, Berkeley; Robert H. Langner, executive secretary of the Marine Exchange of San Francisco Bay Region; Frederick G. Pfrommer, general attorney for the Atchison, Topeka & Santa Fe Railway Co.; Gayton E. Germane, 1907 Foundation Professor of Logistics in the Graduate School of Business at Stanford University; Clarence Morse, attorney, San Francisco; Paul A. O'Leary, vice-president of the Connell Brothers Co.; Edward D. Ransom, of Lillick, McHose, Wheat, Adams & Charles; John H. Robinson of the Harper Group; Miss Miriam Wolff, director of the Port of San Francisco; J. Richard Townsend, attorney, Martinez, Calif.; Karl M. Ruppenthal, director of the Transportation Management Program at Stanford University.

The Chicago Regional Council is in the process of formation.

ORDER OF BUSINESS

Mr. THURMOND. Mr. President, I ask unanimous consent to speak for 30 minutes.

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

THE SOVIET NAVAL THREAT

Mr. THURMOND. Mr. President, today it is popular to decry Soviet military strength and to advocate reduction in U.S. defense spending. This is a familiar tactic of critics of our Armed Forces, and it is a tactic that has great appeal to those who think that money for defense can be used for domestic spending.

Soon the Senate will have to act on the military budget for fiscal year 1971. In my judgment, this is one of the most critical decisions that the legislative branch will make in this decade. Events of the past 5 years have seen the two leading military powers, the United States and the Soviet Union, travel on two parallel but opposite courses. We have had an insidious drain on our military strength through a war in Vietnam, while the Soviets have expanded their military capabilities dramatically.

Mr. President, normally the knowledge that we have of Soviet military developments is kept secret for obvious reasons, but the time has come when this information must be made public to offset some of the unreasonable demands for reduced military spending. These demands, I might add, are based on little more than wishful thinking, and their credibility can be destroyed with some facts based on hard military intelligence.

No one recognizes the needs of our domestic problems more than I do, Mr. President, but I assure you that this is not the time to turn our backs on the sinister Soviet military threat. The need for strong Armed Forces to guarantee the security of our country was never greater than in these times of uneasy peace. However important our domestic needs may be, we cannot afford to take a shortsighted view of our future safety.

Last week, in the city of New York, Secretary of Defense Laird discussed the Soviet strategic threat, and he disclosed some new evidence of their growing capabilities. It was my pleasure to enter his profound remarks into the CONGRESSIONAL RECORD. Today, I shall follow his lead, but my remarks will not be about the Soviet strategic threat, but will be directed at another development that is equally alarming—the Soviet naval threat.

Mr. President, most speakers discuss military weapons systems in terms of capabilities. Even some of our military witnesses defend their budget requests by telling us about the specific things that the airplane, ship, tank, or missile that they are recommending can do. Too often, they get lost in small details and forget to ask themselves one simple question that is, in the final analysis, the basic logic for a weapon system. That question is, "Capability against what?"

There is a need, Mr. President, for a practical measure of military requirements. In terms of our naval needs, that measure is the Soviet Navy. An analysis of the growing Soviet naval capability clearly indicates what our Navy faces, reveals deficiencies, and also suggests the kind of forces that we need. Further, it produces logical support for Navy budget requests, and dispels certain criticisms of defense critics.

The warning that Soviet naval strength threatened our own domination of the seas came as a shock in the fall of 1967. The Israeli destroyer *Eilat* was underway off Port Said. Two Egyptian Komar missile boats fired four cruise missiles at a range of about 10 miles. The first struck on the port side, jamming *Eilat*'s rudder hard left. The second hit the starboard side and the third hit as she was about to capsize. The fourth passed very close over the capsized keel of the destroyer.

The Komar missile boat was presumably manned by Egyptians, but the lesson I think is very clear—the Soviet missile capability was dramatically demonstrated in combat for the first time. Suddenly our fast carrier striking groups became faced with a new and viable weapons system.

SOVIET NAVAL FORCES

Past Russian efforts to develop a modern navy have been deterred by economic conditions, purges, war, leadership changes, and a retarded technology. Today, however, the Soviet Navy is emerging as a versatile force and more nearly fulfills their long held aspirations for seapower than ever before. The Soviet Navy has the following missions assigned to it in support of the U.S.S.R. foreign policy in peace and war:

First, provide strategic attack by submarine-launched missiles;

Second, counter Western strike fleets and interdict western sea lines of communications;

Third, defense of maritime frontiers; and

Fourth, support of seaward flanks of the Soviet Army.

Mr. President, based on Soviet Mediterranean, and out-of-area operations, the Soviets are truly becoming a "deep water navy." Since 1964, the Soviets have increased their Mediterranean presence from a few units to a squadron which on occasion, has numerically equaled or exceeded the U.S. 6th Fleet. A small Soviet force is showing the flag and visiting ports in the Indian Ocean. Soviet surface, air, and subsurface units regularly conduct surveillance of U.S. and NATO naval exercises and observe individual units through close shadowing. Soviet aircraft range great distances to observe carrier transits and to test carrier defenses.

These deep-water forces are backed up by missile carrying aircraft and by conventional missile attack submarines. Closer to the Soviet coast there are missiles, aircraft, and missile firing surface ships with suitable escorts for air defense. Finally, in the area closest to the coast, there are guided missile patrol boats, torpedo and motor gunboats, and coastal defense missile forces. Komar boats of 81 tons sank the *Eilat;* OSA boats are 205 tons, and the latest guided missile patrol boats are the Nanuchka class of 800 tons.

The capabilities of this diversified force were demonstrated last week when the Soviets conducted a two-ocean naval exercise, employing 200 ships in this unprecedented event.

DETECTION CAPABILITIES

Mr. President, we can best understand the Soviet naval threat by first describing the methods by which their units can acquire or detect our carrier task groups. The carrier is mobile and the oceans are vast, but the Soviets have recognized this fact and have developed a formidable

reconnaissance machine to track our forces at sea.

There are presently many KRUG direction finding sites strategically located on the Eurasian land mass which can passively detect the radio emissions of ships at ranges up to 6,000 miles. These direction finders can be used to place airborne reconnaissance vehicles in a position to detect our forces accurately by active and passive means.

Another means of detection of ships at sea is with passive sonar. We have good evidence that our ships can be detected by passive sonar at ranges up to 100 miles.

In addition, the Soviet trawler represents another often used surveillance and detection vehicle. The trawler radar is limited by the horizon, but it has a passive detection mode about one and a half times the line-of-sight range, and it has demonstrated a tenacity for trailing carriers at close range.

SOVIET AIRCRAFT

Our major concerns, Mr. President, are airborne reconnaissance vehicles, because of their electronic sophistication, range, and the accuracy with which they can fix our positions at sea. They have a real-time, long-range communications capability between various missile launching platforms, both air and seaborne. Some have a video data link capability—this is the ability to relay a radar picture of the target-to-surface platforms. A complementary force, the Soviet long-range air army—the Soviet SAC—supplements their reconnaissance force.

The first aircraft that I shall mention is the versatile Badger. It is used as a tanker or reconnaissance vehicle, and a modification of the Badger carries the 120-mile AS–5 air-to-surface missile. The Badger is a 1,200- to 1,500-mile combat radius aircraft which can make up to 2,000 miles with one inflight refueling and has performance typical of all the world's subsonic bombers and transports.

The next Soviet aircraft of naval interest is the Blinder. The Blinder is a bomber with mach 1.6 dash speeds, 1,800 mile radius subsonic, and an estimated missile speed in the low supersonic range in the terminal phase.

Other aircraft in the inventory are the Bear and Bison. The Bison is a huge four jet monster. It was designed originally for strategic duties, and it is used occasionally for long-range maritime reconnaissance or tanker missions. The Bear is a unique airplane design—a swept wing turboprop. It is also a huge airplane, with unusually long range. One version carries the AS–3 air-to-surface missile, and another acts as an airborne jammer or command and control platform with a video data link to missile submarines.

The Beogle light bomber is an old airplane, slow by jet standards as a result of the straight wings but, nevertheless, quite useful. Soviet naval aviation probably uses a small number of these for mining coastal duties, and training.

Taken all together, Soviet aircraft constitute a capable scouting and detection force, with a competent air-to-surface missile arsenal.

MISSILES

Generally speaking, Mr. President, the Soviet Navy missile threat can be divided into two classes: Air-to-surface missiles, and surface-to-surface missiles. The development of these efficient missile systems poses the greatest threat to our fleets today.

Air-to-surface—AS—missiles permit Soviet aircraft to launch attacks on our surface units from ranges that exceed our own missile defenses. Intelligence observations relate the AS–2 with the Soviet Badger aircraft; this missile has a range of about 110 miles. The AS–4 is carried by the Blinder aircraft; its range is over 150 miles. The AS–5, with 120-mile range, has been observed on variations of Badger aircraft.

The other air threat comes from the surface-to-surface—SS—missile family. With this weapon a small torpedo boat can duel with a battleship or cruiser, outranging their conventional naval artillery.

The SSN–1 is carried on *Kildin* and *Krupnyy*-class destroyers. This weapon is booster-launched, turbojet powered for its cruise profile, and probably has active terminal homing. It has a fairly short range—30 miles—and is limited by both launch platform and radar horizon. Its range can be extended to about 130 miles with forward observer aircraft to provide targeting information.

The SSN–2 STYX missile—which was used to sink the *Eilat*—is a low altitude, rocket-powered, 22-mile weapon, also equipped with radar homing. This is the standard weapon for *Komar* and *OSA* patrol boats and may be installed on the new 800-ton *Nanuchka*-class patrol boat.

The SSN–3 is carried by submarines, *Kynda*-class cruisers, and some of the *Kresta*-class cruisers. This missile is twice the size of the SSN–1 or 2. It is turbojet-powered, has high cruise speed at low or high altitude, and active terminal homing. The range of the SSN–3 can be as high as 400 miles based on propulsion airframe characteristics, but it is more likely to have a maximum of 250 miles when it is flown without mid-course correction.

The Soviets are developing new missiles for new units such as the *Moskva, Kresta II,* and *Nanuchka* ship classes. Those missiles supplement the SSN–2 and 3. There is every evidence that the Kremlin is placing continuing reliance upon these air-to-surface missiles and surface-to-surface missiles for use against our carrier forces. During the past few years, they have devoted a significant amount of effort toward "fingerprinting"—or determining the electronic characteristics—of all of our carriers, gathering information on fleet formations and electronics by aircraft overflight missions, and by their trawlers. Usually, there are one or two trawlers on station with our carriers around the world.

In concert with an air attack by Soviet naval forces, it is quite possible that the Soviets could mount a coordinated attack simultaneously with cruise missile submarines from multiple directions: The use of submarines would probably require target information and mid-course guidance from an airborne platform such as the Bear or Badger. The missile itself could provide a video data link back to the launch platform for analysis and subsequent mid-course corrections back to the missile. In water approaches to the enemy shore, air attacks and surface attacks could be launched almost simultaneously, using missiles launched from the coast, from submarine and from surface vessels such as the *Kynda*-class cruiser.

COASTAL DEFENSE

The one additional capability which I would like to address in some detail, Mr. President, is the coastal defense threat from *OSA/Komar* boats and missiles fired from the beach.

It is known that a Soviet coastal missile, considered to be a version of Kennel, is operational. Strong indications are that this missile, nicknamed "Samlet" and other types are deployed along the Barents, Baltic, and Black Seas, as well as the Pacific Ocean. Samlet employs a rocket-assisted takeoff, turbojet propulsion and has a range of 45 nautical miles. A typical site consists of two launchers with six reloads and it may be mounted on wheeled transports.

The Soviet tendency to adapt one weapon to multiple usage is indicated by the existence of a missile very similar to the SS–N–3 in the coastal defense system. This missile, called Shaddock, is also mobile and launched from presurveyed sites. Shaddock has a range estimated to be the same as SS–N–3, about 400 miles maximum or 250 miles operational against ship targets. Probably, the mid-course guidance is inertial with terminal homing. Midcourse guidance, as well as initial target position, could be received from various sources including aircraft, submarines, trawlers or the launch site itself, or other surveillance radars.

Mr. President, any discussion of the coastal defense system capabilities of the Soviets would be incomplete without inclusion of the *OSA/Komar* and *Nanuchka* boats with their associated SS–N–2 Styx missile.

The Soviet navy has significant numbers of guided missile patrol boats of these types in all four fleets. In addition, a number of Communist countries as well as several so-called neutrals have been supplied with these units. Also, Communist China has produced a number of fast small boats and is believed to be developing a missile for their use.

These guided missile patrol boats provide an in-shore defensive capability which can lay down maximum firepower at a minimum cost in development and shipbuilding. Their mission is to provide a highly mobile missile defense system against naval forces attacking near the coast. Their primary targets would be major warships which can strike shore installations, as well as amphibious landing forces, search and rescue vessels, forward pickets and cruisers associated with a carrier task force.

These craft are capable of maneuvering in coastal waters where it is not practical to establish other defense systems. Their small size and high speeds make them difficult targets to detect, classify, and destroy. Each unit can operate in-

dependently or in concert with others, and it has a great concentration of firepower.

ELECTRONIC CAPABILITIES AND RADAR DECEPTION

The Soviets have the capability to support their antiship missile launchings with a wide array of active and passive electronic countermeasures. This includes electronics not only to detect and locate the target, but also to provide electronic means to insure the successful delivery of missiles on target.

The Soviets have displayed a jamming capability, Mr. President, but in general, little is known with regard to the total capability and sophistication of the available airborne or shipborne countermeasures. Jamming as well as electronic counter measures in general, continues to be an area in which the Soviets have placed great emphasis, and have applied extreme security precautions. It must be assumed from known Soviet state-of-the-art, U.S. equipment compromises—such as those with the capture of the *Pueblo*—and observed fleet exercises, that the Soviets have very sophisticated countermeasures. These can be used for both offensive and defensive operations. For example, it is not likely that missile launches will be supported by countermeasures from the launch platform, except, possibly, for the cases of major surface combatants and coastal missile sites. Support to missile launches from aircraft, submarines, and major surface combatants will be primarily provided by specifically configured aircraft. This jamming which will be varied and will include barrage and spot jamming, applies to our search and fire control radars and communications.

In addition to electronic countermeasures, the Soviets have demonstrated a capability to counter radar detection through the use of chaff. Originally chaff consisted of thin metal foil which was scattered in the air for radar deception. However, during the Soviet invasion of Czechoslovakia, in 1968, their aircraft movements were concealed by an improved chaff which resulted in a nearly complete blackout of NATO radars for several hours. It appeared to be an aerosol chaff and elements of it lingered in the atmosphere for several days. Chaff is usually air dropped, but it must be assumed that the Soviets have the capability to launch chaff that is effective against all radar frequency bands.

SUMMARY

In summary, Mr. President, the Soviet Navy strategy has changed. From pure coastal defense it has evolved into a deepwater navy, capable of worldwide employment, and featuring a dangerous offensive capability in its cruise missile arsenal.

This development is the direct result of Soviet priorities. With a gross national product less than half of ours, they have, nevertheless, funded military research and development at levels approximately the same as ours. They have developed, tested, and employed naval, air, and missile systems in dramatic variety and scope.

On the face of this evidence, one would think that the Soviets could sweep us from the seas. There is one very good reason why they cannot, however. This was pointed out last month by the Chief of Naval Operations, Adm. Thomas Moorer, who said:

> That reason is the attack aircraft carrier weapons system: We have them and he doesn't.

He added—

> I believe there is no item in our arsenal that the Kremlin would rather see us downgrade and eventually discard than the attack carrier.

Mr. President, I have been present at hearings in the Senate Armed Services Committee, and in recent joint hearings with the House, in which the Navy witnesses gave convincing evidence that our attack carriers are the primary force that neutralizes and holds in check the growing Soviet naval threat.

You will recall that at the beginning of my remarks, I indicated that a review of the Soviet threat would "indicate what our Navy faces, reveal deficiencies, and suggest the kinds of forces that we need."

I trust that this detailed description of the Soviet Navy's capabilities will provide a solid background for discussion of the Navy budget requirements when they are brought to the Senate floor in the very near future.

INTEROCEANIC CANAL PROBLEM: TWO IMPORTANT BOOKS ON PANAMA CANAL

Mr. THURMOND. Mr. President (Mr. ALLEN), in my studies of interoceanic canal history, I have noted that each time the canal question becomes a major national issue a rush of books appears. Though most of them contain information of value, in general they are written in an atmosphere of propaganda and in haste by authors without the necessary background of experience required for dealing with such a highly complicated subject. The truth of these conclusions has been well illustrated by most of the books on the canal problem published since 1955.

Notable exceptions are two volumes on the Panama Canal, "Cadiz to Cathay: The Story of the Long Diplomatic Struggle for the Panama Canal" and "And the Mountains Will Move: The Story of the Building of the Panama Canal," by Capt. Miles P. DuVal, Jr., U.S. Navy, retired, republished in 1968 and 1969, respectively, by the Greenwood Press of Westport, Conn.

Originally written when the canal question was not clouded by active propaganda, these two volumes are considered by competent authorities as the most comprehensive and objective treatments of their subjects ever published in book form and thus indispensable for those seeking to understand the canal question in depth.

Captain DuVal does not limit himself to a mere summation of historical facts but expresses very definite views as derived from a combination of both study and experiences as a naval officer and operating official of the Panama Canal.

In an illuminating final section on "The Future Canal" in "And the Mountains Will Move," he supplies the Nation with the first plan for the major increase of capacity and operational improvement of the Panama Canal as developed by him while serving as captain of the port of Balboa in charge of marine operations in the Pacific sector of the canal in the early years of World War II.

Two perceptive reviews of these books, one by Capt. Elliott B. Roberts, retired, of Coast and Geodetic Survey and the other by Brig. Gen. James H. Banville, retired, of the U.S. Army, published in the March 1969 and March 1970 issues, respectively, of the Explorers Journal, the well-known quarterly of the Explorers Club, should be of interest to all Members of the Congress interested in the canal question.

Mr. President, I ask unanimous consent that the two reviews, by Captain Roberts and General Banville, be printed in the RECORD.

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

[From Explorers Journal, March 1969]

"CADIZ TO CATHAY: THE STORY OF THE LONG DIPLOMATIC STRUGGLE FOR THE PANAMA CANAL," BY MILES P. DUVAL, JR.

(Reviewed by Capt. Elliott B. Roberts)

Though we may take it for granted in these days of domestic and international distractions, the problems of the Panama Canal are still very much with us. Its capacity is inadequate—both merchant ships and war craft have outgrown the capacity of its locks, and larger facilities must be found. Our ownership and management "in perpetuity" are challenged by forces of nationalism and perhaps communism, hence diplomatic solutions are imperative. Even the protection of the canal from nuclear destruction seems impossible in its present condition. Serious problems are these—ones we must face in the search for the right answers, for the fullest effectiveness and security of this gateway between our oceans must be assured.

Captain (U.S. Navy, retired) DuVal's book has an evocative title covering a scholarly but highly readable historical recapitulation of the long chain of events that led to the building of the canal, the work of four years, now in its 3rd edition and still important to the public administrator, historian, diplomat, or Panama Canal buff. DuVal, onetime Captain of the Port at Balboa, a tireless researcher, has gathered together what appears to be an exhaustive report of canal visions and proposals from almost the very day of Balboa's discovery, up through the tangled skein of negotiations and diplomatic dealings that finally resulted in the canal itself, showing where credit is due the nations and individuals concerned. In his appendix he provides the texts of the relevant treaties and documents, making this a source work of importance. The depth of the research and the clarity of its presentation have amazed this reviewer.

Most readers will be surprised again and again at the facts brought forth—for instance, who remembers that there was a long diplomatic struggle between Britain and the United States for dominance in the canal undertaking, or that United States policy long favored the Nicaragua route over the Panamanian isthmus, the former finally being abandoned in part through fear of volcanic disaster, a fear inspired by the cataclysmic 1902 eruption of Mont Pelee in Martinique.

If the past is prelude this important historical work, with all its source material regarding the rights and powers acquired by the United States, must be a handbook for all concerned with the future of our Isthmian canal matters.

[From Explorers Journal, March 1970]

"AND THE MOUNTAINS WILL MOVE" BY CAPT. MILES P. DUVAL, JR.

(Reviewed by Brig. Gen. James H. Banville)

In the first volume of his Panama Canal Series, *Cadiz to Cathay,* Captain DuVal tells the story of the long diplomatic struggle for the trans-Isthmian waterway; in his later volume, *And The Mountains Will Move,* 1947, 1968, he tells the moving story of building the Panama Canal; and he plans a third volume on the future canal to complete a trilogy.

Historical soundness, appreciative first-hand observation, study, and objective appraisal characterize Captain DuVal's Panama Canal histories.

In *And The Mountains Will Move,* three phases of exciting history are explored: Building the Panama Railroad, 1849-1855; the "Great French Effort," 1879-1889; and completion of the Canal by the United States, 1904-1914.

In this volume Captain DuVal tells about epic struggles in politics, engineering and mechanics, sanitation and climate, and tussles with homesick and lonely men who wished to leave the Isthmus.

After construction of the Panama Railroad came the heroic but ineffectual French effort to construct the Panama Canal, a record of frustration and tragedy with Ferdinand de Lesseps, hero of Suez Canal fame, playing the part of protagonist and tragedian.

Unlike most writers on the Panama Canal, Captain DuVal does not minimize the French achievements. He shows how the strivings of de Lesseps and the bitter lessons learned by the French determined the site for the Isthmian Canal and laid the foundations for success by the United States in its construction.

For fifteen years after the French failure, the jungle grew around idle French machinery, but in 1903 came the Panama Revolution, followed by United States acquisition of the Canal Zone territory. Captain DuVal interestingly discusses the next period in which the United States brought the project to a triumphant opening of the waterway on August 15, 1914. This part of our history is a record of overcoming obstacles and problems; experiments in engineering culminating in the "Great Decision" for the high-level lake and lock type canal; stubborn controversies of leaders in politics and canal engineering; combatting yellow fever hysteria, and solving problems of sanitation.

Throughout the book the author skillfully describes the key figures in the construction of the canal: Ferdinand de Lesseps, the "Great Frenchman"; John L. Stephens, founder of the Panama Railroad; Philippe Bunau-Varilla, a young engineer working for de Lesseps; John F. Stevens, who rescued the Canal from chaos and defeat; his successor George W. Goethals, under whose able direction the project was brought to completion according to the plan prepared by Stevens; William C. Gorgas, the great sanitarian of the Isthmus, and many others.

Captain DuVal ends this volume with an illuminating section on the future Canal, in which he provides the Nation with the first plan for the modernization of the Panama Canal as derived from experience in its operations during World War II.

For all concerned with Panama Canal problems or interested in Canal history, both *Cadiz to Cathay* and *And The Mountains Will Move* are valuable sources of information.

Mr. DOLE. 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.

ORDER FOR ADJOURNMENT UNTIL 12 NOON THURSDAY, APRIL 30, 1970

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 12 o'clock noon, Thursday next.

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

(Subsequently, the above order was modified to provide for the Senate to adjourn until 11:30 a.m. on Thursday next.)

AUTHORITY FOR ALL COMMITTEES TO FILE REPORTS AND FOR SECRETARY OF THE SENATE TO RECEIVE MESSAGES AND TO HAVE THEM APPROPRIATELY REFERRED

Mr. MANSFIELD. Mr. President, I ask unanimous consent that during the adjournment of the Senate following the completion of business today until noon on Thursday next, all committees of the Senate be permitted to file their reports together with any minority, individual, or supplemental views and that the Secretary of the Senate be authorized to receive messages from the President of the United States and from the House of Representatives and that it be in order for them to be appropriately referred.

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

PRISONERS OF WAR AND SERVICEMEN MISSING IN ACTION

Mr. DOLE. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on House Concurrent Resolution 582.

The Presiding Officer (Mr. ALLEN) laid before the Senate House Concurrent Resolution 582, to designate May 1, 1970, as a day for an appeal for international justice for all American prisoners of war and servicemen missing in action in Southeast Asia.

Mr. MANSFIELD. Mr. President, I think this is an important enough matter so that it should be read in full.

The PRESIDING OFFICER. The House Concurrent Resolution 582 will be read in full.

The legislative clerk read as follows:

Whereas the health, safety, and well-being of every individual American serviceman is of great value and importance to this nation; and

Whereas over 1,500 American servicemen are imprisoned by Communist forces in Southeast Asia; and

Whereas these captors have refused to identify all of these prisoners of war or servicemen missing in action or provide information as to their health and condition; and

Whereas these captors have denied these prisoners of war the right to regularly communicate by mail with their families; and

Whereas these captors have refused to permit the inspection of the facilities at which these prisoners of war are confined; and

Whereas these captors have refused to exchange or permit medical treatment of sick or wounded prisoners of war; and

Whereas the continued callous exploitation of these helpless men brings anguish and sadness, not only to the families and friends of these prisoners of war, but to compassionate people everywhere; and

Whereas the first of May of each year is recognized as a day of dedication to law and justice: Now, therefore, be it

Resolved, That it is the sense of Congress

(1) That Friday, May 1, 1970, be commemorated as a day for an appeal for international justice for all the American prisoners of war and servicemen missing in action in Southeast Asia;

(2) That men of compassion and good will throughout the world be urged to search all peaceful avenues available to insure that these men be treated humanely and fairly in accord with the standards established by the Geneva Convention;

(3) That every possible effort be made to secure their early release from captivity; and

(4) That copies of this resolution be delivered by the appropriate representatives of the United States Government to the appropriate representatives of every nation of the world.

Mr. DOLE. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of House Concurrent Resolution 582.

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

Mr. DOLE. Mr. President, I send to the desk an amendment and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

On page 2, line 12, strike out "; and" and insert the following:

"(4) That the President designate Sunday, May 3, 1970, as a National Day of Prayer for humane treatment and the safe return of these brave Americans; and"

And renumber section (4) as "(5)".

Mr. DOLE. Mr. President, America is a good and great Nation, and the warmth and humane concern of its people contributes significantly to its strength. The American spirit of concern has always shown most clearly for those who carry the Nation's colors into distant and hazardous endeavors; however, lately some have raised the question of whether the country is directing sufficient interest toward the day-to-day dangers, uncertainties and risks faced by Americans serving in Southeast Asia. These men, indeed, deserve our attention, and one group among them should be the conspicuous focus of our attention and support. I am referring to the 1,472 or more American military personnel being held prisoner or classified as missing in action in Southeast Asia.

Surely, Mr. President, these men, some of whose fate is unknown, and many of whom have been treated in flagrant violation of international law and basic standards of decency, are deserving of their fellow citizens' vocal and prayerful support.

On May 1, at 8 p.m. in Constitution Hall an appeal for international justice will be voiced. As several of my distin-

guished colleagues have pointed out, the sole purpose of this meeting will be to express support for POW's and MIA's in Vietnam. Honorary cochairmen of this event will be H. Ross Perot, the Dallas executive who has been in the forefront of efforts to contact and secure humane treatment for these brave Americans; and Mrs. James B. Stockdale of Coronado, Calif., national coordinator of the National League of Families of American Prisoners in Southeast Asia. More than 700 POW and MIA wives, parents, and children from all parts of the country are coming to Washington for this event.

Mr. President, House Concurrent Resolution 582 has been brought up under suspension of the rules.

This resolution clearly states the plight of American servicemen who are captives of the Vietcong and North Vietnamese, and it illuminates the agonies faced by the families of prisoners and those whose status is unknown. The resolution also commemorates Friday, May 1, 1970, as a day for an appeal to international justice on behalf of all American prisoners of war and all Americans missing in action.

I have offered an amendment to House Concurrent Resolution 582. This amendment calls on the President to declare Sunday, May 3, 1970, a national day of prayer for the humane treatment and safe return of Americans who are captive or missing in Southeast Asia.

Identical legislation to House Concurrent Resolution 582 was prepared for introduction in the Senate. This proposal, Senate Concurrent Resolution 62, which I send to the desk, is supported by Senators who have joined in its sponsorship. I would point out that a shortage of time prevented receiving responses from every Senator regarding sponsorship. I ask unanimous consent that the names of the sponsors of Senate Concurrent Resolution 62 be printed at this point in the RECORD.

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

Mr. Allen, Allott, Baker, Bellmon, Bennett, Boggs, Brooke, Burdick, Byrd (Va.), Byrd (W. Va.), Cannon, Case, Cook, Cooper, Cotton, Cranston, Curtis, Dodd, Dole, Dominick, Eagleton, Eastland, Ellender, Ervin, Fannin, Fong, Goldwater, Goodell, Gore, Griffin, Gurney, Hansen, Hart, Hartke, Hatfield, Hollings, Hruska, Hughes, Javits, Jordan (N.C.), McGee, McGovern, McIntyre, Magnuson, Mathias, Metcalf, Miller, Moss, Mundt, Murphy, Packwood, Pearson, Pell, Percy, Prouty, Randolph, Saxbe, Schweiker, Scott, Smith (Ill.), Smith (Me.), Sparkman, Stennis, Stevens, Thurmond, Tower, Williams (Del.), Williams (N.J.), Young (Ohio), Young (N.D.).

Mr. DOLE. Mr. President, this National Day of Prayer will provide the American people a superb opportunity to show by their prayers and in their thoughts that these 1,472 are not forgotten by their fellow citizens. Such an outpouring of concern and support may also provide some comfort to the wives and families enduring a long and lonely vigil over the fate of their men who carry America's colors on an earth-bound mission fraught with hazards and uncertainty.

The PRESIDING OFFICER (Mr. ALLEN). The concurrent resolution will be received and appropriately referred.

The concurrent resolution (S. Con. Res. 62), which reads as follows, was referred to the Committee on the Judiciary:

S. CON. RES. 62

Whereas the health, safety, and well-being of every individual American serviceman is of great value and importance to this nation; and

Whereas over 1,500 American servicemen are imprisoned by Communist forces in Southeast Asia; and

Whereas these captors have refused to identify all of these prisoners of war or servicemen missing in action or provide information as to their health and condition; and

Whereas these captors have denied these prisoners of war the right to regularly communicate by mail with their families; and

Whereas these captors have refused to permit the inspection of the facilities at which these prisoners of war are confined; and

Whereas these captors have refused to exchange or permit medical treatment of sick or wounded prisoners of war; and

Whereas the continued callous exploitation of these helpless men brings anguish and sadness, not only to the families and friends of these prisoners of war, but to compassionate people everywhere; and

Whereas the first of May of each year is recognized as a day of dedication to law and justice: Now, therefore, be it

Resolved, That it is the sense of Congress

(1) That Friday, May 1, 1970, be commemorated as a day for an appeal for international justice for all the American prisoners of war and servicemen missing in action in Southeast Asia;

(2) That men of compassion and good will throughout the world be urged to search for all peaceful avenues available to insure that these men be treated humanely and fairly in accord with the standards established by the Geneva Convention.

(3) That every possible effort be made to secure their early release from captivity; and

(4) That the President designate Sunday, May 3, 1970 as a National Day of Prayer for humane treatment and the safe return of these brave Americans; and

(5) That copies of this resolution be delivered by the appropriate representatives of the United States Government to the appropriate representatives of every nation of the world.

Mr. JAVITS. Mr. President, I ask unanimous consent that my name may be added as a cosponsor of the resolution sponsored by the Senator from Kansas (Mr. DOLE).

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

Mr. TOWER subsequently said. Mr. President, I am pleased to cosponsor this resolution calling for a national day of prayer for our servicemen being held captive in North Vietnam. The North Vietnamese Government has consistently refused to honor its commitments under the Geneva Convention on Prisoners of War. North Vietnam has refused even to make known the names of our servicemen which she holds captive.

In February of this year the Senate passed a resolution expressing the very deep concern of the Congress for our men who are prisoners in North Vietnam. The depth and breath of our concern is manifest, cutting across party lines and differences of opinion on international relations and strategic questions. The basic humanitarian impulses common to all men are the overriding considerations in this matter. The universally shared concern for these prisoners and their families makes it fitting that we should set aside a national day of observance—a day of prayer—for the victims of calculated and inhumane treatment at the hands of the North Vietnamese Government.

I think that frequently our debates in this body and other public forums emphasize our differences and that, for this reason, it is important from time to time to underscore the points upon which we agree. For all our diverse opinions, we, the American people, agree that prisoners of war should be treated humanely, that their families should not be made to suffer unduly the anxiety of not knowing whether their loved ones are alive or dead. The observance proposed by this resolution emphasizes our broad agreement with and devotion to these humanitarian principles and for this reason I wholeheartedly endorse and support the resolution.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Kansas.

The amendment was agreed to.

The PRESIDING OFFICER. If there be no further amendment to be proposed, the question is on agreeing to the concurrent resolution as amended.

The concurrent resolution (H. Con. Res. 582) as amended was agreed to.

The PRESIDING OFFICER. Without objection, the preamble to the resolution is agreed to.

Mr. FULBRIGHT. Mr. President, in connection with the resolution that has just been agreed to by the Senate, I call the attention of the Senate to House Concurrent Resolution 454, which the Foreign Relations Committee considered and agreed to.

Mr. President, I ask unanimous consent to have printed in the RECORD a copy of that resolution and the accompanying report. That resolution is related to this resolution, and it is complementary to the resolution just passed.

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

H. CON. RES. 454

Where more than one thousand three hundred members of the United States Armed Forces are prisoners of war or missing in action in Southeast Asia; and

Whereas North Vietnam and the National Liberation Front of South Vietnam have refused to identify prisoners they hold, to allow impartial inspection of camps, to permit free exchange of mail between prisoners and their families, to release seriously sick or injured prisoners, and to negotiate seriously for the release of all prisoners and thereby have violated the requirements of the 1949 Geneva Convention on prisoners of war, which North Vietnam ratified in 1957; and

Whereas the twenty-first International Conference of the Red Cross, meeting in Istanbul, Turkey, on September 13, 1969, adopted by a vote of 114 to 0 a resolution calling on all parties to armed conflicts to insure humane treatment of prisoners of war and to prevent violations of the Geneva Convention; and

Whereas the United States has continuously observed the requirements of the Geneva Convention in the treatment of prisoners of war; and

Whereas the United States Government has repeatedly appealed to North Vietnam and to the National Liberation Front to

comply with the provisions of the Geneva Convention: Now, therefore, be it

Resolved by the House Representatives (the Senate concurring), That the Congress strongly protests the treatment of United States servicemen held prisoner by North Vietnam and the National Liberation Front of South Vietnam, calls on them to comply with the requirements of the Geneva Convention, and approves and endorses efforts by the United States Government, the United Nations, the International Red Cross, and other leaders and peoples of the world to obtain humane treatment and release of American prisoners of war.

AMERICAN PRISONERS OF WAR IN SOUTHEAST ASIA

Mr. SPARKMAN (for Mr. FULBRIGHT), from the Committee on Foreign Relations, submitted the following report [To accompany H. Con. Res. 454].

The Committee on Foreign Relations, to which was referred the House concurrent resolution (H. Con. Res. 454) calling for the humane treatment and release of American prisoners of war held by North Vietnam and the National Liberation Front, having considered the same, reports favorably thereon without amendment and recommends that the resolution do pass.

PURPOSE OF THE RESOLUTION

The purpose of the resolution is to place the Congress on record in support of humane treatment for U.S. prisoners of war and to focus world attention on the failure of North Vietnam and the National Liberation Front to comply with the provisions of the Geneva convention of the treatment of prisoners of war.

COMMITTEE ACTION

Five resolutions concerning the treatment of U.S. prisoners of war by North Vietnam and the National Liberation Front have been introduced in the Senate. These are:

S. Con. Res. 33, by Senator Scott;

S. Con. Res. 43, by Senator McGovern;

S. Res. 243, by Senator Bayh;

S. Res. 245, by Senator Montoya (for himself, and Senator Cranston); S. Res. 257, by Senator Tower (for himself, and Senators Bellmon, Bonnett, Byrd of Virginia, Curtis, Dodd, Dole, Eastland, Fannin, Fong, Gore, Gurney, Holland, Hollings, Mansfield, Murphy, Pearson, Pell, Randolph, Smith of Maine, Stevens, Thurmond, and Young of North Dakota).

H. Con. Res. 454 was approved by the House of Representatives on December 15, 1969, by a vote of 405–0 and was referred to the Committee on Foreign Relations. Unfortunately, it came before the committee too late for consideration prior to adjournment. The resolution was discussed by the committee in executive session on January 21 and on February 10 was approved without opposition or amendment. The views of the Department of State on the resolution are in the following letter from the Acting Secretary of State, Elliot L. Richardson:

DEPARTMENT OF STATE,
Washington, February 12, 1970.

Hon. J. W. FULBRIGHT,
Chairman, Committee on Foreign Relations, U.S. Senate.

DEAR MR. CHAIRMAN: I was glad to note that the committee approved H. Con. Res. 454, expressing the concern of the Congress about the treatment and welfare of American prisoners of war and missing in action personnel in Southeast Asia.

As you know, there is wide concern about the plight of our men who are captured or missing in Southeast Asia. In many cases the men's families have lived for years with no word as to the fate of their loved one. From the start of the Vietnam conflict our Government has sought to keep the subject of prisoners of war separate from the political and military issues of the conflict, and to approach it on a humane basis. This is the spirit of the Geneva Prisoner of War Convention of 1949, by which North Vietnam, South Vietnam, the United States, and the other nations with forces supporting the Republic of Vietnam are bound. The convention sets forth basic requirements for humane treatment of prisoners of war, disclosure of information, impartial inspection, and early release of seriously sick and wounded prisoners. We deeply regret North Vietnam's refusal to live up to these fundamental humanitarian standards.

I hope the Senate will give early approval to this resolution as an expression of concern about the many American military personnel who are prisoners of war or missing in action in Southeast Asia.

Sincerely,
/S/ ELLIOT L. RICHARDSON,
Acting Secretary.

BACKGROUND CONCERNING THE PRISONER PROBLEM

As of January 24 there were 1,447 U.S. servicemen who were missing or presumed captured in Southeast Asia. A breakdown of this figure follows:

Missing in action and believed captured—American servicemen in Southeast Asia—Jan. 24, 1970

Missing in action (location):	
South Vietnam	401
North Vietnam	414
Laos	185
Subtotal	1,000
Believed captured (location):	
South Vietnam	72
North Vietnam	368
Laos	7
Subtotal	447
Total	1,447

Thus far in the war, North Vietnam has released a total of nine United States prisoners and the National Liberation Front has released 23. Many hundreds of prisoners have been released by the allied side, including 89 released to the North. North Vietnam has refuse to accept the return of prisoners of war since 1967. In recent months the Republic of Vietnam has tried without success to arrange the return of 62 sick or wounded prisoners of war to North Vietnam.

The 1949 Geneva convention on the treatment of prisoners of war, agreed to by the United States in 1955, South Vietnam in 1953, and North Vietnam in 1957, specifies minimum standards for treatment of prisoners, including requirements that information be provided on the prisoners held, that prisoners be allowed to send and receive mail, that neutral representatives be permitted to visit prison camps, and that seriously sick and wounded prisoners be released as soon as they can travel. The convention applies to "all cases of declared war or of any other armed conflict which may arise between two or more of the high contracting parties, even if the state of war is not recognized by one of them."

The United States turns over to the South Vietnamese any prisoners our forces capture. The South Vietnamese operate six prisoner of war camps holding some 33,000 prisoners of war, of which about 7,000 are North Vietnamese. The camps are visited regularly by representatives of the International Committee of the Red Cross, the names of prisoners have been made available to the ICRC, and prisoners have the right to send and receive mail.

The United States has tried time after time to persuade North Vietnam and the National Liberation Front to comply with the basic minimum standards required by the Geneva convention, but North Vietnam contends that U.S. prisoners are "war criminals." They have refused to identify prisoners they hold, and only a limited number of those known to have been captured have been allowed to communicate with the outside world. Mail has been received thus far from only about 175 U.S. servicemen held by North Vietnam, and, as a consequence, hundreds of wives, parents, and children of U.S. servicemen missing in action in Vietnam do not know if their loved one is dead or alive. The sick and wounded have not been released, or even identified, and the International Committee of the Red Cross' repeated requests for permission to visit the prison facilities have been denied.

RESOLUTION ADOPTED BY THE INTERNATIONAL CONFERENCE OF THE RED CROSS

After failure of all attempts through diplomatic channels to obtain compliance with the Geneva convention on treatment of prisoners of war, the executive branch last year decided to focus world attention on the prisoner issue as a possible means of influencing North Vietnam and the National Liberation Front to take a more reasonable position. The President has spoken out strongly on the issue, as can be seen from his remarks at a recent White House meeting with wives and mothers of missing and captured U.S. servicemen:

THE PRESIDENT'S REMARKS FOLLOWING A MEETING WITH 26 OF THE WIVES AND MOTHERS AT THE WHITE HOUSE, DECEMBER 12, 1969

Ladies and gentlemen, I have the very great honor to present in this room today five of the most courageous women I have had the privilege to meet in my life.

Mrs. Nixon and I have met with 26 women, of which these are a part, representing approximately 1,500 women, mothers and wives of American servicemen who are missing in Vietnam and who are or may be prisoners of war. Some of these men have been prisoners or missing for as long as 5 years, most of them 2 to 3 years.

Insofar as the treatment of prisoners is concerned, it would probably not be inaccurate to say that the record in this war is one of the most unconscionable in the history of warfare. And there have been, of course, some very bad examples in past wars, as we know.

What I have assured these very courageous women is that, first, in reaching a settlement of the war that an integral part of any settlement that is agreed to must be a settlement that is satisfactory on the prisoner issue and, second, that clearly apart from reaching an overall settlement of the war that this Government will do everything that it possibly can to separate out the prisoner issue and have it handled as it should be, as a separate issue on a humane basis.

Finally, I would simply add that while we all know that there is disagreement in this country about the war in Vietnam and while there is dissent about it on several points, that on this issue, the treatment of prisoners of war, that there can be and there should be no disagreement.

The American people, I am sure, are unanimous in expressing their sympathy to these women, to their children, and also in supporting their Government's attempt to get the Government of North Vietnam and the VC to respond to the many initiatives which we have undertaken to get this issue separated out and progress made on it prior to the time that we reach a complete settlement of the war.

I understand they will be here to answer questions.

The subject has been raised repeatedly in the Paris peace talks, and statements of December 30, 1969, and February 5, 1970, by the acting chief U.S. negotiator, Ambassador Philip C. Habib, are printed as an appendix to this report. The United States also brought up the issue during the recent session of the

General Assembly of the United Nations, and the statements made in committee there by Rita E. Hauser, U.S. Alternate Delegate, are also printed as an appendix.

In an expression of world concern on this subject, the 21st International Conference of the Red Cross, meeting in Istanbul, Turkey, in September 1969, adopted a resolution calling for all parties to armed conflict to insure humane treatment of prisoners of war and to abide by the obligations of the Geneva Convention. The statement made by the Chairman of the U.S. delegation to the Conference, Ambassador Graham Martin, is also printed in the appendix. The resolution, adopted by a vote of 114 to 0, follows:

TEXT OF RESOLUTION ADOPTED BY THE 31ST INTERNATIONAL CONFERENCE OF THE RED CROSS, ISTANBUL, TURKEY, SEPTEMBER 13, 1969

Recalling the Geneva Convention of 1949 on the protection of prisoners of war and the historic role of the Red Cross as a protector of victims of war,

Considering that the Convention applies to each armed conflict between two or more parties to the Convention without regard to how the conflict may be characterized,

Recognizing that, even apart from the Convention, the international community has consistently demanded humane treatment for prisoners of war, including identification and accounting for all prisoners, provision of an adequate diet and medical care, that prisoners be permitted to communicate with each other and with the exterior, that seriously sick and wounded prisoners be promptly repatriated, and that at all times prisoners be protected from physical and mental torture, abuse, and reprisals,

Requests each party to the Convention to take all appropriate measures to insure humane treatment and prevent violations of the Convention,

Calls upon all parties to abide by the obligations set forth in the convention and upon all authorities involved in the armed conflict to insure that all uniformed members of the regular armed forces of another party to the conflict and all others persons entitled to prisoner-of-war status are treated humanely and given the fullest measure of protection prescribed by the convention; and further calls upon all parties to provide free access to the prisoner of war and to all places of their detention by a protecting power or by the International Committee of the Red Cross.

COMMITTEE COMMENTS

House Concurrent Resolution 454 expresses congressional support of the observance of the Geneva convention of 1949 by all combatants. It is hoped that the resolution will encourage further efforts by the International Conference of the Red Cross, the United Nations, and other international organizations to secure the observance of the Geneva convention by North Vietnam and the National Liberation Front.

The resolution reaffirms the continuing concern of the Congress of the United States over the plight of captured and missing American servicemen and assures their families that the Congress understands their anguish and continues to support in every way the efforts of our Government and international organizations to secure the humane treatment of American prisoners of war under the Geneva convention of 1949.

APPENDIX

AMBASSADOR HABIB'S OPENING STATEMENT

Following is the text of the opening statement delivered by Ambassador Philip C. Habib at the 48th Plenary Session of the New Paris Meetings on Vietnam, December 30, 1969.

Ladies and gentlemen, the issue which I wish to address today is the question of prisoners of war. In the midst of this traditional holiday season, a season for family reunions and celebrations, thousands of families are troubled over the fate of a relative missing or captured in Vietnam. This is a tragic situation, not just because family members are missing at this holiday period, but also because the families' uncertainty and anguish is so unnecessary and uncalled for.

I do not express only my Government's view on this unfortunate matter, nor only the view of the American people. I express a view that is almost universally shared. It has been expressed in representative bodies throughout the world—in the U.S. Congress, in the United Nations, at the International Red Cross conference in Istanbul last September, by many National Red Cross societies and by many governments. In fact, on this issue, North Vietnam is virtually isolated in the eyes of world public opinion.

Ladies and gentlemen, there are two questions before us: First, the critical question of humanitarian treatment for the prisoners your side holds. Secondly, the repatriation of all prisoners.

On the first question, your side's position does not conform to normal standards. On the second question, your position is unreasonable.

Some Americans have been held by your side since early in 1964. Others have been missing since that time. And yet you still refuse to inform all families of the fate of these men.

On December 22, a spokesman for your side is reported to have said, "We refuse to give the list of names to the Nixon administration, but the prisoners' families will know their names by and by." A gradual, piecemeal process of providing a few names at a time to anxious families is no substitute for making known without delay the names of all prisoners of war.

Because of your side's continuing refusal to identify all prisoners of war, my Government is today releasing to the press the names of U.S. military personnel who are missing in Southeast Asia and may possibly be your prisoners. I will give your side a copy of the list here as well. My Government is taking this action in the hope that your side, even at this late date, will indicate which men are prisoners and those whom you know to be dead, as a matter of humanitarian concern for their families.

Your side claims that you provide humane treatment to the prisoners you hold. But you permit no independent and objective authority to verify this claim. Indeed, much of the evidence available to the outside world regarding the treatment of prisoners held by your side contradicts your claims. The prisoners have not been permitted to correspond regularly with their families, and to receive mail and packages on a regular basis. There is no assurance that the prisoners actually receive the mail sent them. Little mail is received by families from the prisoners.

Regarding the issue of mail, two American women who recently traveled to North Vietnam reported that families of prisoners could send a letter a month and a package of less than 6 pounds every other month to the POW's by addressing them with the prisoner's name and serial number, care of "Camp of Detention for U.S. Pilots Captured in the Democratic Republic of Vietnam, Hanoi, DRVN" and writing "Via Mosco" on the envelope. We would also like to know whether this means that the American prisoners will be permitted to write to their families on a regular basis.

As for the physical treatment of prisoners, there is evidence that prisoners held by your side have been subjected to solitary confinement, as well as to other forms of physical and mental duress. Your side has made no systematic effort to repatriate sick and wounded prisoners.

As President Nixon has said, this is an unconscionable position.

There is no way it can be justified to the families of the prisoners or to the world at large.

This is not simply a narrow question of legal obligations. This is a question of humane treatment which civilized nations accord to those who are helpless, who pose no threat and who no longer have the means to defend themselves. It is also a question of decency toward the families of those who are missing.

On our side, the U.S. Government and the Government of the Republic of Vietnam have undertaken to respect the Geneva convention in their treatment of prisoners of war and have arranged for the ICRC to visit prisoner of war camps in South Vietnam. The camps are regularly visited by ICRC delegates and doctors, who are able to meet individual prisoners privately. The names of the prisoners of war have been made available to the ICRC. Prisoners of war are able to send and receive mail and packages., The Government of the Republic of Vietnam in the past released sick and wounded POW's. Regular international inspection was shown that the prisoners of war held by the Government of the Republic of Vietnam are treated in accordance with the requirements of the Geneva convention.

Let me turn to the question of the release and repatriation of prisoners of war. Your side says that the prisoner question cannot be settled except as part of an overall settlement of the war in Vietnam. For our part, we see no reason why there cannot be a negotiated release of prisoners of war on both sides prior to an overall settlement. You still refuse to discuss the release of the prisoners you hold. Although you have released a few prisoners on occasion, you refuse to negotiate a repatriation of all prisoners.

Instead of treating the prisoner question as a humanitarian issue, your side apparently wishes to use the prisoners as pawns in bargaining for an overall settlement of the war. But you refuse to negotiate seriously in Paris, thereby delaying an overall settlement of the war. Thus, you keep hundreds of families in agonizing doubt about the lives and welfare of their sons or husbands or parents while you seek to settle the war on your own terms.

If your side hopes to apply political pressure upon the United States through its harsh attitude regarding prisoners of war, you reveal a thorough misunderstanding of American public opinion. No American can condone your side's handling of the prisoner question. Your denial of the most fundamental precepts governing such matters has only resulted in unanimous public condemnation.

Ladies and gentlemen, I call on your side to live up to the international standards for the treatment of those who are missing or held prisoner in Vietnam. This humanitarian issue should be dealt with separately from the political and military questions we face in the Paris meetings. We propose that our two sides enter promptly into discussions on all questions affecting prisoners of war held on both sides, including the question of their early release. The U.S. delegation stands ready to enter into such negotiations without delay.

AMBASSADOR HABIB'S OPENING STATEMENT

Following is the text of the opening statement delivered by Ambassador Philip C. Habib at the 53d Plenary Session of the New Paris Meetings on Vietnam, February 5, 1970.

Ladies and gentlemen, your consistent refusal to abide by the 1949 Geneva convention on the treatment of prisoners of war is viewed by American and world public opinion with dismay. There is a long tradition among civilized nations of treating captured personnel

humanely in wartime. This principle has been codified in the Geneva convention of 1949 to which there are over 120 signatories, including North Vietnam, South Vietnam, and the United States.

Furthermore, the prisoners of way question is urgent because of the deep humanitarian concern which is aroused by your unconscionable failure to insure that prisoners of war—and the families of men who are held prisoner or who are missing in action—are treated fairly and humanely.

The 1949 Geneva convention sets forth clearly the requirements of humanitarian treatment. First, all prisoners of war must be immediately identified so that their families and their governments will know who is alive and who is not. Second, prisoners of war must be permitted to correspond freely with their families. Third, impartial observers must be allowed to visit prisoners of war regularly to verify whether their treatment is fair. Fourth, seriously sick and wounded prisoners must be repatriated as quickly as possible. These are minimum standards that are recognized and applied by all civilized nations.

On our side prisoners of war are treated in accordance with the provisions of the 1949 Geneva convention. The International Committee of the Red Cross has access to prisoners of war captured by our side and to the prisoner of war camps in which they are held. Every one of these prisoner of war camps is publicly identified. The Government of the Republic of Vietnam transmits lists of prisoners of war it holds to the International Committee of the Red Cross. It permits a free flow of mail to and from prisoners of war. It has, over and over again, sought your side's cooperation in the repatriation of seriously sick and wounded prisoners of war.

Your side still refuses to identify most of the prisoners of war you hold in North Vietnam. You have identified none of the prisoners you hold in South Vietnam. Several weeks ago we handed you a list of over 1,400 missing or captured Americans. The families of these men are waiting to know whether you will provide information about their status in an official and regular manner. The piecemeal and indirect provision of information through unofficial channels does not fulfill your obligations under the Geneva convention.

Only about 170 families have ever received a letter from a man who is missing or captured in Vietnam. Many of these families have only recently received their first letter. In some cases, those men have been held since 1965—that is, over 4 years with no word to their families.

There have been recent unofficial reports that American prisoners held in North Vietnam could send and receive letters and could receive packages on a regular schedule. Families are acting upon that information and will be waiting to see whether such packages and letters are actually received.

At the same time, American prisoners of war held in South Vietnam are also entitled to regular mail privileges. These prisoners have never been permitted to write letters to their families. The families of these men also should be able to send packages and letters to them and to hear from their men.

It is essential and urgent that impartial observers be permitted to visit prisoners of war held by your side both in North and South Vietnam in order to verify whether those prisoners are being treated humanely as you claim. We have new, shocking evidence that prisoners of war whom you hold are subject to inhumane treatment. Only recently it was discovered that your forces in South Vietnam had executed two American prisoners captured in 1966 after having put them on public display in several villages. This is a grave breach of the 1949 Geneva convention and is unacceptable when measured against any standard of civilized behavior.

The representative of the Government of the Republic of Vietnam has recalled his Government's efforts to obtain your side's agreement to the release of sick and wounded prisoners of war who wish to go to North Vietnam. We believe discussions with your side should begin, without delay, on arrangements for the immediate release of all seriously sick and wounded prisoners of war as well as for the early release of all other prisoners of war held on both sides.

Ladies and gentlemen, the question of prisoners of war is not only a burning humanitarian question, but also a question of your solemn legal obligation. Its solution must not await an overall settlement of the political and military issues involved here. World opinion demands no less.

We desire to engage in meaningful discussions of all prisoners of war questions with your side now. We await your serious response.

[United States/United Nations press release 147 dated November 11]

STATEMENTS BY U.S. ALTERNATE REPRESENTATIVE TO THE UNITED NATIONS, RITA E. HAUSER, IN COMMITTEE III, NOVEMBER 11, 1969

We now commence general debate in this committee on three subjects of moment: elimination of all forms of racial discrimination, measures to be taken against nazism and racial intolerance, and violation of human rights and fundamental freedoms. Of the three, the violation of human rights and fundamental freedoms appears to my delegation to be singularly important. Indeed, its importance to all delegations is demonstrated by its recurrence each year as a major subject of discussion.

This agenda item makes particular reference to colonial and other dependent countries and territories. My delegation continues to deplore the inhumane practice of apartheid in South Africa and in Namibia and associates itself with the efforts of the international community seeking peaceful and practicable means for its elimination as soon as possible. We also remain very concerned about the serious violations of human rights in other parts of Africa. These questions are rightfully treated in many bodies of the United Nations, including the Security Council, for they are of the utmost urgency and gravity.

Accordingly, Madam Chairman, while we recognize fully the persistent and serious human rights violations in southern Africa, we are of the view that the Third Committee should not utilize all of its time on this aspect of the subject, so widely treated elsewhere in the United Nations, lest by so doing we neglect the many instances of grave violations of human rights elsewhere in the world. I wish to recall that our agenda item itself refers to "the violation of human rights and fundamental freedoms . . . in all countries."

On reading the hundreds of petitions alleging violations of human rights which come to the Commission on Human Rights from sources in many countries, my delegation has noted the large number referring to violations of articles 9–12 and article 19 of the Universal Declaration of Human Rights. The latter provides that "Everyone has the right to freedom of opinion and expression," including freedom to "seek, receive and impart information and ideas through any media and regardless of frontiers." Article 9 states that "No one shall be subjected to arbitrary arrest, detention or exile." Articles 10, 11, and 12 afford full protection and due process of law as to those charged with a penal offense.

In reviewing the 1969 annual report of that singular institution, Amnesty International, now consisting of 20 national sections and over 15,000 individual members, the work of which is to strengthen all international movements supporting human rights, my delegation was very much struck by the fact that Amnesty International has taken up investigation of cases of political prisoners during the year 1968–69 in 72 countries. Included was my own country, where the status of conscientious objectors who have been imprisoned for violations of the conscription laws has been looked into with the full cooperation of my Government.

Newspaper reports and other media sources make perfectly clear to us that the right of political dissent is still a very precarious one for millions of people. Prisons bulge with those who have dared to criticize or oppose peacefully the policies of their governments; and, alas, many such prisoners are brutally ill-treated, in violation of all standards of human decency. We note particularly the evidence compiled in the report of the ad hoc working group of experts as to African territories under colonial domination, which documents the degree to which political prisoners have been brutalized in these areas.

Rather than promote and encourage open dissent, many governments have maintained power with a reign of fear which serves to terrorize the minds and, eventually, the bodies of those who disagree.

In the time available to me, Madam Chairman, I cannot review all of these situations occurring the world over. But in the course of this debate, my delegation wishes strongly to affirm the inherent faculty of all men—if they are indeed, as article 1 of the Universal Declaration of Human Rights states, "born free and equal in dignity and rights * * * endowed with reason and conscience"—to exercise their basic right of freedom of spirit, mind, and belief, wherever they may be located and whatever may be the political and social system under which they live.

These rights are no greater or smaller in Africa than in the Americas, in Asia than in Europe. They belong to all mankind and derive from man's basic humanity. The right to disagree, to dissent, is perhaps the most cherished of all the political rights of man. History teaches that yesterday's dissenters often become today's majority, for through reasoned dissent, man progresses. If I may so note, my delegation was proud to witness the free exercise of free minds across our country on October 15, a day on which many Americans were able to express their dissent with the Government's policy as others were equally able to disagree publicly with the dissenters. We are grateful for orderly and reasonable disagreement; for we know that no country's policies are so sound or so correct that none will be found who disagree.

GENEVA CONVENTION ON PRISONERS OF WAR

Madam Chairman, my delegation is also deeply disturbed at a most fundamental violation of human decency as to another category of prisoners: those who are prisoners of war protected by international law.

I would like to discuss a specific situation involving prisoners which, I am sure you will understand, is of particular concern to my country. U.S. forces are engaged in combat in Vietnam. It is our earnest hope that this conflict will soon be terminated and the task of rebuilding begun. But many hundreds of American soldiers, airmen, marines, and naval personnel are at present missing or captured in Vietnam. How many of these men, and which ones, are in captivity is a secret closely guarded by the North Vietnamese authorities. For each of these men there is a wife, a child, a parent, who is concerned with his fate. They are subjected to uncertainty and despair which grow as each day passes.

Our concern in this matter, expressed here before the assemblage of nations, is humanitarian, not political. This concern was succinctly but urgently expressed in the agonizing question put by the many wives who have gone to Paris to ask the North Vietnamese delegation to the Paris talks: Please tell me if I am a wife or a widow.

There exists an international convention, legally binding upon all parties concerned: the Convention on Protection of Prisoners of War, concluded at Geneva in 1949.[1] This convention applies to "all cases of declared war or of any other armed conflict which may arise between two or more of the high contracting parties, even if the state of war is not recognized by one of them." It thus binds the United States, which ratified it in 1955, the Republic of Vietnam, which acceded to it in 1953, and North Vietnam, which acceded in 1957.

This convention, to which, I may add, there are 125 parties, including more than 100 members of the United Nations, contains provisions which, if implemented, would let children know if their fathers are alive, parents if their sons are well treated. It requires that, and I quote:

Immediately upon capture, or not more than one week after arrival at a camp, even if it is a transit camp, likewise in case of sickness or transfer to hospital or to another camp, every prisoner of war shall be enabled to write directly to his family * * *.

The convention assures a prisoner the right to remain in communication with his loved ones and with an international or state organization which has assumed the obligation of safeguarding the rights of the prisoner.

In addition to the right to receive mail and packages, and to send a minimum of two letters and four cards each month, the Geneva convention specifies minimum humane standards of detention, of hygiene, diet recreation, and employment. It requires that seriously wounded or ill prisoners be repatriated as soon as they are able to travel. It specifies that the detaining power shall accept a neutral party to the conflict or a respected international organization such as the International Committee of the Red Cross as a protecting power for the prisoners. It requires that the detaining power provide the names of the prisoners it holds to their families, as well as to the protecting power, or to the International Committee of the Red Cross, to pass on to their country of origin. It requires that the detaining party permit on-the-scene inspection of its detention facilities.

Madam Chairman, my fellow delegates, this convention is not meant to create a life of privilege for captured military personnel. It is meant to ensure minimum standards of human decency to helpless men who are in the power of their military enemy and can no longer pose a threat to that enemy and to provide minimum solace to families who are far from the frontlines. In wartime, when passions are inflamed, this convention seeks to preserve those frail links of compassion and decency which are so urgently needed. Nurtured, these links may in turn help move enemies toward a realization of their common stake in finding the path to peace.

My country places the highest priority upon implementation of this convention. There are now some 30,000 North Vietnamese and Vietcong prisoners of war in South Vietnam who have been accorded the status and the rights of prisoners of war under the Geneva convention, even though many of them may not technically be entitled to such prisoner-of-war status as defined in the convention.

The United States has tried again and again to persuade Hanoi to apply the basic minimum standards guaranteed by the convention: identification of prisoners, the right to send and receive mail, and a protecting power to inspect detention conditions. We remain immensely grateful to the governments which have cooperated in these regrettably unsuccessful efforts.

In contrast, the Government of the Republic of Vietnam, with the cooperation of its allies, opened all detention camps to inspection by the International Committee of the Red Cross. The names of POW's have been made available to the ICRC. Prisoners of war detained by the Republic of Vietnam have the right to send and receive mail and packages. They are interned in six camps which are administered by the Republic of Vietnam and which, as regular international inspection has shown, conform to the requirements of the Geneva convention.

Let me be clear that we are not claiming a perfect record on this subject. War is ugly and brutal by nature, and violations by individuals have occurred. The point is, however, that the allied command has made every effort to insure that the convention is applied. This includes the issuance of clear and explicit orders and, even more important, through investigation of alleged violations and punishment of those found guilty. This policy is confirmed and supported by the continuous review, both official and unofficial, which results from free access to POW's by delegates and doctors of the ICRC.

The United States neither seeks nor deserves praise for its efforts to implement the convention. This is our duty—our legal duty and our moral duty. The tragic fact, however, is that North Vietnam and the National Liberation Front refuse to acknowledge their legal and moral duty to apply similar standards of treatment to the helpless prisoners in their power, Vietnamese as well as American.

NORTH VIETNAM'S TREATMENT OF PRISONERS

The record is indeed sad. The North Vietnamese authorities have refused to identify the prisoners they hold. Only a limited minority of those men known by the U.S. Government to have been captured have been allowed to communicate with the outside world. Mail even from this small minority has been infrequent and irregular. The sick and the wounded have not been repatriated, nor have they been identified. Even the minimum protection that would be afforded by inspection of POW facilities by an impartial international body has been denied. The ICRC's repeated requests to be allowed to visit the prisoners at their places of detention have been repeatedly denied, nor has any other accepted intermediary been given access to the prisoners.

From the reports of the few men actually released by North Vietnam and from other sources has come disturbing evidence that prisoners are being deprived of adequate medical care and diets and that, in many instances, they have been subjected to physical and mental torture. For example, Lt. Robert Frishman, one of the recently released American prisoners, in a public statement on September 2, 1969, shortly after his release, said American prisoners are subject to "solitary confinement, forced statements, living in a cage for 3 years, being put in straps, not being allowed to sleep or eat, removal of fingernails, being hung from a ceiling, having an infected arm which was almost lost, not receiving medical care, being dragged along the ground with a broken leg. * * *" Recounting the treatment of Lieutenant Commander Stratton, Lieutenant Frishman said:

The North Vietnamese tried to get Lieutenant Commander Stratton to appear before a press delegation and say that he had received humane and lenient treatment. He refused because his treatment hadn't been humane. He'd been tied up with ropes to such a degree that he still has large scars on his arms from rope burns which became infected. He was deprived of sleep, beaten, had his fingernails removed, and was put in solitary, but the North Vietnamese insisted that he make the false "humane treatment statements" and threw him into a dark cell alone for 38 days to think about it.

This record is indeed chilling. It has been noted and deplored by a great many international observers. For example, Jacques Freymond of the International Committee of the Red Cross, reporting on the work of the Committee on Prisoners of War, highlighted the contrasts between North and South Viet-Nam as follows:

In Viet-Nam, it (the ICRC) has so far had limited success. In fact, in spite of repeated representations, it has not been able to obtain the agreement of the Democratic Republic of Viet-Nam to the installation of a delegation in Hanoi nor even to the visiting of prisoners of war. . . .

On the other hand, the ICRC is represented in Saigon and the delegates are able to visit all prisoner of war camps. They also regularly receive nominal rolls of these prisoners.

In the face of such international criticism there have been few breaks in the silence of Hanoi. We have, however, been told—though in the shrill phrases of propaganda, rather than in the measured tones of statesmanship or humanitarianism—that the Geneva convention does not apply because there has not been a formal declaration of war and that the American prisoners are "war criminals" and therefore not entitled to the rights conferred upon prisoners of war by the Geneva convention. Despite this, Hanoi says, it treats the prisoners "humanely."

Madam Chairman, my Government cannot accept these assertions. The Geneva convention provides a detailed international standard of humane treatment against which the treatment of prisoners of war can be measured. Hanoi's mere assertion of "humane" treatment, which has never been verified by impartial inspection, is no substitute. Further, North Vietnam's denial that the convention is applicable and its assertion that it therefore cannot be the standard to measure its conduct have no basis in international law. Hanoi says that the convention applies only where there has been a declaration of war. But it is clear from the language of the convention, which I quoted earlier, that the absence of such a declaration has no relationship to the convention's applicability and does not justify a refusal to apply it.

Hanoi has also asserted that our men held as prisoners are war criminals, apparently on the theory that any attacks against North Vietnam or Vietcong forces or facilities are criminal acts and that all military personnel involved in such attacks are criminals. Such assertions are patently absurd. Our men are not war criminals. Moreover, the Geneva conventions and modern international humanitarian law reject any suggesti that the protection of individual war victims, whether soldiers or civilians, is dependent upon moral or legal judgments about the cause for which their government is fighting. The law is there to protect all the victims of war on both sides. All countries have an interest in seeing that it is respected.

The United States understands that every country believes that it is right and its enemy wrong. But, Madam Chairman, the Geneva convention was designed specifically to meet this problem. It imposes upon all combatant powers the obligation to treat military personnel made helpless by their capacity in accordance with a single objective and verifiable standard.

[1] Treaties and Other International Acts Series 3364.

ICRC RESOLUTION

The 21st International Conference of the Red Cross, held at Istanbul, in September, cut through any possible quibbles that could be made by a party to the Vietnam conflict. It adopted without dissent a resolution which obtained the support of 114 governments and national Red Cross organizations.[2] That resolution called upon all parties:

* * * to abide by the obligations set forth in the Convention and upon all authorities involved in an armed conflict to ensure that all uniformed members of the regular armed forces of another party to the conflict and all other persons entitled to prisoner of war status and treated humanely and given the fullest measure of protection prescribed by the Convention.

It also recognized—and again I repeat the exact words of this resolution:

. . . that, even apart from the convention, the international community has consistently demanded humane treatment for prisoners of war, including identification and accounting for all prisoners, provision of an adequate diet and medical care, that prisoners be permitted to communicate with each other and with the exterior, that seriously sick or wounded prisoners be promptly repatriated, and that at all times prisoners be protected from physical and mental torture, abuse and reprisals.

We hope this committee will take note at this session of the resolution passed without dissent by the International Red Cross Conference in Istanbul and that it will in a similar fashion reaffirm the obligations of all parties to the Geneva convention. We especially hope that North Vietnam, which has frequently expressed its abiding regard for humane principles, will heed this unequivocal and specific call reflecting the conscience of the international community.

Madam Chairman, 2 weeks ago, on October 30, the Secretary General made the following statement:

It is the view of the Secretary General that the Government of North Vietnam ought to give an international humanitarian organization such as the League of Red Cross Societies access to the Americans detained in North Vietnam.

We join in this view, and we urge all the governments represented here today to use their utmost influence so that at least this single step forward can be accomplished. We would indeed welcome the intervention of any organization or group of concerned people who may be able to reduce the anguish of the prisoners and their families. But the Secretary General has made a concrete, limited proposal: its immediate implementation would bring closer the day when the observance of the humanitarian principles of the Geneva convention by all parties is complete.

I have spoken at length on this matter, Madam Chairman, for it is of vital importance to the United States. It is also of paramount interest to all nations of the world. The failure to treat any prisoner of war, wherever he may be, in accordance with common standards of decency, is an affront to all who claim the mantle of civilization.

STATEMENT OF NOVEMBER 12

I excuse myself for taking the right of reply at this time. We have been honored here, all of us, by the presence of the permanent representative of Algeria, who has chosen to reply to a humanitarian point in political terms.

I should like simply to refer to him—and I will be glad to give to him a copy—a note which was addressed to the Secretary General dated February 10, 1960, and circulated by the Secretariat at the request of 20 member countries to disseminate a report of the International Red Cross Committee on the internment camps in Algeria. Madam Chairman, the investigation of the ICRC in that matter came about in large part because of the representations my Government made, and the American Red Cross Society made, to the ICRC. We did so before Algeria had gained her independence. We did not judge the rights or wrongs of the conflict. We did not pick between friend and foe. We responded to a human demand, and in direct answer to evidence of torture and maltreatment of Algerians who were interned at that time.

Madam Chairman, the Algerian representative, as well as the Cuban representative, has chosen to speak of article 85 of the Geneva convention and the reservation which was made by the Democratic Republic of Vietnam. It was a reservation made by almost all to the Socialist countries. It was cited here several times today, and very key words in it were simply ignored. The reservation reads "the Democratic Republic of Vietnam declares that prisoners of war prosecuted and convicted"—I repeat, "prosecuted and convicted"—"for war crimes or for crimes against humanity in accordance with the principles laid down by the Nuremberg Court of Justice shall not benefit from the present convention." Madam Chairman, there have been no prosecutions and no convictions of any prisoners of war held by North Vietnam.

I might state, and I have done considerable research on the matter, that the official position of the Soviet Union explained at the time it enacted this reservation was that a prisoner is not deprived of any of the protections of the convention until after prosecution and final conviction with all rights of appeal.

I should like further to state, Madam Chairman, in response to the comments today and yesterday by the distinguished delegate of the Soviet Union concerning my Government's indifference to the political question of Vietnam in this forum: Madam Chairman, my Government in 1964, before our troops were in Vietnam, and in 1966, after our troops were in Vietnam, made several attempts to bring the matter of Vietnam before the Security Council.

The last attempt made by Ambassador Goldberg in 1966 was met with the following response from the Soviet delegation, and I quote:

"The Soviet delegation deems it necessary to state that it is opposed to the convening of the Security Council to discuss the question of Viet-Nam and to the inclusion of this question on the Council's agenda."

STATEMENT BY AMBASSADOR GRAHAM MARTIN, CHAIRMAN OF THE U.S. GOVERNMENT DELEGATION TO THE 21ST INTERNATIONAL CONFERENCE OF THE RED CROSS, ISTANBUL, TURKEY, SEPTEMBER 10, 1969

Those of you who were present at the 20th International Conference of the Red Cross in Vienna in October 1965, will recall that the Conference expressed its concern for the treatment of prisoners of war whose confinement removed them from combat and whose presence presented no threat to their captors. The armed conflicts that existed at that time and the conduct of some governments who have acceded to the Geneva conventions in failing to honor their obligations under the conventions to provide humane treatment to prisoners of war, showed the need for the resolution which the Conference passed 4 years ago.

Now 4 long years have passed since the adoption of that resolution, which called "upon all authorities involved in an armed conflict to insure that every prisoner of war is given the treatment and full measure of protection prescribed by the Geneva convention of 1949 * * *." In the case of the Communist authorities in Southeast Asia, the solemn appeal of the last Conference fell on deaf ears. North Vietnam and the Vietcong have refused consistently to observe even internationally recognized minimum standards of humanitarian treatment for prisoners they hold as a result of the armed conflict in Vietnam.

The concern of the United States about these prisoners has been expressed by President Nixon and also by Ambassador Lodge at the Paris peace talks. Secretary of State Rogers and Secretary of Defense Laird also have repeatedly publicly expressed urgent concern about the failure of the Communist authorities in Vietnam to live up to the humanitarian standards of the convention and to treat humanely personnel who have fallen into their hands.

The concern of these highest officers of the United States is universally shared by all the American people. I am glad to note that we are not alone in our concern. Speaking in London on March 19, Jacques Freymond of the ICRC, said concerning the work of the committee:

In Vietnam, it has so far had limited success. In fact, in spite of repeated representations, it has not been able to obtain the agreement of the Democratic Republic of Vietnam to the installation of a delegation in Hanoi nor even to the visiting of prisoners of war.

The Hanoi authorities have, it is true, assured the ICRC that these prisoners are treated humanely by them. The committee has therefore had to content itself with sending medicines, medical equipment and, more recently, two field hospitals to the Democratic Republic of Vietnam.

Mr. Freymond went on to say:

On the other hand, the ICRC is represented in Saigon and the delegates are able to visit all prisoners of war camps.

They also regularly receive nominal rolls of these prisoners.

I might add that the Government of the Republic of Vietnam, in cooperation with its allies, has placed great emphasis on proper treatment of prisoners of war captured by allied forces.

Today, in September 1969, I have the sad duty to report to you that we have seen that the Communist authorities in Southeast Asia have refused to cooperate with the ICRC. We also know as a fact that North Vietnam is violating every basic provision of the prisoner of war convention it signed and is in fact seriously mistreating our men it holds as prisoners. We are deeply concerned and outraged by this grave affront to human dignity and international responsibility.

When I said that we know that our men who are captured in Vietnam are being mistreated, I spoke with the assurance of unmistakable evidence—a touching witness provided by one who had himself actually been subjected to this savage and inhuman treatment. Since the time of the last conference we have known that North Vietnam was refusing to provide the names of all the men it held as prisoners, and that they have refused to permit impartial inspection of its prisoner facilities by the ICRC or any other impartial intermediary. It has long been obvious that prisoners have been denied or severely restricted in their right to communicate with their families. The hundreds of waiting families who do not even know if their man is alive today are sad witnesses to this fact. We also have seen the North Vietnamese release photographs of seriously sick or wounded prisoners who should be repatriated immediately.

Today we have confirmation of what has been an even greater concern for us—our men are being seriously physically and

[2] For a U.S. statement and text of the resolution, see Bulletin of October 13, 1969, p. 323.

mentally mistreated. The men whom North Vietnam recently chose to release have, in splite of threats by their captors, felt duty bound to tell the world how North Vietnam treats its prisoners. Their story is not a pleasant one and it pleads for prompt and strong action by this conference. North Vietnam denies universally accepted standards of humanitarian treatment for prisoners and violates the provisions of the Geneva convention to which it acceded by:

(1) Refusing to identify the prisoners it holds and account for those missing in North Vietnam.

(2) Torturing prisoners both physically and mentally.

(3) Keeping prisoners in isolation cut off from their fellow prisoners and from the outside world.

(4) Failing to provide an adequate diet.

(5) Failing to repatriate the seriously sick or wounded.

(6) Refusing to permit impartial inspection of prisoner facilities by the ICRC or another appropriate intermediary.

(7) Using prisoners for propaganda purposes.

(8) Denying regular exchange of mail between all prisoners and their families.

(9) Failing to provide adequate medical care to all prisoners in need of treatment.

May I ask you to hear the actual words of Lt. Robert F. Frishman, USN, one of the prisoners recently released by North Vietnam. On September 2, 1969, less than a fortnight ago, from our naval hospital in Bethesda where he is recovering from his ordeal, he had this to say:

My intentions are not to scare wives and families but Hanoi has given false impressions that all is wine and roses and it isn't. All I'm interested in is for Hanoi to live up to their claims of humane and lenient treatment of prisoners of war. I don't think solitary confinements, forced statements, living in a cage for 3 years, being put in straps, not being allowed to sleep or eat, removal of finger nails, being hung from a ceiling, having an infected arm which was almost lost, not receiving medical care, being dragged along the ground with a broken leg, or not allowing an exchange of mail to prisoners of war are humane.

Why don't they send out a list of their prisoners of war? Why do they try to keep us from even seeing each other? Certain prisoners of war have received publicity. Others are kept silent. Why aren't their names officially released? If they don't have any secondary alternatives or motives in mind, then release the names of the prisoners of war so their families will know their loved ones' status. I feel as if I am speaking not only for myself, but for my buddies back in camp to whom I promised I would tell the truth. I feel it is time people are aware of the facts.

Lieutenant Frishman was addressing his own people in America. But it is time for the world to know these facts. Therefore, I share Lieutenant Frishman's words with you gathered here in this Conference.

In the most recent provisional activity report submitted to this conference by the ICRC, it is stated that "on June 3, 1969, the ICRC again wrote the Government of the Democratic Republic of Vietnam reminding it of the obligations incumbent on it in accordance with the 1949 Geneva convention for the protection of war victims." And at our opening session the distinguished new president of the ICRC reported to us that North Vietnam had not yet allowed any representative of the ICRC to enter its territory.

Each of us has a moral duty to see that signers of the convention honor the internationally accepted principles of humane treatment of prisoners of war. We trust that this conference, which has a fundamental and abiding interest in the Geneva prisoner-of-war convention will declare itself clearly and unequivocally concerning the humane treatment of prisoners—all prisoners in all parts of the world. The resolution before us was carefully drafted by the cosponsors to insure the universality of its coverage to all prisoners of war wherever held, by whatever nation, great or small. We hope, therefore, that all national delegations and all national societies will join those nations and national societies which have already sponsored this resolution. We believe, Mr. Chairman, it should be supported unanimously.

FREEDOM OF THE PRESS IN PERU

Mr. CHURCH. Mr. President, according to the latest survey of the Inter-American Press Association, freedom of the press in Latin America is at its lowest ebb since the end of World War II. A major reason for this unfortunate development is the precipitous slide toward military dictatorships as witnessed, for example, in Peru. There, two important newspapers were seized recently by the junta under a decree ironically entitled, "Statute of Freedom of the Press." As the New York Times reported:

One provision of this law was clearly aimed at Manuel Ulloa, Minister of Finance in the last constitutional government and founder of *Expreso*, Lima's morning newspaper.

Mr. President, I know Manuel Ulloa. He is a fine patriot and a strong believer in a free press. I would hope that the Peruvian Government would reconsider its policy denying freedom of expression, and follow, instead, a policy of tolerance, remembering the advice of the late 19th century British soldier, Member of Parliament, and national reformer, Charles Bradlaugh, who stated:

Without free speech no search for truth is useful, without free speech progress is checked and the nations no longer march forward toward the nobler life which the future holds for man. Better a thousandfold abuse of free speech than a denial of free speech. The abuse dies in a day, but the denial slaves the life of the people, and entombs the hope of the race.

I ask unanimous consent, Mr. President, that an editorial from the New York Times of March 8, 1970, be inserted into the RECORD.

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

SILENCING THE CRITICS IN PERU

Peru's military Government has now expropriated two Lima newspapers and sent police to seize their plants "in the social interest." If anyone needs a translation, this means that these newspapers—especially the morning Expreso—were among the most effective and responsible critics of the army regime's bizarre "revolution."

Expreso was also one of the most persistent opponents of the pernicious press-control law under which the newspapers have been seized and will now be turned over to a bogus employe "cooperative" which the regime has been organizing with Communist support for the last month. The bitter irony in this situation is that these critical voices are being silenced under a decree that carries the title, "Statute of Freedom of the Press."

One provision of this law was clearly aimed at Manuel Ulloa, Minister of Finance in the last constitutional Government and the founder of Expreso. As a political refugee after the military coup of October 1968, Mr. Ulloa could not satisfy a requirement that a director of a newspaper company must reside in Peru at least six months of every year.

Mr. Ulloa's transfer of ownership of his papers to other members of his family did not prevent the expropriation. The timing of the seizures, however, was probably dictated by the necessity, as the regime saw it, of ending the extremely effective criticism of its actions, day after day, by Manuel d'Ornellas, a brilliant and courageous young editorial columnist for Expreso.

These seizures put into proper perspective the regime's claim that the press law "guarantees the free criticism of Government acts; in Peru there is a freedom of opinion."

AUTHORIZATION FOR VICE PRESIDENT OR ACTING PRESIDENT PRO TEMPORE TO SIGN DULY ENROLLED BILLS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Vice President or the Acting President pro tempore be authorized to sign duly enrolled bills during the adjournment of the Senate.

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

RECESS

Mr. MANSFIELD. Mr. President, if no one wishes to speak at this time, I ask unanimous consent that the Senate stand in recess subject to the call of the Chair.

The PRESIDING OFFICER. Is there objection? The Chair hears no objection, and it is so ordered.

Thereupon, at 2 o'clock and 23 minutes p.m., the Senate took a recess subject to the call of the Chair.

The Senate reassembled at 2:29 p.m., when called to order by the Presiding Officer (Mr. ALLEN).

S. 3768—INTRODUCTION OF BILL TO ALLOW THE NAMING OF AN INSTITUTION IN COLORADO TO HONOR DWIGHT DAVID EISENHOWER

Mr. ALLOTT. Mr. President, I am pleased to introduce legislation to allow the naming of an institution in my State as an honor to a great American.

Under the terms of this legislation, the Radio Laboratory Building maintained by the National Bureau of Standards in Boulder, Colo., shall hereafter be known as the Dwight David Eisenhower Laboratories.

It is altogether fitting and proper that we honor President Eisenhower in this way.

As President, Ike was a great friend of science and learning. Under his leadership, America placed great resources at the disposal of the scientific community. This helped the American scientific community become the most advanced and productive in the world.

President Eisenhower was especially interested in the peaceful uses of science. It is not hard to understand why he was interested in this. As a great soldier—among the greatest this Nation has produced—General Eisenhower saw the devastating destruction that can be wrought by modern science and technology when they are harnessed to the engines of war.

In the peacetime for which he fought as a general and which he preserved as a statesman, President Eisenhower was devoted to the cause of sharing the benefits of knowledge with peaceful peoples everywhere.

Thus, I am pleased to be able to help bring about this honor to a man who deserves to be remembered as a great friend of American science. He deserves a large share of the credit for the scientific achievements which have materialized since he passed from public life. He deserves the honor of being remembered through the Dwight David Eisenhower Laboratories.

Mr. President, I send to the desk a bill sponsored by myself and my colleague (Mr. DOMINICK) for appropriate reference, and ask unanimous consent that it may be printed in the RECORD.

The PRESIDING OFFICER (Mr. ALLEN). The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 3768) to change the name of the National Bureau of Standards Radio Laboratory Building in Boulder, Colo., to the Dwight David Eisenhower Laboratories, introduced by Mr. ALLOTT (for himself and Mr. DOMINICK), was received, read twice by its title, referred to the Committee on Commerce, and ordered to be printed in the RECORD, as follows:

S. 3768

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Radio Laboratory Building maintained by the National Bureau of Standards in Boulder, Colorado, and authorized by Public Law 81-366 (63 Stat. 886), shall hereafter be known as the Dwight David Eisenhower Laboratories, and any law, regulation, document, map, or record of the United States referring to such building shall be held and considered to refer to such building under and by the name of the Dwight David Eisenhower Laboratories.

MICHIGAN MARINE POSTHUMOUSLY AWARDED MEDAL OF HONOR

Mr. GRIFFIN. Mr. President, last week, Vice President AGNEW presented to the families of 13 marines killed in Vietnam the Medal of Honor awarded posthumously. One of them was Pfc. Dewayne T. Williams, son of Mr. and Mrs. Howard Williams, 6485 Rattle Run Road, St. Clair, Mich.

On September 18, 1968, which was his 19th birthday, Dewayne Williams gave his own life to save those of his comrades.

Mr. President, I ask unanimous consent that the Presidential citation in the award to Private Williams be printed at this point in the RECORD.

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

The President of the United States in the name of the Congress takes pride in presenting the Medal of Honor posthumously to Private First Class Dewayne T. Williams, United States Marine Corps, for service as set forth in the following Citation:

For conspicuous gallantry and intrepidity at the risk of his life above and beyond the call of duty while serving as a rifleman with the First Platoon, Company H, Second Battalion, First Marines, First Marine Division in action against Communist insurgent forces in the Quang Nam Province, Republic of Vietnam. Private First Class Williams was a member of a combat patrol sent out from the platoon with the mission of establishing positions in the company's area of operations, from which it could intercept and destroy enemy sniper teams operating in the area. On the night of 18 September 1968, as the patrol was preparing to move from its daylight position to a preselected night position, it was attacked from ambush by a squad of enemy using small arms and hand grenades. Although severely wounded in the back by the close intense fire, Private First Class Williams, recognizing the danger to the patrol, immediately began to crawl forward toward a good firing position. While he was moving under the continuing intense fire, he heard one of the members of the patrol sound the alert that an enemy grenade had landed in their position. Reacting instantly to the alert, he saw that the grenade had landed close to where he was lying and without hesitation, in a valiant act of heroism, he rolled on top of the grenade as it exploded, absorbing the full and tremendous impact of the explosion with his own body. Through his extraordinary initiative and inspiring valor in the face of certain death, he saved the other members of his patrol from serious injury and possible loss of life, and enabled them to successfully defeat the attackers and hold their position until assistance arrived. His personal heroism and devotion to duty upheld the highest traditions of the Marine Corps and the United States Naval Service. He gallantly gave his life for his country.

GIBSON WINS HIGH PRAISE AS MARITIME CHIEF

Mr. GRIFFIN. Mr. President, in a recent article, the Baltimore Sun pays tribute to the record of Maritime Administrator Andrew E. Gibson. Describing his performance as "impeccable and polished, the article gives a great insight into the work of this most capable member of the Nixon administration.

Mr. President, I ask unanimous consent that the entire 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:

[From the Baltimore Sun, Apr. 19, 1970]

GIBSON EARNS HIGH PRAISE AS MARITIME CHIEF

(By Richard Basoco)

WASHINGTON.—Andrew E. Gibson is an impeccable dresser. Given to wearing conservative three-piece pin-stripe suits, he is rarely seen in shirt sleeves—even in his office on the third floor of the Commerce Department—and never with his collar unbuttoned. His shoes are always highly polished.

After one year in office, the same adjectives can be used to describe his performance as maritime administrator: impeccable and polished.

In the appraisal, of one admiring Democrat on Capitol Hill, Mr. Gibson is "seldom caught with his coat off and never with his pants down."

HIGH MARKS

Indeed, those in Congress who take an active interest in the merchant marine generally give the 48-year-old Republican the highest marks of anyone to hold the job since President Kennedy split the government's shipping activities into the regulatory Federal Maritime Commission and the promotional Maritime Administration in 1961.

The legislators' vision of Mr. Gibson is colored by the fact that he is producing something for which the members of the Senate Commerce and House Merchant Marine committees have been clamoring for the better part of a decade: a program aimed at turning around the declining fortunes of the nation's commercial fleet.

The administration's $4 billion plan to build and operate 300 new cargo ships in the next ten years has not yet been passed by either house, but Mr. Gibson sees "no serious problems" clouding the horizon. And, as one shipping lobbyist said last fall when President Nixon announced his shipping program, the hardest part is probably over—simply getting a building plan through the bureaucracy with little intragovernmental support.

INDUSTRY DISTRESS

Mr. Gibson is less of a folk hero in the maritime industry itself, where various segments of management and labor are distressed because the proposed legislation does not address itself to a number of special problems, such as the largely laid up passenger ship fleet, and because it sets stiff demands for economies of construction and operation.

Yet, whatever their reservations or additional recommendations, one by one splintered labor and divided management came forward this year to endorse the program at congressional hearings. There are some who count that demonstration of unity as a more remarkable achievement by Mr. Gibson than the program itself.

Mr. Gibson has his detractors, some of whom dismiss his performance at the shipping agency as merely a matter of being in the right place at the right time.

Yet he had emerged virtually unscathed from a year in an office that devoured the most recent activist maritime administrator, Nicholas Johnson.

LUCK AND WORK

"I'm lucky," he explained with a self-deprecating smile one evening last week. "He works at it," a government colleague outside the agency suggested.

Mr. Gibson's schedule, too, suggests he "Works at it." He is routinely booked solid with appointments and staff conferences between 9 A.M. and 6 P.M., and visitors wanting to see him on short notice must be prepared to come early to catch him when he arrives shortly after 8 A.M. or stay late to see him before he leaves sometime after 7 P.M.

Unless, that is, the person seeking his attention is a member of Congress. In that case Mr. Gibson will drop almost anything to drive to Capitol Hill. "I'm not a politician," he says, "but I'll politic like hell. It's the name of the game in this town."

That is one reason for his good relations with the Congress. Another, in the view of staff aides on Capitol Hill, is Mr. Gibson's directness. Normally sensitive congressmen have appeared unperturbed when he bluntly disagrees with them at hearings or flatly states positions known to be controversial.

"ONE OF THEM"

"Andy gets away with it because they respect him, because they know he knows what it's all about," one observer believes, alluding to Mr. Gibson extensive industry background, which included a senior vice presidency at Grace Line.

Similarly, Mr. Gibson regards the fact that "I'm one of them" as one of his strengths in dealing with the industry. The record indicates that it has stood him in good stead so far, but it will be tested severely in the months ahead.

For by the end of the year, Mr. Gibson will have taken a stand on the highly controversial issue of the use of subsidized ships to

carry significant amounts of government-generated cargo rather than commercial freight, and he will be involved "if it's necessary" in efforts to resolve labor-management strife in order to help attract more cargo for all American-flag ships.

"Well," he remarked, "if you do your job right you'll antagonize everybody in the industry at some time." Mr. Gibson has a gift for somehow saying such things—and "if I've done my best and done what was right, I'm satisfied"—without making them sound like platitudes.

NO FLAG-WAVER

Although he is effective and persuasive in private conversations or congressional hearings, Mr. Gibson is something less than spellbinding in the three or so major speeches he averages each month.

In part this is because he tends to take the value of the merchant marine as an article of faith and eschews wrapping it in the flag or raising the specter of Russian ships sailing into New York to carry away American cargo—approaches which are standard fare on the maritime dinner circuit.

Mr. Gibson gives the impression that to play to the crowd for a quick cheer is to concede a lack of "class" or "style"—qualities he values.

Hence, he is delighted with himself for salvaging the huge, ornate Oriental rug which dominates his office from a dusty storage bin at the agency. "It's got class," he said. "I like to think that's the way this organization is."

And hence he fears becoming a bureaucrat, a word to which he attaches a lack of style. "You've got to get out before you become one," he says. "I'm already becoming more cautious than I was."

That, perhaps, is why Mr. Gibson, after a year in office, is already talking about having reached the mid-point of his tenure as maritime administrator.

The fact that Mr. Gibson ever got involved in maritime affairs at all suggests something of one aspect of his personality. After achieving what he describes as a "spotty" high school record, he took the entrance examination for Massachusetts Maritime Academy not because of any lure of the sea but "because a friend was taking the test." Mr. Gibson was accepted and, over the vigorous objection of his father, "I spent two years before the mast" on the school's training ship Nantucket.

"I hated it after one week," he said, "but I couldn't admit to my father that I'd made a mistake." Mr. Gibson still exhibits a strong-willed chaarcter and concedes he has grown used to "dominating people and situations." But he is more readily persuaded of a mistake in judgment than he apparently was 30 years ago.

There is a substantial body of opinion in Washington and in the industry which holds that Mr. Gibson should be persuaded to stay on the job longer than the year or so more which he envisions.

That view may change in the next 12 months as Mr. Gibson's sometimes abrasive and always demanding approach to problem solving takes its toll. But that is far from the case now.

Mr. JAVITS. Mr. President, I would like to have the absence of a quorum suggested briefly.

Mr. TALMADGE. 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. TALMADGE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

PREVENTION OF TERMINATIONS OF CERTAIN OIL AND GAS LEASES

Mr. TALMADGE. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 1193.

The PRESIDING OFFICER laid before the Senate the amendments of the House of Representatives to the bill (S. 1193) to authorize the Secretary of the Interior to prevent terminations of oil and gas leases in cases where there is a nominal deficiency in the rental payment, and to authorize him to reinstate under some conditions oil and gas leases terminated by operation of law for failure to pay rental timely which were, on page 2, line 5, after "lease" insert ", or in any decision affecting the lease,".

On page 2, line 5, after "bill" insert "or decision".

On page 2, line 6, strike out "figure or bill", and insert "figure, bill, or decision".

On page 2, line 7, strike out all after "deficiency," down to and including "notice." " in line 10, and insert "such lease shall not automatically terminate unless (1) a new lease had been issued prior to the date of this Act or (2) the lessee fails to pay the deficiency within the period prescribed in a notice of deficiency sent to him by the Secretary." "

On page 2, strike out all after line 13, over through and including line 6, on page 3, and insert:

(c) Where any lease has been or is hereafter terminated automatically by operation of law under this section for failure to pay on or before the anniversary date the full amount of rental due, but such rental was paid on or tendered within twenty days thereafter, and it is shown to the satisfaction of the Secretary of the Interior that such failure was either justifiable or not due to a lack of reasonable diligence on the part of the lessee, the Secretary may reinstate the lease if—

On page 3, line 13, strike out all after "petition." over through and including "petition." " in line 8, on page 4, and insert:

The Secretary shall not issue any new lease affecting any of the lands covered by such terminated lease for a reasonable period, as determined in accordance with regulations issued by him. In any case where a reinstatement of a terminated lease is granted under this subsection and the Secretary finds that the reinstatement of such lease will not afford the lessee a reasonable opportunity to continue operations under the lease, the Secretary may, at his discretion, extend the term of such lease for such period as he deems reasonable: Provided, That (A) such extension shall not exceed a period equivalent to the time beginning when the lessee knew or should have known of the termination and ending on the date the Secretary grants such petition; (B) such extension shall not exceed a period equal to the unexpired portion of the lease or any extension thereof remaining at the date of termination; and (C) when the reinstatement occurs after the expiration of the term or extension thereof the lease may be extended from the date the Secretary grants the petition.

Mr. TALMADGE. Mr. President, the House amendments have been cleared by the leadership on both sides of the aisle, and I move that the Senate concur the amendments of the House of Representatives.

The motion was agreed to.

ORDER OF BUSINESS

Mr. JAVITS. Mr. President, I again suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. JAVITS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

ORDER FOR RECOGNITION OF SENATOR JAVITS ON THURSDAY

Mr. JAVITS. Mr. President, after consulting with leadership, I ask unanimous consent that I may have 30 minutes in which to address the Senate on Thursday, immediately following the prayer and the reading of the Journal.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

BANKS NEED MORE FREEDOM TO COMPETE

Mr. JAVITS. Mr. President, I call the attention of the Senate to an article entitled "Banks Need More Freedom To Compete," written by Henry C. Wallich and published in Fortune for March 1970. Mr. Wallich is professor of economics at Yale, and a former member of the Council of Economic Advisers in the Eisenhower administration.

Mr. President, this is a very serious question for the banks of the country. Of course, I represent the State in which many of the principal banks in the country are located. The article relates to their opportunities to serve society in the effective way in which they should.

I note that we shall soon be debating the entire issue, and I shall be ready to articulate my own position as representing my State at that time, but I do think that any enlightenment we can get on the subject preliminary to that debate would be valuable; therefore, I ask unanimous consent that the article to which I have referred be printed in the RECORD, and commend its reading to my colleagues.

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

BANKS NEED MORE FREEDOM TO COMPETE—EXCESSIVE REGULATION MAY DOOM THEM TO GO THE WAY OF THE RAILROADS

(By Henry C. Wallich)

Public regulation of business has a long history of coddling regulated industries to death. The pattern of excessive solicitude began with the ICC and the railroads. Today the Federal Reserve, together with the other bank regulators and Congress, is doing the same to banking. The Fed keeps banks from paying competitive rates on deposits. Old limitations, such as the restrictions on branching, become increasingly anachronistic in today's world of instant communication. The House of Representatives has passed a measure that would keep the banks from going after new types of business. And the

Federal Reserve has been flirting with legislation to "improve," i.e., probably toughen, the regulatory setup. If the banks cannot break out of this pattern, they are in danger of going the way of the railroads.

Unlike other industries, banks are subject to few technological constraints. There are only so many basic processes for making steel, but the business of raising money and lending it out can be conducted in an infinite variety of ways. While a steel company, moreover, must freeze its assets in some particular technology for many years, most bank assets are liquid, or nearly so. A bank can shift quickly from one form of lending to another. The liabilities through which a bank raises its funds are also subject to rapid change. Essentially, a bank is a system of information—relating to depositors, borrowers, and their accounts—combined with a fund of liquid capital. This means that the payoff to imagination and flexibility can be high—if the regulators do not put up obstructions. It also means, of course, that the banks continually encounter new nonbank competitors in areas of the business they thought they had to themselves.

FEAR OF THE MONEY POWER

In other countries, banks have been allowed to take advantage of their technological freedom to engage in a wide variety of financial activities. By spreading out, functionally and geographically, they have been able to compensate for the constant erosion of their traditional base. In the U.S., the constraints that the laws of nature do not impose upon the business have been imposed by the laws of man. Banking, with its three federal and fifty state supervisory authorities, and bodies of law to match, is the most overregulated industry in the country.

Why, in an economy freer than most, is banking singled out for this excess of governmental solicitude? The U.S. has some of the best banks in the world, but it surely has the worst banking system of any major nation. This is not the fault of the banker. It is the fault of the legislator. To be sure, the legislator has tried to deal with real problems. The frequent miscarriage of his more or less well meant efforts was not always foreseeable. But this is precisely the usual fate of well-intentioned regulation.

The history of banking in the U.S. is pockmarked with bank failures. In the nineteenth century, the U.S., unlike many of today's underdeveloped countries, sought to maintain a stable parity for the currency. The financial pressures that elsewhere were relieved by inflation and depreciation of the currency thus had to take the form of bankruptcies. Confronted with frequent failures, the legislator has tried to safeguard the depositor. Other countries have done this by allowing banks to branch out and become so large as to be reasonably safe, or at least easy to bail out. In the U.S., fear of the "money power" has blocked this route. Instead, the legislator undertook to tell the banks what they could do and not do—tell them in stultifying detail and, of course, differently in each state.

Successive upheavals brought successive waves of legislation and regulation. Bad banking experience before the Civil War (plus the need to finance that war) gave us the national banking system and the Comptroller of the Currency. Various money panics over the following fifty years gave us the Federal Reserve System. Failure of the Fed to prevent the collapse of nearly two-fifths of the banks in the great depression gave us the Federal Deposit Insurance Corporation (FDIC).

The depression brought other changes upon the banks, too. Congress ordered them to divest themselves of their securities business and prohibited payment of interest on demand deposits. Congress also gave the Fed power to limit interest on time deposits and to vary member-bank reserve requirements. All these actions, of course, bear directly upon bank profits, but their consequences were not realized for some time. Initially, the most important legacy of the depression was the tripartite structure of regulation, the Comptroller having primary responsibility for national banks, the Fed for state member banks, and the FDIC for insured nonmember banks.

These three protectors of the public's interest have done their best to fill their difficult assignment. They have tried to keep individual banks sound and to regulate competition. The first has meant sending out an army of bank examiners to conduct periodic examinations. The second has meant controlling entry and exit through control of chartering, branching, and mergers. There was to be enough competition to check monopoly and assuage popular fears of the "money power," but not so much as to risk failures. A case can be made for superimposing the caution of the regulator upon that of bank management, but keeping banks sound by limiting what they can do is an expensive way of protecting our deposits. In a world where risk and return are positively correlated, returns are likely to be higher on high-risk loans, not only for the bank but also for society.

HOLDING BACK THE TIDE

Where the banks have been stopped most decisively has been in their attempts to expand, whether geographically or into new lines of business. American restrictions on bank branching and mergers are unique in the world. Left to itself, banking apparently tends toward concentration—banking systems all over the world attest to that. The U.S. alone has played King Canute to this tide, and very successfully. We still have 14,000 banks, about 85 percent of them with deposits under $25 million. Merger is minutely regulated with a view to its impact on competition. Branching, regulated by state law, is tightly restricted. State-chartered banks can at most branch statewide. Some states disallow all and any branching. To make sure that all banks are treated equally badly, the law in its wisdom has subjected national banks to the branching laws of the states in which they operate.

Resistance to concentration must be understood as a political phenomenon. On the economic merits of the case it is difficult to be dogmatic. Banks have formidable powers to help or hurt other enterprises, and concentration of these powers in a few nationwide branch systems would give one pause. In West Germany and Japan the powers of banks, derived not only from their lending activity, have attracted concerned attention. It is also true, however, that West Germany and Japan have had not only the most powerful banking systems, but also very remarkable records of economic growth. In any event, the recurrent issue in U.S. bank regulation is not whether the Bank of America or the big New York and Chicago banks should be allowed to form nationwide branch systems. The great bulk of regulatory activity in this field focuses on whether the First National Bank of Jonesville should be allowed to merge with the State Bank & Trust of neighboring Smithville. More of the Federal Reserve Board's time is spent on items in this range than on whether the money supply should be increased.

Econometricians believe they have discovered that it does make a difference, with respect to loan rates, deposit rates, or loan size, whether there are one or two banks in town. But for the people in that town it would probably matter more whether there were one or two supermarkets. No regulatory authority watches over that.

Politically, the issue is simple. Small fish don't welcome competition from big fish, and certainly don't want to be eaten. Legislation designed to protect competition ends up protecting competitors. Ostensibly intended to block the money power, it serves primarily to give the local banker a mild form of local monopoly.

The fragmentation of the American banking system, to be sure, has been less damaging than one might have expected. Through the elaborate system of correspondent relationships between "country banks" and banks in money centers, the small banks have created for themselves many of the benefits of branch banking without losing their independence. Before many years, however, the advent of an increasingly automated payment and credit system may change this. As messages imprinted on paper, called currency and checks, are gradually replaced by messages imprinted on computer memories, distance between the bank and its customer will matter less. A man might bank all year without ever setting foot in, or driving a car into, the premises of a bank. When this becomes possible, big banks will be able to deal with small out-of-town customers. In other words, they will increasingly compete with their correspondents.

At that time, technology quite possibly may prevail over regulation, ideology, and political influence. The U.S. then may find its banking system becoming more highly concentrated, in substance if not in outward appearance. Skeptics may prefer to believe that local interests will succeed in promoting regulation to prevent this outcome. If the logic of computer technology is defeated, the cost that regulation imposes upon the U.S. economy will rise.

LIKE DIGGING HOLES IN A ROAD

Being a product of successive crises, the banking system and its regulatory superstructure are quite lacking in the orderly design that a good planner would create if he were building from scratch, or even rebuilding. One thing, however, can be said on behalf of the existing superstructure: it is inefficient. Observers have pointed out that, since bankers have the power to choose their regulators, the present system generates competition in laxity. In recent years, when Comptroller of the Currency James Saxon and his successor William Camp liberalized the treatment of national banks, state banks began to convert to national charter, including such giants as Chase Manhattan, Wells Fargo, and Wachovia. When the Federal Reserve was bearing down hard on its member banks through reserve requirements and limitation of borrowing privileges, it found small banks backing away from membership in the system. To preserve its constituency, the Fed has proposed liberalized discount facilities, although many economists question the wisdom of thus weakening central-bank control.

Because bankers can count on the desire of competing regulators to preserve—or enlarge—their constituencies, they are usually supporters of the prevailing tripartite division of power. But it is an enormously inefficient method of loosening the stranglehold of regulation. An unhappy regulator recently compared it to digging holes in a road in order to enforce a speed limit. Still, it is preferable to the alternative of a unified supervisory system pursuing a hard line.

Plans for a unified regulator are in the air. A leading proponent of the idea has been James Robertson, the energetic vice chairman of the Federal Reserve Board. Robertson wants the Fed to get out of the regulatory business and concentrate more fully on monetary policy. This, to be sure, would have certain advantages. The Fed is unquestionably one of the best agencies in the federal government, with high technical competence, and this resource should be reserved for top-drawer issues. But if the single agency Robertson proposes were to materialize, the banks might find themselves moving from a low-flame frying pan into a rather hot fire.

While the unified regulator so far is only a dream (for many bankers a bad one), other regulatory issues have reached the crisis stage. Congress unwittingly planted a time bomb in the 1930's when it told the banks to stop paying interest on demand deposits and empowered the Fed to fix a ceiling for interest on time deposits. That bomb has finally gone off.

What Congress originally had in mind was to protect the depositor by protecting banks even more effectively against having to compete with each other. Paying high interest to attract deposits, it was argued, made the banks take on high-risk loans. If they did not have to compete with each other for money, they would be safer. Theorists, incidentally, have always questioned this reasoning. They maintain that a well-run bank would normally pick the highest yielding loans after allowing for a risk discount, so its choice of loans would not depend on what it had to pay for money. But bankers do not read theorists, and theorists do not run banks.

The Fed got its power, which it spelled out under Regulation Q, and nobody paid much attention so long as interest rates remained low. Bankers enjoyed their cheap sources of funds. They were pained, to be sure, that their archcompetitors, the savings-and-loan associations, were expanding so much faster. But few bankers seemed to think that their paying little or nothing on deposits had much to do with that.

BLOCKED FROM GETTING EVEN

By 1961, however, it had become increasingly obvious that in a world where interest rates were secularly rising, principal reliance on an interest-free source of funds was not a good way of staying in business. So banks began to sell certificates of deposits at competitive rates. Time deposits zoomed. For the first time since the war, banks were able to hold their own against competing financial intermediaries. The whole nature of the business changed. Earlier, a banker had to limit his lending in accordance with the inflow of deposits. Now if a customer unexpectedly asked for a large loan, the banker could go out and buy the money.

Then the banks ran into Regulation Q. As open-market rates rose above the Q ceilings, big holders ran off their C/D's and reinvested in other paper. From a mild device to limit bank competition, Regulation Q was promoted to a powerful instrument of credit control. The banking business was once more turned upside down. Far from being able to buy money, the banker saw even the money he had draining away.

The Fed had two reasons for keeping the screws on firmly in 1966 and in 1969. Foremost was the need, a very real one, to counteract the oveheating of the economy. In addition, however, the monetary authorities had to worry about the savings-and-loan industry. Because of their sluggishly revolving portfolios of mortgages, the s. and l.'s could not keep up with the fast-rising pace of interest rates. The banks, with their more flexible portfolios, could have outcompeted them easily, had not the regulators decided to sit on the banks the first time they had a chance to get even with their old competitors. In the end, both the banks and the s. and l.'s lost funds to the more competitive open market—the much-discussed phenomenon of "disintermediation."

Having made firm loan commitments, the banks began to look around for money. The Eurodollar became a major source. So the Fed felt compelled to move in once more. The Fed could not keep the banks from borrowing abroad, but it could, and last October did, make this borrowing more expensive by subjecting it to reserve requirements.

The banks, under enormous pressure, looked for money elsewhere. Some of them, through their holding companies, began to issue commercial paper. The Fed announced that it might subject commercial paper to Regulation Q ceilings or to reserve requirements, or both. Imposition of Q would make the sale of commercial paper impossible while market rates were above the ceiling. In this game of cat and mouse, no newly found hole seemed safe.

AN OUTDATED RELIANCE

When the present high-pressure period is over and bankers can add up the experience, it will become clear, above all, that they need stable and reliable sources of funds. Otherwise, the industry can scarcely hold its share of the financial market. To obtain the funds they need, banks will have to pay competitive rates. In an age of high interest rates, reliance on demand deposits is almost as anachronistic as reliance on passenger traffic would be for the railroads.

Banks do, of course, pay an implicit interest rate on demand deposits, in the form of free check-clearing services. Bankers and their big depositors know very well what that is worth. But the higher interest rates go, the more it pays depositors to economize on the holding of cash balances. As more highly automated payment techniques are introduced, factors adversely affecting the demand-deposit side of the banking business will multiply. Check clearing will increasingly come to be seen as an industrial operation rather than a financial one. The involvement of bank officers with the money mechanism, and the resources that can be obtained from it, will diminish. Their concern will focus onto the raising and use of funds from other sources.

To stay in the running, banks increasingly will have to replace demand deposits with time deposits. Even then, time deposits will be a reliable source of funds only if the Fed can be prevailed upon to give up the use of Regulation Q as a credit-control instrument. The banks could help to bring the Fed along by making its job of regulating credit less difficult. If banks issue binding credit commitments to their customers and thus insulate them against credit restriction, they invite stiff Fed policies. If some restraint can be put on these commitments, if necessary by subjecting them to reserve requirements, the Fed might unbend. If the Fed does not, it will have to face up to the fact that, in trying to regulate money and credit, it is undermining the industry through which it must operate.

When the present demand for bank credit lets up, banks will discover also that they are competing not only for funds but also for outlets. To be competitive, they must make it attractive to borrow from banks. In the recent period of strenuous demands for funds, of course, banks have hardly been beset with this problem. But for considerable periods earlier, they had to contend with mounting encroachment on their lending by life-insurance companies and pension funds, and lately new breeds of competing lenders have reared up—finance companies, takeover specialists, high-risk lenders ready and eager to accept equity kickers. In times of less intense demand, the banks will have to adjust their lending to changes in competition and markets.

Historically the banks have succeeded in making such adjustments. As demand fell off for shorter commercial loans, banks shifted to term loans, consumer credit, factoring, and other forms of credit that earlier were considered unbankable. By and large, the regulators have not stood in the way of such innovative financial engineering.

This happy state, however, may not survive. Banks now see opening before them new types of financial business that their flexible technology makes feasible. Universal credit cards, data processing, mutual funds, insurance selling, and specialized high-risk financing are part of the financial wave of the future. Banks have tried to enter these fields through subsidiaries, or through one-bank holding companies, but have encountered regulatory resistance. Because many such activities are deemed "bank-related" rather than banking proper, they often do not fit into the regulatory mold.

CUT OFF FROM MUCH OF THE ACTION

The one-bank holding company is an ingenious effort, on the part of large banks, to break out of the regulatory mold. By creating a parent company capable of acquiring other subsidiaries for itself, a bank can indirectly engage in activities that regulation makes it inconvenient or impossible to handle directly. But antibank forces headed by Congressman Wright Patman of Texas have succeeded in getting through the House of Representatives a bill that would in effect straitjacket one-bank holding companies. If this legislation prevails, banks will find themselves cut off from much of the financial action of the future. Combined with shrinking or unreliable sources of funds, this new form of regulation could condemn the banks to ultimate irrelevance in the financial framework. It might point them toward a useful but profitless existence like that of railroads.

On the other hand, if the banks are allowed to follow where innovative financial technology leads them, we may see them ending up quite far from where they stand today. Their concentration on the routine mechanisms of checking accounts will abate. This might happen quite rapidly if, as is not unlikely, the savings-and-loan associations and the mutual savings banks are allowed to accept checking deposits. The banks cannot hope to expand into other fields unless they are prepared to see freer access to their own home grounds accorded to their competitors. With the money business largely out of the way, banks will increasingly be raising funds from non-deposit sources. And they will increasingly be using their funds for purposes other than commercial loans. There will then be no more reason to regulate their activities than there is today to limit and regulate the activities of finance companies. Ordinary antitrust considerations should then be sufficient to control the banking business, as they have been for business in general.

WELFARE LEGISLATION

Mr. JAVITS. Mr. President, I am preparing to introduce amendments to the welfare package which has come over to us from the House of Representatives, and I shall discuss the amendments which I propose to introduce on Thursday. That is the purpose for which I arranged for the time which has been granted by the Senate.

Mr. President, in anticipation of that event, and to further inform Senators in detail as to what I am proposing, as well as to show Senators some tables relating to the percentages which, under my amendment, would be available to the States in support of efforts over and above the basic package which will be provided by the Federal welfare statute, I ask unanimous consent that certain tables and explanatory information be printed in the RECORD.

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

EXPLANATION OF AMENDMENTS TO BE INTRODUCED BY SENATOR JACOB JAVITS TO H.R. 16311, THE FAMILY ASSISTANCE ACT

Last Thursday April 23, 1970, I indicated to members of my own party and other members of the Senate, a number of amendments that I intend to introduce to the Family Assistance Act, the Administration's commendable proposal for a basic reform of the welfare system.

Specifically, I stated that I would soon introduce amendments to:

(1) Provide the basis for increases in the $1600 payment and eligibility standard beginning in calendar year 1973 (the second full year of operation), and subsequent years on the basis of the poverty level redefined to more adequately reflect the amount which a poor family actually requires to meet food and non-food costs.

The President himself has acknowledged that the $1600 level, even with the addition of food stamps, will not bridge the poverty gap.

In calendar year 1973, the eligibility and payment standard would be raised to an amount equal to fifty percent of the poverty level as then determined. Under my amendment, the poverty level would be determined on the basis of the "low-cost" food plan determined by the Department of Agriculture as the amount needed for a nutritious diet rather than the (as now) inadequate "economy food budget" prescribed for only temporary or emergency use. The application of this new criteria would result in an eligibility and payment standard of $2400 for a family of four in calendar year 1973. Food stamps would provide additional benefits.

By keying the family assistance eligibility and payment standard to a more realistic poverty index, my amendment would provide the basis for greater coverage of the poor for more adequate cash payments and for increased assumption by the Federal government of the costs of welfare. States and localities thereby would be free to use their resources on those efforts in education, health, economic development, manpower, and other areas which will seek to reduce welfare dependency.

(2) Provide an incentive for all states to raise their levels of supplementation by providing immediately for federal sharing in state supplemental payments on a variable basis, ranging from 50% to 83%, depending upon state fiscal capacity, rather than on the 30% basis prescribed for all states under the House bill. Under this formula, which is to be used to determine the extent of federal sharing in Medicaid payments, most of the states that have the lowest payments would be provided greater sharing to raise those payments.

(3) Require a level of supplementation by low-payment states so that in all states poor families would receive a specified additional amount to supplement the basic family assistance payment of $1600 in the early years of operation of the plan.

(4) Exempt mothers with school age children from the work requirement of the bill. We must give mothers on welfare the respect to which they are entitled. We must rely upon their own desire to provide for their children, upon a constructive incentive system, upon a meaningfully developed manpower and training program, and upon expanded child-care facilities to spell the difference between our new efforts to help the poor and those previous efforts which have, despite requirements similar to those in the House bill, failed to eliminate the rise in welfare dependency. I consider a mandatory work requirement as applied to mothers of school-age children undesirable as a matter of policy, unrealistic in terms of availability of child-care facilities, and unnecessary in light of our experience under existing requirements.

(5) Ensure that each child receiving child care under the Administration's commendable plans also receive the education, health, nutritional and related services, necessary to help such a child achieve his full potential. While the report on the House bill directs that such services be provided and while the Administration has indicated its intention to do so, specific language must be included to preclude the possibility that sometime in the future limited federal resources and increased emphasis on the working needs of the mother may prompt the evolution of a separate and inferior custodial system of child care under the Family Assistance Act.

(6) Direct the Secretary of Health, Education and Welfare to establish reporting procedures and annually submit to the Congress a detailed report indicating child-care needs and the extent to which existing facilities are adequate to those needs.

(7) Authorize the Secretary of Labor to provide allowances for child-care costs to mothers who choose to participate in training.

(8) Authorize the provision of child-care services for mothers who wish to accept or continue work on a part-time, as well as a full-time, basis.

(9) Direct the Secretary of Health, Education and Welfare to establish in his Department an office to provide technical assistance and information to encourage the meaningful involvement of business in the development of child-care facilities.

In order that members will have an opportunity to join with me this Thursday, April 30 when these amendments are to be introduced, there follows an explanation of each amendment, together with additional material.

(1) *Amendment to provide for increases in the $1600 basic eligibility and payment standard on the basis of a poverty level redefined to more adequately reflect basic human needs.*

The Family Assistance Act would provide a poor family of four having an income less than $1600 with a family assistance cash payment in the amount necessary to raise its income to the basic $1600 level.

Noting that with food stamps the assistance package of the Administration would provide a family of four with approximately $2400, the Administration's October 1969 report on its proposal acknowledges:

"That is not, of course a sufficient amount to sustain an adequate level of life for those who have no other income; it is nevertheless, a substantial improvement and can be made more adequate as budget conditions permit."

Under the proposed amendment a redefined poverty level would be used to determine the amount of increase in the federal family assistance payment and eligibility standard.

Beginning in calendar year commencing January 1, 1973 (the second full year of operation) the amendment would require that the federal family assistance payment and eligibility standard be set at 50% of the redefined poverty level. The application of the new criteria, based upon present costs, would result in a standard of $2400 for a family of four in that year.

The amendment would provide the basis for further yearly increases of the eligibility and payment standard at a rate of 10% until the poverty level is reached.

Under the amendment, the poverty index would be based upon the "low-cost food plan" determined (with adjustment for regional differences) by the Department of Agriculture as the amount needed for a nutritious diet rather than on the currently used basis of the "economy food plan." The Department of Agriculture has described that the "economy food plan," which is designed only for temporary or emergency use, as "not a reasonable measure of basic money needs for a good diet." The inadequacy of the current index is underscored by the fact that the poverty level is presently set at $3720 for a family of four.

In addition to providing the poor with more adequate payments, the amendments would result in substantial additional fiscal relief for the states and localities, permitting them to concentrate their resources on local education, manpower and other programs to further reduce welfare dependency.

Until the payment and eligibility standard reaches the poverty level, it would be necessary to supplement the cash payment with food stamps.

(2) *Amendment to provide for greater federal sharing in state supplemental payments on a variable basis.*

Under Section 452(a) of the House bill a state is required to supplement the federal benefit based upon the standard in effect in such state for January 1970, "or if lower a standard equal to the applicable poverty level." A state may supplement above the poverty level.

The House bill directs the Secretary to pay to any state an amount equal to 30 percentum of the total amount expended for such supplemental payments during each year pursuant to its agreements.

The proposed amendment would provide that, in lieu of the 30 percentum figure, the federal government would pay a state between 50 and 83 percentum of supplementary costs, depending upon state fiscal capacity as in the case of matching payments under Medicaid.

This amendment will provide all states with additional fiscal relief and will encourage a number of states to raise their supplemental payments.

For fiscal year 1970, the federal government shared in Medicaid costs at the following percentages under the "50–83" variable formula:

	Title XIX percentage
1. Alabama	78.54
2. Alaska	50.00
3. Arizona	66.42
4. Arkansas	79.76
5. California	50.00
6. Colorado	56.24
7. Connecticut	50.00
8. Delaware	50.00
9. District of Columbia	50.50
10. Florida	64.10
11. Georgia	71.48
12. Hawaii	50.75
13. Idaho	68.91
14. Illinois	50.00
15. Indiana	52.85
16. Iowa	55.27
17. Kansas	57.78
18. Kentucky	74.30
19. Louisiana	73.57
20. Maine	68.33
21. Maryland	50.00
22. Massachusetts	50.00
23. Michigan	50.00
24. Minnesota	56.95
25. Mississippi	83.00
26. Missouri	59.29
27. Montana	64.72
28. Nebraska	57.25
29. Nevada	50.00
30. New Hampshire	59.18
31. New Jersey	50.00
32. New Mexico	71.48
33. New York	50.00
34. North Carolina	73.96
35. North Dakota	70.48
36. Ohio	52.42
37. Oklahoma	68.84
38. Oregon	56.35
39. Pennsylvania	54.60

	Title XIX percentage
40. Rhode Island	51.70
41. South Carolina	78.68
42. South Dakota	69.91
43. Tennessee	74.62
44. Texas	66.66
45. Utah	68.23
46. Vermont	64.96
47. Virginia	65.04
48. Washington	50.00
49. West Virginia	75.73
50. Wisconsin	55.21
51. Wyoming	60.38
52. American Samoa	----------
53. Guam	50.00
54. Puerto Rico	50.00
55. Trust Territory	----------
56. Virgin Islands	50.00

(3) *Amendment to require supplementation by low-payment states to ensure a total payment in all states of $1800 in the calendar years 1971 and 1972.*

Although one of the principal purposes of the Family Assistance Act is to eliminate the disparities between payments made by the states, payments made after enactment to a poor family of four will still vary considerably, from more than $1600 in Mississippi to over $3700 in New York State.

This amendment would require all states during 1971 and 1972 to maintain a supplementation sufficient, with the family assistance federal cash payment, to provide an eligibility and payment of $1800 for a family of four in order to achieve a higher nationwide level until a higher federal standard is reached.

Application of the variable formula of sharing under the second proposed amendment would make it possible for the low-payment states to meet this standard without incurring substantial additional costs.

The following information provided by the Department of Health, Education, and Welfare indicates (on the basis of the latest available data) the levels of supplementation which it is expected that the states may choose or be required to attain after the Family Assistance Plan goes into effect:

NONWORKING FAMILY OF 4 RECEIVING FAMILY ASSISTANCE PLAN—THE AMOUNT OF STATE SUPPLEMENT

State	Annual payment	FAP	Annual State supplement
Alabama	$972	$1,600	(1)
Alaska	2,220	1,600	$620
Arizona	2,124	1,600	524
Arkansas	1,140	1,600	(1)
California	2,652	1,600	1,052
Colorado	2,292	1,600	692
Connecticut	3,524	1,600	1,924
Delaware	1,788	1,600	188
District of Columbia	2,928	1,600	1,328
Florida	1,608	1,600	8
Georgia	1,596	1,600	(1)
Hawaii	3,103	1,600	1,503
Idaho	2,880	1,600	1,280
Illinois	3,228	1,600	1,628
Indiana	1,800	1,600	200
Iowa	2,928	1,600	1,328
Kansas	2,844	1,600	1,244
Kentucky	2,244	1,600	644
Louisiana	1,248	1,600	(1)
Maine	2,016	1,600	416
Maryland	2,196	1,600	596
Massachusetts	3,684	1,600	2,084
Michigan	3,156	1,600	1,556
Minnesota	3,468	1,600	1,868
Mississippi	828	1,600	(1)
Missouri	1,560	1,600	(1)
Montana	2,436	1,600	836
Nebraska	2,400	1,600	800
Nevada	1,724	1,600	124
New Hampshire	3,084	1,600	1,484
New Jersey	4,164	1,600	2,564
New Mexico	2,196	1,600	596
New York	3,756	1,600	2,156
North Carolina	1,608	1,600	8
North Dakota	3,132	1,600	1,532
Ohio	2,316	1,600	716
Oklahoma	2,220	1,600	620

NONWORKING FAMILY OF 4 RECEIVING FAMILY ASSISTANCE PLAN—THE AMOUNT OF STATE SUPPLEMENT—Continued

State	Annual payment	FAP	Annual State supplement
Oregon	$2,628	$1,600	$1,028
Pennsylvania	3,312	1,600	1,712
Rhode Island	2,664	1,600	1,064
South Carolina	1,140	1,600	(1)
South Dakota	3,084	1,600	1,484
Tennessee	1,548	1,600	(1)
Texas	2,148	1,600	548
Utah	2,328	1,600	728
Vermont	3,192	1,600	1,592
Virginia	2,856	1,600	1,259
Washington	3,648	1,600	2,048

1 No supplement.

(4) *Amendment to exempt mothers with school age children from the work requirement of the bill.*

Under the House bill, mothers of school age children and other relatives caring for such children would be required to accept work of employment or lose the family assisance benefits to which they would otherwise be entitled.

The work requirement is unrealistic in light of the following: (1) studies document that seven out of ten welfare mothers want to work, and the liberal provisions under the bill for the retention of earned income should provide additional incentive to work; (2) in the near future, there will not become available sufficient child care facilities to enable such mothers to work without neglecting their children. Even with the Administration's new child care provisions, less than one-third of the child care needs of preschool children alone will be met. There are currently more than 3.8 million preschool children of working mothers, and child-care provision for only 600,000 of them in the entire country. Even with the administration's plan of add 450,000 slots, less than one-third of the preschool need will be met. As long as care for preschool children remains a priority, we quite clearly cannot assume that the child-care needs of millions of school-age children who would require after-school care or full care during the summer will get if their mothers are required to work.

The amendment would leave unchanged the requirement to register with the local employment service. By requiring registration but not work or training the mother will not be forced to accept such opportunities if she determined that they would interfere with the care for the child.

We must give mothers on welfare the respect to which they are entitled. We must rely upon their own desire to provide for their children, upon a constructive incentive system, upon a meaningfully developed manpower and training program and upon expanded child care facilities to spell the difference between our new efforts to help the poor and those previous efforts which have, despite requirements similar to those in the House bill, failed to eliminate the rise in welfare dependency.

AMENDMENTS TO STRENGTHEN THE CHILD CARE PROVISIONS OF THE BILL

The proposed amendments to the Administration's commendable new provisions for child care would:

(5) Require the Secretary of Health, Education and Welfare to ensure that all children receiving child care under Section 436 of the Family Assistance Act receive the education, health, nutritional and related services, "necessary to help each child achieve his full potential." While the report on the House bill directs that such services be provided, and the Administration has indicated its intention to do so, specific language must be included to preclude the possibility that sometime in the future limited federal resources and increased emphasis on the working needs of the mother may prompt the evolution of a separate and inferior custodial system of child care under the Family Assistance Act.

(6) Direct the Secretary of Health, Education and Welfare, in consultation with the Secretary of Labor, to establish reporting procedures and annual submit to the Congress a detailed report indicating the extent of the need for child care by individuals referred for employment or training and the extent to which existing child care facilities are adequate to meet such need so that the Congress will be in a better position to respond to those needs.

(7) Specify "costs incurred in the provision of child care" as one of the cost "necessary to and directly related to . . . participation in training" for which the Secretary of Labor is authorized to provide allowances under Section 443 of the Act. By providing for an exemption for all or part of the cost of child care services, the bill anticipates that a working mother may seek child care services in facilities other than those funded under Section 436. However, there is no similar provision in the case of a mother who is in training.

(8) Ensure that child care services are made available to enable mothers to accept or continue employment on a part time (as well as on a full-time) basis in projects funded under Section 436 of the Act.

(9) Direct the Secretary of Health, Education and Welfare to establish in his department a program to provide technical assistance and information to encourage the meaningful involvement of business, and labor organizations in the development of child care facilities. While the House bill clearly provides for 100% funding of the costs to private as well as to public agencies, efforts must be made to involve the private sector.

POLISH CONSTITUTION DAY

Mr. GRIFFIN. Mr. President, the annual Communist May Day celebrations are approaching once again. Each year on May 1 the governmental apparatus in Communist-dominated countries undertake to convince the people how lucky they are to be living under communism.

Such will be the case in Poland this year, as usual.

But Mr. President, freedom-loving Poles, both in Poland and elsewhere in the world, will mark May 3 with special attention. May 3 will be the 179th anniversary of the adoption of the Polish Constitution, a document that stands as an inspiration and a guiding light to people and nations committed to the principles of democracy and liberty.

Mr. President, the Polish Constitution was adopted only 2 years after our own Constitution, and much of it was modeled after the basic document which undergirds our Republic.

Unhappily, however, the Poles were not destined to live very long under the enlightened provisions of the Polish Constitution. Soon after its promulgation Poland was overrun and partitioned.

But the spirit of the May 3 Constitution lives to this day in the hearts and minds of the Poles, and its anniversary is still celebrated in all communities where Poles enjoy freedom.

We in this country, including the 10 million Americans of Polish descent,

should mark well the day, and take special note of the Polish people's long struggle to assert their own national identity.

ORDER FOR ADJOURNMENT UNTIL 11:30 A.M. THURSDAY

Mr. TALMADGE. Mr. President, I ask unanimous consent to modify the order previously entered to provide that when the Senate completes its business today, it adjourn until 11:30 a.m. on Thursday next.

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

ADJOURNMENT UNTIL 11:30 A.M. ON THURSDAY, APRIL 30, 1970

Mr. TALMADGE. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate adjourn until 11:30 a.m. on Thursday next.

The motion was agreed to; and (at 2 o'clock and 47 minutes p.m.) the Senate adjourned until Thursday, April 30, 1970, at 11:30 a.m.

NOMINATIONS

Executive nominations received by the Senate, April 27, 1970:

In the Coast Guard

Rear Adm. Thomas R. Sargent III, 1670, U.S. Coast Guard, to be Assistant Commandant of the U.S. Coast Guard with the rank of vice admiral.

In the Air Force

The following officer to be placed on the retired list in the grade of lieutenant general under the provisions of section 8962, title 10 of the United States Code:

Lt. Gen. Lewis L. Mundell, 521-0940FR (major general, Regular Air Force), U.S. Air Force.

In the Army

The following-named officer under the provisions of title 10, United States Code, section 3066, to be assigned to a position of importance and responsibility designated by the President under subsection (a) of section 3066, in grade as follows:

To be lieutenant general

Maj. Gen. James William Sutherland, Jr., xxx-xx-xxxx Army of the United States (brigadier general, U.S. Army).

In the Marine Corps

Having designated, in accordance with the provisions of title 10, United States Code, section 5232, Maj. Gen. William K. Jones and Maj. Gen. Raymond G. Davis, U.S. Marine Corps, for commands and other duties determined by the President to be within the contemplation of said section, I nominate them for appointment to the grade of lieutenant general while so serving.

In the Army

The following-named persons for appointment in the Regular Army, by transfer in the grade specified, under the provisions of title 10, United States Code, sections 3283 through 3294:

To be captain

Clarke, David A., xxx-xx-xxxx.
Forys, Conrad W., xxx-xx-xxxx.
Howard, Malcolm J., xxx-xx-xxxx.
Lent, Morris J., Jr., xxx-xx-xxxx.
Lurker, Ralph L., xxx-xx-xxxx.
Murphree, John D., xxx-xx-xxxx.
Rehusch, Kenneth S., xxx-xx-xxxx.
Sayers, Ronny J., xxx-xx-xxxx.
Schein, George, II, xxx-xx-xxxx.
Toomepuu, Tonu, xxx-xx-xxxx.

To be first lieutenant

Baxendale, John R. D., xxx-xx-xxxx.
Carpenter, John L., xxx-xx-xxxx.
Chwolibog, Andrew J., xxx-xx-xxxx.
Coppin, David F., xxx-xx-xxxx.
De Pue, John F., xxx-xx-xxxx.
Du Bois, Allan K., xxx-xx-xxxx.
Eberhardt, John E., Jr., xxx-xx-xxxx.
Folawn, John S., xxx-xx-xxxx.
Friberg, Philip E., xxx-xx-xxxx.
Friedberg, Alan C., xxx-xx-xxxx.
Frierdich, Michael V., xxx-xx-xxxx.
Giannelli, Paul C., xxx-xx-xxxx.
Hamilton, John R., xxx-xx-xxxx.
Hancock, Jeffrey H., xxx-xx-xxxx.
Head, Harold D., xxx-xx-xxxx.
Hopkins, Gary L., xxx-xx-xxxx.
Kennedy, Kenneth H., xxx-xx-xxxx.
Kirby, Robert B., xxx-xx-xxxx.
Kittel, Robert N., xxx-xx-xxxx.
Kyll, Robert P., xxx-xx-xxxx.
Lancaster, Steven F., xxx-xx-xxxx.
Laney, Solon D., xxx-xx-xxxx.
Lavigne, Jeffrey E., xxx-xx-xxxx.
Lewis, George E., Jr., xxx-xx-xxxx.
Mackey, Richard J., xxx-xx-xxxx.
Mannix, Robert W., xxx-xx-xxxx.
McKenna, Robert B., Jr., xxx-xx-xxxx.
O'Byrne, Stuart A., xxx-xx-xxxx.
Salvatore, Ronald A., xxx-xx-xxxx.
Schmidt, Thomas J., Jr., xxx-xx-xxxx.
Scully, Francis J., xxx-xx-xxxx.
Trucksa, Robert C., xxx-xx-xxxx.
Vallecillo, Carlos A., xxx-xx-xxxx.
Wilson, Joe H. R., xxx-xx-xxxx.
Wolcott, Barry W., xxx-xx-xxxx.
Worthing, Robert W., xxx-xx-xxxx.

The following-named persons for appointment in the Regular Army of the United States, in the grades specified, under the provisions of title 10, United States Code, sections 3283 through 3294 and 3311:

To be major

Dawson, John W., xxx-xx-xxxx.
Koos, Frank S., xxx-xx-xxxx.
Sewell, William P., xxx-xx-xxxx.
Snell, Ira, Jr., xxx-xx-xxxx.

To be captain

Brown, Stanley M., xxx-xx-xxxx.
Camp, Norman M., xxx-xx-xxxx.
Cephas, Earl F., xxx-xx-xxxx.
Cole, Paul A., xxx-xx-xxxx.
Cole, Perry E., xxx-xx-xxxx.
Conner, Victor S., xxx-xx-xxxx.
Covell, Bruce W., Jr., xxx-xx-xxxx.
Funderburk, Raymond, xxx-xx-xxxx.
Hebert, Richard C., xxx-xx-xxxx.
Herman, James W., Jr., xxx-xx-xxxx.
Jordan, William P., Jr., xxx-xx-xxxx.
Lay, Bobbie D., xxx-xx-xxxx.
Livengood, Raymond H., Jr., xxx-xx-xxxx.
Malone, Paul F., xxx-xx-xxxx.
Osborne, Gerald C., xxx-xx-xxxx.
Ottenberg, John C., xxx-xx-xxxx.
Rivera-Diaz, Victor M., xxx-xx-xxxx.
Ryan, Richard B., Jr., xxx-xx-xxxx.
Simino, Joseph R., xxx-xx-xxxx.
Story, Jack P., Jr., xxx-xx-xxxx.
Whaley, Karroll C., xxx-xx-xxxx.
Williams, Gary L., xxx-xx-xxxx.
Yashima, Wallace K., xxx-xx-xxxx.

To be first lieutenant

Alderfer, Gill R., xxx-xx-xxxx.
Allen, Frank B., xxx-xx-xxxx.
Anderson, Eldon E., xxx-xx-xxxx.
Anderson, Shirley R., xxx-xx-xxxx.
Andrle, John C., xxx-xx-xxxx.
Benton, John G., xxx-xx-xxxx.
Berry, John S., xxx-xx-xxxx.
Bise, Lanny C., xxx-xx-xxxx.
Cabaniss, Edward H., IV, xxx-xx-xxxx.
Cannici, John S., xxx-xx-xxxx.
Cermenaro, James A., xxxx.
Chantelau, William J., xxx-xx-xxxx.
Coffey, Andrew W., xxx-xx-xxxx.
Darley, Roger G., xxx-xx-xxxx.
Doyle, William J., xxx-xx-xxxx.
Dyson, Gordon H., xxx-xx-xxxx.
Garrison, Stuart E., xxx-xx-xxxx.
Glann, George W., Jr., xxx-xx-xxxx.
Guida, Robert A., xxx-xx-xxxx.
Hammond, James W., Jr., xxx-xx-xxxx.
Hershey, Michael T., xxx-xx-xxxx.
Jackman, Timothy, xxx-xx-xxxx.
Kelley, Ronald, xxx-xx-xxxx.
Kellogg, George W., xxx-xx-xxxx.
King, Kenneth E., xxx-xx-xxxx.
McEntire, Jackie J., xxx-xx-xxxx.
Meek, Ronnie A., xxx-xx-xxxx.
Mooney, Jackie E., xxx-xx-xxxx.
Moore, Eddie E., xxx-xx-xxxx.
Moreno, Anthony A., xxx-xx-xxxx.
Moser, Mark V., xxx-xx-xxxx.
Moss, Vernon D., xxx-xx-xxxx.
Napper, John E., xxx-xx-xxxx.
Nass, Fred L., xxx-xx-xxxx.
Niemann, Patrick J., xxx-xx-xxxx.
Olszewski, Valerie A., xxx-xx-xxxx.
Passmore, James L., xxx-xx-xxxx.
Phillips, Alma J., xxx-xx-xxxx.
Porr, Brian R., xxx-xx-xxxx.
Ragauskas, Raymond R., xxx-xx-xxxx.
Reid, Walter H., xxx-xx-xxxx.
Renner, Stephen A., xxx-xx-xxxx.
Riggins, Hiram T., Jr., xxx-xx-xxxx.
Riley, Charles F., xxx-xx-xxxx.
Rodgers, Robert I., xxx-xx-xxxx.
Schneider, Jerry B., xxx-xx-xxxx.
Shaffer, Gavin D., Jr., xxx-xx-xxxx.
Shaffer, William J., xxx-xx-xxxx.
Shannon, James M., xxx-xx-xxxx.
Shelly, Clyde, xxx-xx-xxxx.
Smith, Herbert F., xxx-xx-xxxx.
Smith, Richard W., xxx-xx-xxxx.
Speer, Wilbur R., xxx-xx-xxxx.
Stiver, Vernie D., xxx-xx-xxxx.
Streeter, Raymond C., xxx-xx-xxxx.
Ward, Robert N., xxx-xx-xxxx.
Weitzel, William D., xxx-xx-xxxx.
Welch, Albert C., xxx-xx-xxxx.
Wilder, Thomas F., xxx-xx-xxxx.
Yeager, Gerald A., xxx-xx-xxxx.

To be second lieutenant

Brow, John W., xxx-xx-xxxx.
Cooper, Brian P., xxx-xx-xxxx.
Duvall, Julius D., xxx-xx-xxxx.
Gordon, Allen F., xxx-xx-xxxx.
Newman, David A., xxx-xx-xxxx.
Pate, Jerry C., xxx-xx-xxxx.
Raymond, Stephen C., xxx-xx-xxxx.
Riederer, William G., xxx-xx-xxxx.
Scrogin, Thomas W., xxx-xx-xxxx.
Steinman, Daniel D., xxx-xx-xxxx.
Terry, Ronald W., xxx-xx-xxxx.

The following-named distinguished military students for appointment in the Regular Army of the United States, in the grade of second lieutenant, under provisions of title 10, United States Code, sections 2106, 3283, 3284, 3286, 3287, 3288, and 3290:

Abels, Michael L., xxx-xx-xxxx.
Abernathy, Louis R., xxx-xx-xxxx.
Allen, Richard B., xxx-xx-xxxx.
Allenbaugh, Richard E., xxx-xx-xxxx.
Anton, William T., xxx-xx-xxxx.
Appling, Alvin R., xxx-xx-xxxx.
Asselstine, James K., xxx-xx-xxxx.
Bach, Barry C., xxx-xx-xxxx.
Bailey, Edward G., xxx-xx-xxxx.
Ball, Calvin E., xxx-xx-xxxx.
Barnes, Johnny, Jr., xxx-xx-xxxx.
Batman, Joseph J., Jr., xxx-xx-xxxx.
Baxter, Gregory W., xxx-xx-xxxx.
Bebout, George T., xxx-xx-xxxx.
Beebe, Ronald T., xxx-xx-xxxx.
Bradford, David W., xxx-xx-xxxx.
Brocious, Albert P., xxx-xx-xxxx.
Brown, John M., xxx-xx-xxxx.
Burke, Francis X., xxx-xx-xxxx.
Burman, Duane A., xxx-xx-xxxx.
Byelick, Steven C., Jr., xxx-xx-xxxx.

Cain, Thomas J., xxx-xx-xxxx
Campanaro, Leonard A., xxx-xx-xxxx
Chapman, Dennis J., xxx-xx-xxxx
Cherry, Alfred B., xxx-xx-xxxx
Christie, James R., xxx-xx-xxxx
Clarke, Milton A., xxx-xx-xxxx
Clevenger, Jack L., xxx-xx-xxxx
Cobb, Henry C., Jr., xxx-xx-xxxx
Colgan, Richard T., xxx-xx-xxxx
Court, Robert W., xxx-xx-xxxx
Cover, William R., xxx-xx-xxxx
Crawford, Steven C., xxx-xx-xxxx
Cummings, Harold R., xxx-xx-xxxx
Daviduk, Richard M., xxx-xx-xxxx
Davis, Keith L., xxx-xx-xxxx
Dean, Richard G., xxx-xx-xxxx
Dille, Henry W., Jr., xxx-xx-xxxx
Doran, Michael J., xxx-xx-xxxx
Durham, William L., xxx-xx-xxxx
Egner, Jeffrey W., xxx-xx-xxxx
Eigenman, Gary V., xxx-xx-xxxx
Endres, Kenneth, xxx-xx-xxxx
Ensman, Tim A., xxx-xx-xxxx
Fanelli, Richard A., xxx-xx-xxxx
Ferguson, Gerald F., xxx-xx-xxxx
Fielder, David E., xxx-xx-xxxx
Finch, William L., xxx-xx-xxxx
Franceware, Lorenzo B., Jr., xxx-xx-xxxx
Gaines, Ben J., Jr., xxx-xx-xxxx
Glancy, John R., xxx-xx-xxxx
Gonzales, Joseph P., xxx-xx-xxxx
Gourley, Jack, Jr., xxx-xx-xxxx
Gourley, Robert S., xxx-xx-xxxx
Grafton, Charles F., xxx-xx-xxxx
Grange, David L., xxx-xx-xxxx
Grassia, Philip G., xxx-xx-xxxx
Greene, Frank C., Jr., xxx-xx-xxxx
Guillen, Atanacio C., Jr., xxx-xx-xxxx
Hadley, Phillip, xxx-xx-xxxx
Haeflinger, Charles S., xxx-xx-xxxx
Halek, Richard J., xxx-xx-xxxx
Hall, Michael O., xxx-xx-xxxx
Harmon, James N., xxx-xx-xxxx
Harned, James E., xxx-xx-xxxx
Harris, Gary A., xxx-xx-xxxx
Hazen, Burchard M., xxx-xx-xxxx
Heath, Ralph D., xxx-xx-xxxx
Henel, Gerald J., xxx-xx-xxxx
Hennig, James E., xxx-xx-xxxx
Hermes, Anthony C., xxx-xx-xxxx
Herrera, Juan M., xxx-xx-xxxx
Hicks, Cliffard L., xxx-xx-xxxx
Himelspach, Daniel C., xxx-xx-xxxx
Honabach, Dennis R., xxx-xx-xxxx
Honore, Russel L., xxx-xx-xxxx
Hoppes, Robert J., xxx-xx-xxxx
Hosmer, James L., xxx-xx-xxxx
Houchin, Steven E., xxx-xx-xxxx
Howell, Rannie D., xxx-xx-xxxx
Hrynkiewich, Paul, xxx-xx-xxxx
Hudson, Meredith C., xxx-xx-xxxx
Huff, David B., xxx-xx-xxxx
Hughes, Dennis J., xxx-xx-xxxx
Hull, James L., xxx-xx-xxxx
Hutchison, John N., xxx-xx-xxxx
Jacobs, Henry J., xxx-xx-xxxx
Jahn, Thomas M., xxx-xx-xxxx
Janak, Lawrence J., xxx-xx-xxxx
Jaworski, James J., xxx-xx-xxxx
Jefferson, Thomas C., xxx-xx-xxxx
Johnson, John M., xxx-xx-xxxx
Jones, Robert L., xxx-xx-xxxx
Kellam, Edwin E., xxx-xx-xxxx
Keeling, Benjamin R., xxx-xx-xxxx
Kensey, Jimmey E., xxx-xx-xxxx
Kettering, Donald L., xxx-xx-xxxx
Kincaid, Craig S., xxx-xx-xxxx
Kincaid, James R., Jr., xxx-xx-xxxx
Kincer, Albred L., III, xxx-xx-xxxx
Kingsley, Cecil M., xxx-xx-xxxx
Knight, Richard H., Jr., xxx-xx-xxxx
Knott, John A., xxx-xx-xxxx
Knowlton, Charles D., xxx-xx-xxxx
Kodak, Robert D., xxx-xx-xxxx
Kollenberg, James L., xxx-xx-xxxx
Krause, Bruce H., xxx-xx-xxxx
Krueger, Gary L., xxx-xx-xxxx
Krzeminski, Joachim Z., xxx-xx-xxxx
Lacy, Danny E., xxx-xx-xxxx
Lange, Mark D., xxx-xx-xxxx
Lawrence, George E., Jr., xxx-xx-xxxx
Lawrence, Roger D., xxx-xx-xxxx
Layton, Daniel H., II, xxx-xx-xxxx
Leeling, Gerald J., xxx-xx-xxxx
Lehmann, Edward W., Jr., xxx-xx-xxxx
Likins, Terry A., xxx-xx-xxxx
Lindberg, Jonathan, xxx-xx-xxxx
Love, James E., Jr., xxx-xx-xxxx
Lynch, Michael J., xxx-xx-xxxx
MacMillan, Horace M., xxx-xx-xxxx
Macia, Thomas E., xxx-xx-xxxx
Markardt, Stephen P., xxx-xx-xxxx
Meisner, Thomas D., xxx-xx-xxxx
Mentis, Peter L., xxx-xx-xxxx
Merz, George R., xxx-xx-xxxx
Milne, John H., xxx-xx-xxxx
Mordente, Giacomo, III, xxx-xx-xxxx
Moudy, James D., xxx-xx-xxxx
Mullin, Timothy J., xxx-xx-xxxx
Mulvany, Thomas P., xxx-xx-xxxx
Myers, Norman J., xxx-xx-xxxx
Nagle, James F., xxx-xx-xxxx
Odle, Robert E., xxx-xx-xxxx
Olson, Eric L., xxx-xx-xxxx
Orrison, Stephen L., xxx-xx-xxxx
Ortiz, Rafael A., xxx-xx-xxxx
Osgard, James L., xxx-xx-xxxx
Owen, Kenneth R., xxx-xx-xxxx
Pacheco, Stephen J., xxx-xx-xxxx
Parker, John R., xxx-xx-xxxx
Patrick, Richard G., xxx-xx-xxxx
Payonk, David A., xxx-xx-xxxx
Pearce, Richard C., xxx-xx-xxxx
Peddecord, Kenneth M., xxx-xx-xxxx
Peters, Ronald D., xxx-xx-xxxx
Pipik, Paul P., xxx-xx-xxxx
Plowden, William C., III, xxx-xx-xxxx
Podobinski, Mark Z., xxx-xx-xxxx
Porio, Ronald L., xxx-xx-xxxx
Powell, William E., Jr., xxx-xx-xxxx
Prior, Douglas C., xxx-xx-xxxx
Reese, William L., xxx-xx-xxxx
Rogers, Ernest R., III, xxx-xx-xxxx
Roth, Alan W., xxx-xx-xxxx
Rountree, Gregory A., xxx-xx-xxxx
Rubel, Gary P., xxx-xx-xxxx
Rucker, Stephen E., xxx-xx-xxxx
Sage, Marshall L., xxx-xx-xxxx
Schaffer, Joseph E., xxx-xx-xxxx
Schulze, Richard L., xxx-xx-xxxx
Schwartz, Gerald B., xxx-xx-xxxx
Sevdy, Eric M., xxx-xx-xxxx
Sibley, Murkel D., xxx-xx-xxxx
Silverthorn, Robert S., xxx-xx-xxxx
Skahan, Eugene E., xxx-xx-xxxx
Smith, Aaron A., xxx-xx-xxxx
Smith, Charles L. T., xxx-xx-xxxx
Smith, John C., xxx-xx-xxxx
Solomon, Randall L., xxx-xx-xxxx
Spencer, Adam, xxx-xx-xxxx
Spitz, Terry L., xxx-xx-xxxx
Stammer, Daniel B., xxx-xx-xxxx
Stelly, Paul R., xxx-xx-xxxx
Stuart, Ronald F., xxx-xx-xxxx
Sweeney, Dennis J., xxx-xx-xxxx
Toles, Theorode R., III, xxx-xx-xxxx
Torgerson, Noel K., xxx-xx-xxxx
Tribble, Curtis, xxx-xx-xxxx
Troutman, Keith G., xxx-xx-xxxx
Tyrrell, John P., xxx-xx-xxxx
Van Hise, Timothy M., xxx-xx-xxxx
Vejrostek, William F., Jr., xxx-xx-xxxx
Wagner, Bruce F., xxx-xx-xxxx
Wagner, Eric L., xxx-xx-xxxx
Walker, Peyton M., Jr., xxx-xx-xxxx
Weber, Charles, xxx-xx-xxxx
Wedig, Yale F., xxx-xx-xxxx
Wellhausen, Fred C., xxx-xx-xxxx
Wells, Gordon L., xxx-xx-xxxx
Wilson, Thomas R., xxx-xx-xxxx
Wood, Robert A., xxx-xx-xxxx

The following-named scholarship students for appointment in the Regular Army of the United States in the grade of second lieutenant, under provisions of title 10, United States Code, sections 2107, 3283, 3284, 3286, 3287, 3288, and 3290:

Andre, Charles R., xxxx
Arrotta, Richard B., xxx-xx-xxxx
Bement, Wheelor O., xxx-xx-xxxx
Bennett, John R., xxx-xx-xxxx
Blair, Robert M., Jr., xxx-xx-xxxx
Boucher, David W., xxx-xx-xxxx
Bruss, Donald J., xxx-xx-xxxx
Bush, George J., xxx-xx-xxxx
Busk, Alan N., xxx-xx-xxxx
Christman, Edward B., xxx-xx-xxxx
Ciccolella, Roberft E., xxx-xx-xxxx
Cocciolillo, Wayne R., xxx-xx-xxxx
Dickinson, James G., xxx-xx-xxxx
Douglass, Richard L., xxx-xx-xxxx
Dreher, Thomas D., xxx-xx-xxxx
Echols, Curtis L., Jr., xxx-xx-xxxx
Evanko, Stanley K., xxx-xx-xxxx
Fidler, Steven L., xxx-xx-xxxx
Fournier, Raymond M., xxx-xx-xxxx
Frank, Charles G., xxx-xx-xxxx
Fricker, Jon D., xxx-xx-xxxx
Fromm, Jerome M., xxx-xx-xxxx
Fuchs, Lawrence M., xxx-xx-xxxx
Gilbert, Richard K., xxx-xx-xxxx
Gillis, Eugene G., xxx-xx-xxxx
Guillory, Benjamon H., xxx-xx-xxxx
Hayslip, Dennis P., xxx-xx-xxxx
Henry, William K., xxx-xx-xxxx
Howard, William H., III, xxx-xx-xxxx
Huss, Barry G., xxx-xx-xxxx
Jones, Robert D., xxx-xx-xxxx
Joublanc, Charles S., xxx-xx-xxxx
Kiewra, Edward A., xxx-xx-xxxx
King, Cornelius A., Jr., xxx-xx-xxxx
Knight, Kenneth R., xxx-xx-xxxx
Knox, Thomas R., xxx-xx-xxxx
Kriken, Stephen I., xxx-xx-xxxx
Leindecker, Joseph A., xxx-xx-xxxx
Lenhardt, David P., xxx-xx-xxxx
Lesly, John L., xxx-xx-xxxx
Lewis, John W., xxx-xx-xxxx
Maier, Wolfgang, xxx-xx-xxxx
Matson, Gary D., xxx-xx-xxxx
McNamara, Charles E., xxx-xx-xxxx
Monahan, Eugene J., xxx-xx-xxxx
Murfin, Robert R., xxx-xx-xxxx
Nichols, Daniel A., xxx-xx-xxxx
Owens, Samuel W., xxx-xx-xxxx
Parks, James L., xxx-xx-xxxx
Pfluger, James R., xxx-xx-xxxx
Phillips, Glenn S., xxx-xx-xxxx
Pierce, John B., xxx-xx-xxxx
Reckling, Ronald W., xxx-xx-xxxx
Riddle, Robert S., xxx-xx-xxxx
Rigney, Donald W., xxx-xx-xxxx
Riley, Dennis J., xxx-xx-xxxx
Riley, Robert M., xxx-xx-xxxx
Roecker, Richard L., xxx-xx-xxxx
Ronayne, Edward P., xxx-xx-xxxx
Rothnie, James B., xxx-xx-xxxx
Rovak, Stepnen H., xxx-xx-xxxx
Russell, Patrick C., xxx-xx-xxxx
Scales, John R., xxx-xx-xxxx
Schellhammer, Richard, xxx-xx-xxxx
Scott, John S., xxx-xx-xxxx
Shaffer, Robert L., xxx-xx-xxxx
Simons, John K., xxx-xx-xxxx
Small, John F., xxx-xx-xxxx
Snyder, Marc, xxx-xx-xxxx
Spain, Robert F., xxx-xx-xxxx
Spiller, Ronald L., xxx-xx-xxxx
Stauffer, Ronald E., xxx-xx-xxxx
Sturdy, Thomas C., xxx-xx-xxxx
Sziebert, Steven C., Jr., xxx-xx-xxxx
Van Derwood, Peter C., xxx-xx-xxxx
Waters, Robert J., xxx-xx-xxxx
Watkins, James J., xxx-xx-xxxx
Wickstead, Michael G., xxx-xx-xxxx
Williams, Donald L., xxx-xx-xxxx
Yates, James H., xxx-xx-xxxx

The following-named cadet, graduating class of 1970, United States Air Force Academy, for appointment in the Regular Army of the United States in the grade of second lieutenant, under the provisions of title 10, United States Code, sections 541, 3284, and 3287:

Rasmussen, Stephen C., xxx-xx-xxxx